



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Fire Services
Division: Fire
Report Number: 2020-221-Fire Services
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Meeting Date: June 8, 2020
Subject: Residential Rental Licensing

Purpose

The purpose of this report is to provide a concept overview of a Residential Rental Licensing program, as well the aspects which need to be considered before moving forward.

Recommendation

That Council receive this report regarding residential licensing and approve the public consultation plan. Due to COVID-19, the consultation process would be scheduled in a timeframe pending the current caseload trends.

Financial Implications

Costs up to \$9,000 are expected to implement the consultation strategy. The licensing program element would be a complementary module to an already existing municipal software that the Building and By-Law Department currently use. The expense would be built based on a cost recovery model. Costs are expected to be related to software purchases and resources required to manage the program.

Strategic Priority Implications

This project is directly linked to the City's strategic plan; "Create rental licensing registry to enable a database and adherence to applicable By-Laws and standards.

Background / Discussion

The Municipal Act, 2001, was amended in 2007 allowing municipalities to license any business or activity that is considered appropriate in pursuing the public good. Residential rental licensing bylaws regulate residential rental units by requiring that landlords operate their properties according to certain standards to ensure that the health and safety of the residents is protected. Several Ontario municipalities have since passed residential rental licensing bylaws albeit for a variety of different reasons. The City of Kingston for example, uncovered their residential licensing issues following a land use study and subsequent public consultation which outlined issues with upkeep of rental housing, particularly near campus neighbourhoods.

On November 1st, 2018, City of Cornwall administration provided a report to Council which included a letter from the Property Standards Advisory Committee (PSAC) requesting:

"That in the interest of Health and Safety, the Property Standards Advisory Committee endorses, in principle, the concept of the licensing and inspecting of rental housing and asks administration to prepare a report to council. The Chairperson shall forward this motion to Council before the end of term."

The City of Cornwall has an unusually ¹high number of rental housing. Apartment/duplex and apartment buildings with 1 to 4 stories account for nearly 30% of the city's housing stock, almost 21% higher than the provincial average. It should also be noted that many of these buildings were built prior to the existence of building codes, further increasing compliance related issues. On average, 76% of fires in the City of Cornwall occur in residential type buildings, with the majority in residential rental type accommodations. The most significant concern to consider is that *the City does not have holistic data on this issue due to the lack of a registry*. Although the primary purpose of residential licensing is to protect the residents of rental units by ensuring that the units comply with applicable regulations that relate to health, safety and welfare of residents, and to provide a mechanism to address substandard development, the biggest advantage of implementing a licensing program however, may be in creating accuracy of the data itself. While the Building Code and Fire Code exist to ensure that residential buildings are constructed and/or altered safely, proper

¹ Data collected through the 2016 census

maintenance of a building after initial approval is the responsibility of the property owner. Unlike other businesses operating within the City, there are no mechanisms to confirm residential rental business operators conform to appropriate codes. The City of Cornwall provides permits through its business licensing process for every other type of business seeking to operate in the city. The application process requires approvals from zoning, building, bylaw, police, health, or fire services to ensure that these organizations will operate within the City By-Laws and provincial requirements. Permits have an expiry date, where re-inspections must take place upon renewal applications.

The emergence of residential rental licensing bylaws enable municipalities to apply additional requirements to rental units to ensure that the health and safety of tenants is maintained (i.e. through regular inspections, requiring proof of insurance, a fire safety plan, etc.). Municipalities have begun to employ these licensing processes to ensure proactive compliance while limiting the need to increase staffing related to reactive inspection programs.

Residential rental licensing programs can also be used to complement existing tools that a municipality already have such as bylaws relating to property standards, yard maintenance, and solid waste.

Some of the listed advantages of a Residential Rental Licensing program are:

- Increased health and safety of residents;
- Accumulation of better data regarding rental units, leading to more relevant decision-making by the City;
- Provides for the creation of a priority inspection list, enabling efficient use of resources;
- Better controls over the availability of bedrooms in a particular sector of the City, leading to mechanisms to manage overcrowding and amenity planning;
- Provides greater opportunities for property standards enforcement by enabling mandatory enforcement;
- A licensing By-Law may reduce the negative impacts that a rental property may have on a surrounding neighbourhood by ensuring that the property complies with all applicable By-Laws with respect to exterior maintenance;
- Assist to eliminate the illegal basement apartments; and
- It may result in increased property values for rental properties.

Some of the concerns of a Residential Rental Licensing may be:

- Increase of illegal units to existing dwellings ratio (not wanting to register);

- Conversion of single-family homes into commercial ventures by absentee landlords;
- Possible increases in rent, due maintenance cost uploaded by landlords.
- Licensing rental housing may not be effective in addressing behavioural issues;
- Could lead to a reduction of available low cost rental properties;
- Licensing rental housing does not address the issue of conversion of single unit dwellings into rental accommodation; and
- Residential rental licensing should not be considered as an alternative to enforcement of existing By-Laws.

Ontario Human Rights Commission (OHRC) Housing Guide

Housing is a human right. International law states that Canada must work towards making sure everyone has access to adequate and affordable housing. When multiple factors intersect, the disadvantage increases and people are at even greater risk of discrimination, poverty and even homelessness. The OHRC guide assists municipalities in ensuring that rental housing regulatory practices do not create barriers and discrimination against people based on the following grounds:

- race, colour or ethnic background
- religious beliefs or practices
- ancestry, including individuals of Aboriginal descent
- place of origin
- citizenship, including refugee status
- sex (including pregnancy and gender identity)
- family status
- marital status, including those with a same-sex partner
- disability
- sexual orientation
- age, including individuals who are 16 or 17 years old and no longer living with their parents
- receipt of public assistance

The OHRC has consistently raised concerns about provisions in residential rental licensing bylaws regarding minimum separation distances, bedroom caps, gross floor area requirements and living spaces that go beyond what is required by the Building Code, and other issues that appear to target certain Code-protected groups or result in differential treatment of these groups.

Municipalities have the authority to create licensing programs, and must consider OHRC guidelines when adopting a residential rental licensing bylaw the OHRC guide directs municipalities to ensure that:

- A residential rental licensing bylaw was adopted to achieve a rational planning purpose;
- The municipality held a good faith belief that it needed to adopt the bylaw or the requirement to achieve that purpose; and
- The bylaw requirement was reasonably necessary to accomplish its purpose or goal, in the sense that other, less discriminatory alternatives would present undue hardship relating to health and safety or financial factors.

The OHRC recommends applying licensing bylaws to an entire municipality so that no groups of persons living in a specific area are subjected to differential treatment.

Activities to date.

The Property Standards Advisory Committee completed a significant amount of work in three main areas:

1. Research and analysis of various rental licensing programs implemented in other Ontario municipalities;
2. Consultation from a number of groups (primarily those present at the situation table²) who operate within the City, including the SDG Landlord Association and the Roy McMurtry Legal Clinic;
3. The development of a draft By-Law³, applicable to the City of Cornwall.

Through the consultation process, the PSAC as well as members of administration have had discussions with community groups, who's primary mission is working with the segment of the population who need rental housing in the city. Overwhelmingly, these groups have voiced their support for the need of greater controls over the safety of rental housing in the City.

² The "Situation Table" is a special meeting comprised of an intentionally chosen membership. Members collaborate to reduce the chances of community residents experiencing harm resulting from a combination of risk factors that increase the chance of imminent victimization or hardships. These are disciplined meetings that follow requisite privacy and confidentiality legislation. Members provide risk intervention, identifying persons, families, groups or places at acutely elevated risk of crime or victimization; and then mobilize the appropriate mix of resources and services needed to reduce those risks before the situation requires emergency response or recovery.

³ Draft Residential Rental Licensing By-Law is attached at Appendix A for review.



PSAC has also met with members of the SDG Landlord Association to outline the issues that exist and how a Residential Rental Licensing program would work.

The Association has been extremely clear in that it sees no benefit of such a program, and that it is nothing more than the addition of layers of bureaucracy and regulations, in which landlords will have to pay and deal with. They worry that the costs associated with this process will be passed on to the tenants, impacting the availability of affordable housing. They feel it will do little to address the illegal rental units which exist in the City, except punish good landlords. The Association expresses that the City already has the tools within the provincial Codes to address the safety issues, and it should simply find solutions to the resource shortage.

The City of Ottawa has recently undertaken a Rental Accommodations Study within their City which included the evaluation of a licensing component. Though many public consultations have taken place, the City of Ottawa benefits from input from groups representing all sides of this debate. In addition to Social Service, and landlord groups providing their inputs, ACORN, a community-based advocacy group, has taken the responsibility of representing the tenant's interests in this debate. There currently exists no known group operating within the City of Cornwall.

In order to take the next necessary steps on the issue of Residential Rental Property Licensing, a more holistic public consultation approach should be undertaken in order to confirm the positions of the various groups impacted by such a program, but to include the comments of those who are affected most by residential housing, the tenants. A public consultation strategy is included at Appendix B.

Document Title:	Residential Rental Licensing - 2020-221-Fire Services .docx
Attachments:	- APPENDIX A Cornwall Residential Licensing By-Law (Draft).docx - APPENDIX B Rental Licensing Engagement Strategy.docx
Final Approval Date:	Jun 2, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Pierre Voisine was completed by workflow administrator Debbie Caskenette

Pierre Voisine - Jun 1, 2020 - 4:40 PM

Maureen Adams - Jun 2, 2020 - 4:48 PM

THE CORPORATION OF THE CITY OF CORNWALL
By-law # XXX-2018

Being a By-law of the Corporation of the City of Cornwall
to provide for licensing and inspecting Rental Housing.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by By-Law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001*, provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

AND WHEREAS subsection 151(5) of the *Municipal Act, 2001*, provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for The Corporation of the City of Cornwall considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it.

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS it is deemed expedient to pass this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Cornwall enacts as follows:

1 INTERPRETATION

1.1 For the purposes of this By-Law:

"Applicant" means a person applying for a licence under this By-Law;

"Building" means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, wall, excavation, fence, swimming pool, awning or bin used for any of the said purposes is deemed a building;

"Chief Building Official" means the authority having jurisdiction over the Building Permits and By-law Enforcement Section, Department of Planning and Housing Services, and administer the related By-laws of the Corporation of the City of Cornwall under the direction of the Manager of Planning Services;

"City" means The Corporation of the City of Cornwall;

"City Clerk" means the Clerk of the City of Cornwall;

"Council" means the Municipal Council of The Corporation of the City of Cornwall;

"Fire Chief" means the municipal Chief Fire Official for the Corporation of the City of Cornwall or a member or members of the Fire Department designated by the municipal Fire Chief or a person appointed by the Fire Marshall of Ontario;

"Inspectors" means:

- i) a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief;
- ii) Chief Building Official;
- iii) Building Inspectors;
- iv) Property Standards Inspectors;
- v) Zoning Administrator; or
- vi) By-Law Enforcement Coordinator and any By-Law Enforcement Officers designated by the By-Law Enforcement Coordinator.

"Landlord" includes:

- i) each owner of a Rental Unit; and
- ii) each person who permits occupancy of a Rental Unit.

"Licensee" means any person, corporation or partnership licensed under this By-Law;

"Licensing Officer" means the Chief Building official, also known as Issuer of Licences, and/or his/her appointees for the Corporation of the City of Cornwall.

"Municipal Enforcement Coordinator" means the person or persons authorized by the Council of the Corporation of the City of Cornwall to enforce all By-laws under its jurisdiction;

"Municipality" means the land within the geographic limit of the City of Cornwall;

"Owner" includes:

- i) each person owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

"Person" includes:

- i) individuals;
- ii) corporations; and
- iii) partnerships.

"Rent" includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;

"Rental Property" includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situated.

"Rental Unit" means a Building or part of a Building:

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities;
- iii) designed for use as a single housekeeping establishment; and
- iv) used or intended for use as a rented residential premises.

"Tenant" includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit;

2 PROHIBITIONS

- 2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-Law.
- 2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.
- 2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-Law.
- 2.4 No person shall operate a Rental Unit while the licence issued under this By-Law is under suspension.

3 SCOPE

- 3.1 As of month day, 2018 this By-Law applies to the Municipality of Cornwall.

4 ADMINISTRATION

- 4.1 The administration of this By-Law is assigned to the City Clerk who shall generally perform all of the administrative functions conferred upon him or her by this By-Law and without limitation may:
 - 4.1.1 receive and process all applications for all licences and renewals of licences under this By-Law;
 - 4.1.2 issue licences in accordance with the provisions of this By-Law;
 - 4.1.3 impose terms and conditions on licences in accordance with this By-Law; and,
 - 4.1.4 refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-Law.

5 APPLICATION FOR AND RENEWAL OF LICENCE

- 5.1 Every application for a licence and renewal licence shall be made to the Licensing Officer on the forms provided by the Licensing Officer.
- 5.2 Without limitation, every application for a licence or a renewal shall include the following information:
- 5.2.1 the name, municipal address and telephone number of each Landlord;
 - 5.2.2 the municipal address and legal description of the Rental Unit;
 - 5.2.3 if a Landlord is a corporation, the name, address and telephone number of each director and officer and shareholder;
 - 5.2.4 if a Landlord is a partnership, the name, address and telephone number of each partner;
 - 5.2.5 a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
 - 5.2.6 each Landlord's signature or the signature of any duly authorized Landlord's agents that would bind the Landlord.
- 5.3 Every person applying for a licence or renewal of a licence shall provide in full at the time the application is submitted, all of the information requested on the application form as well as:
- 5.3.1 payment of the prescribed fee as set out in Schedule "A" of this By-Law;
 - 5.3.2 a copy of the transfer/deed evidencing a Landlord's ownership;
 - 5.3.3 if a Landlord is a corporation, a copy of:
 - 5.3.3.1 the Landlord's Articles of Incorporation; and
 - 5.3.3.2 a corporate profile report issued by the Ontario Ministry of Consumer and Business Services.
 - 5.3.4 a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Property Standards By-Law;
 - 5.3.5 proof of placement of Insurance that:
 - 5.3.5.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - 5.3.5.2 identifies the proposed use as residential rental; and that
 - 5.3.5.3 requires that the Licensing Officer be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation.
- 5.4 Upon receipt of a completed application together with all accompanying documentation and the required Fee, the City will contact the applicant to schedule an inspection.
- 5.5 The Licensing Officer may refuse an application for a licence or its renewal where any of the documents required by Sections 5.2 and 5.3 of this By-Law are incomplete or lacking in any way.
- 5.6 The Licensing Officer may also refuse to accept an application for a licence where any of the documents required by Section 5.2 and 5.3 of this By-Law were issued prior to the sixtieth (60th) day preceding the date on which the application is

submitted.

6 LICENCE ISSUANCE

- 6.1 Each licence shall include the following:
- 6.1.1 The licence number;
 - 6.1.2 Date the licence was issued and the date it expires;
 - 6.1.3 The municipal address of the Rental Unit;
 - 6.1.4 The name, address and telephone number of each Landlord;
 - 6.1.5 Where a Landlord is a corporation: the name address and telephone number of each director and each officer of the Landlord or of their duly authorized agent; and
 - 6.1.6 Where a Landlord is a partnership: the name, address and telephone number of each partner.
- 6.2 A licence will only be issued upon the receipt of a statement from the City's Fire Chief or his designate confirming that the Rental Unit has passed a Fire Inspection and the Property Standards Inspection.
- 6.3 A licence issued under this By-Law shall be valid only for the period of time for which it was issued.
- 6.4 Each licence shall only be valid for a three (3) year period from the date of issuance, unless suspended or revoked under Section 8.3.
- 6.5 The issuance of a licence or renewal thereof under this By-Law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any By-Law of the City.
- 6.6 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Unit.
- 6.7 No licence issued under this By-Law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
- 6.8 The Licensee shall notify the City Clerk of any change in ownership of the Rental Unit within seventy-two (72) hours of the completion of such change in ownership.
- 6.9 Within seventy-two (72) hours of a change in ownership for a Rental Unit, the new owner shall provide the following information and documentation to the City Clerk in order to have a licence reissued:
- 6.9.1 the name, municipal address and telephone number of each Landlord;
 - 6.9.2 a copy of the Transfer/Deed evidencing the new ownership;
 - 6.9.3 proof of placement of Insurance according to section 5.3.5 of this By-Law;
 - 6.9.4 a statement by each Landlord certifying the Rental Unit conforms with section 7 of this By-Law; and
 - 6.9.5 each Landlord's signature or of any duly authorized Landlord's agent that would bind the Landlord.

- 6.10 Following a change in ownership, a reissued licence under this By-Law shall be valid only for the period of time for which it was originally issued.
- 6.11 Following a change in ownership of a Rental Unit, no fee shall be required to reissue a licence under this By-Law.
- 6.12 All licence fees paid under this By-Law are non-refundable.

7 LICENCE CONDITIONS

7.1 No Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this By-Law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence.

- 7.1.1 Each Tenant is a party to a written tenancy agreement with a Landlord;
- 7.1.2 A Landlord does not directly or indirectly require or cause a Tenant to refuse or consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-Law;
- 7.1.3 A Landlord notifies the Licensing Officer in writing within two (2) days of any change to any information provided pursuant to section 5 and 6 of this By-Law;
- 7.1.4 A legible copy of the licence is posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door;
- 7.1.5 A Landlord maintains insurance respecting the Rental Unit that:
- 7.1.5.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - 7.1.5.2 identifies the use as residential rental; and
 - 7.1.5.3 requires that the Licensing Officer be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
- 7.1.6 The Landlord and the Rental Property comply with all applicable law including:
- 7.1.6.1 the *Health Protection and Promotion Act* (Ontario) and its regulations, as amended;
 - 7.1.6.2 the *Electrical Safety Code*, O. Reg. 164/99, as amended;
 - 7.1.6.3 the *Building Code Act*, 1992 (Ontario) and its regulations, as amended; and
 - 7.1.6.4 the City's *Property Standards By-Law*, as amended.
- 7.1.7 No fine, administrative penalty or fee is owed to the City by any Landlord;
- 7.1.8 The Landlord and the Rental Property comply with the maintenance plan submitted pursuant to section 5.3.4 of this By-Law; and

8 POWERS OF THE LICENCE OFFICER

8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to

renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the City Clerk.

- 8.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-Law have been met.
- 8.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:
 - 8.3.1 the conduct of the Applicant or Licencee, or any partner, officer, director, employee or agent of the Applicant or Licencee, affords reasonable cause to believe that the Applicant or Licencee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
 - 8.3.2 there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licencee contains a false statement;
 - 8.3.3 an Applicant or Licencee is carrying on activities that are in contravention of this By-Law; or,
 - 8.3.4 an Applicant or Licencee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-Law.
- 8.4 Notwithstanding any other provision of this By-Law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-Law.
- 8.5 Where the City Clerk is of the opinion that:
 - 8.5.1 an application for a licence or renewal of a licence should be refused;
 - 8.5.2 a reinstatement should not be made;
 - 8.5.3 a licence should be revoked;
 - 8.5.4 a licence should be suspended, or,
 - 8.5.5 a term or condition of a licence should be imposed;
 - 8.5.6 the City Clerk shall make that decision.
- 8.6 Where the City Clerk has made a decision under subsection 8.5, the City Clerk's written notice of that decision shall be given to the Applicant or the Licencee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the address of the corporation's registered head office.
- 8.7 The written notice to be given under subsection 8.6 shall:
 - 8.7.1 set out the grounds for the decision;
 - 8.7.2 give reasonable particulars of the grounds;
 - 8.7.3 be signed by the City Clerk; and
 - 8.7.4 state that the Applicant or Licencee is entitled to a hearing by the Hearing Committee if the Applicant or Licencee delivers to the City Clerk, within ten (10) days after the notice in subsection 8.6 is served, and the appeal fee as set out in Schedule "A" of this By-Law.

- 8.8 Where no appeal is registered within the required time period, the decision of the City Clerk shall be final.
- 8.9 Despite subsection 8.7 where a licence is voluntarily surrendered by the Licencee for revocation, the City Clerk may revoke the licence without notice to the Licencee.

9 HEARINGS BEFORE THE HEARING COMMITTEE

- 9.1 The power and authority to conduct hearings of appeals under this By-Law are hereby delegated to the Hearing Committee as set out in the City's Procedural By-Law.
- 9.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearing Committee under this By-Law.
- 9.3 When the Applicant or Licencee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Committee may proceed with the hearing in his or her absence and the Applicant or Licencee shall not be entitled to any further notice of the proceeding.
- 9.4 At the conclusion of the hearing, the Hearing Committee may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licencee and the Licensing Officer.
- 9.5 The Hearing Committee may uphold or vary the decision of the Licensing Officer or make any decision that the Licensing Officer was entitled to make in the first instance.
- 9.6 The decision of the Hearing Committee is final.
- 9.7 Notwithstanding anything in this By-Law to the contrary, where an Applicant or Licencee appeals against or requests a review of a decision concerning a Rental Housing licence, no decision in the appeal or review shall be made unless each Owner of a Lot situated within thirty (30) meters of the Rental Property subject of the appeal or review has been given no fewer than seven (7) days notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

10 ENFORCEMENT

- 10.1 Inspectors, acting under the Fire Chief's, Chief Building Official's, Zoning Administrator's or By-Law Enforcement Coordinator's instructions, may enforce this By-Law.
- 10.2 Subject to section 437 of the *Municipal Act, 2001*, as to entry of rental units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- 10.2.1 this By-Law is being complied with;
 - 10.2.2 a direction or order of the City made pursuant to the *Municipal Act, 2001*, or any successor thereof or made pursuant to a By-Law of the City is being complied with;
 - 10.2.3 a condition of a licence issued under a By-Law of the City is being complied with; or
 - 10.2.4 an order made pursuant to Section 431 of the *Municipal Act, 2001*, which

prohibits the continuation or repetition of an offence is being complied with.

10.3 An Inspector may for the purpose of an inspection:

10.3.1 require the production for inspection of documents or things relevant to the inspection;

10.3.2 inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;

10.3.3 acquire information from any person concerning a matter related to the inspection; and

10.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test samples or photographs necessary for the purpose of the inspection.

10.4 The Inspector may undertake inspections pursuant to orders which are made pursuant to section 438(2) of the *Municipal Act, 2001*.

10.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.

11 **PENALTIES**

11.1 Any person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, or in the *Municipal Act, 2001, S.O. 2001, c.25*, as amended or any successor thereof.

11.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-Law is guilty of an offence.

11.3 A person convicted under this By-Law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.

11.4 Despite section 12.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.

11.5 If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

11.5.1 prohibiting the continuation or repetition of the offence by the person convicted; and

11.5.2 requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

12 **ADMINISTRATIVE PENALTIES**

12.1 Each person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice in accordance with this section 12, be liable to pay to the City an administrative penalty in the amount of \$250.00.

12.2 An Inspector who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.

12.3 The penalty notice shall be given to the person to whom or to which it is

addressed as soon as is reasonably practicable and shall include the following information:

- 12.3.1 Particulars of the contravention;
 - 12.3.2 The amount of the administrative penalty;
 - 12.3.3 Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - 12.3.4 A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.
- 12.4 No Inspector may accept payment of an administrative penalty.
- 12.5 A person who receives a penalty notice may request a review of the administrative penalty by the Hearing Committee in accordance with this paragraph 12.5.
- 12.5.1 The person's right to request a review expires on the tenth (10th) day after the penalty was given to the person.
 - 12.5.2 The person's right to request that the Hearing Committee extend the time to request a review expires on the twentieth (20th) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.
 - 12.5.3 The person shall be given seven (7) days notice of the date, time and place of the hearing of a review request under clause 12.5.1 or an extension request under clause 12.5.2.
 - 12.5.4 The Hearing Committee shall not make a determination with respect to a review request under clause 12.5.1 or an extension request under clause 12.5.2 unless the Hearing Committee has given to the Licencee, the Licensing Officer and the Inspector who issued the penalty notice an opportunity to be heard.
 - 12.5.5 The Hearing Committee may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
 - 12.5.6 The Hearing Committee may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearing Committee is satisfied that doing so would maintain the general intent and purpose of this By-Law and that:
 - 12.5.6.1 there is reason to doubt that the person contravened this By-law;
 - 12.5.6.2 the person took all reasonable steps to prevent the contravention; or that
 - 12.5.6.3 the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
 - 12.5.7 The decision of a Hearing Committee is final and not subject to review including review by any Court.
 - 12.5.8 The Licensing Officer may at any time cancel, reduce or extend the time for payment of an administrative penalty, including the cancellation or reduction of any late payment fee imposed pursuant to paragraph 12.5.12 of this By-Law where he or she is satisfied that

doing so would maintain the general intent and purpose of this By-Law.

12.5.9 An administrative penalty that is deemed to be affirmed pursuant to clause 12.5.2 or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 12.5.5 or paragraph 12.5.6 constitutes a debt to the City of each person to whom or to which the penalty notice was given.

12.5.10 Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 12.5.5 or paragraph 12.5.6, the City shall refund the amount cancelled or reduced.

12.5.11 Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.

12.5.12 Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person to whom the penalty notice was given shall pay to the City a late payment administrative fee pursuant to Schedule "A" of this By-Law.

13 MISCELLANEOUS

13.1 This By-Law may be referred to as the "Rental Housing Licensing By-Law".

13.2 This By-Law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

13.3 If there is a conflict between a provision of this By-Law and a provision of any other City By-Law, the provision that establishes the higher standard shall apply.

13.4 This By-Law comes into force upon being passed.

READ A FIRST TIME IN OPEN COUNCIL DAY, MONTH, 2018.

READ A SECOND TIME IN OPEN COUNCIL DAY, MONTH, 2018.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS DAY, MONTH, 2018.

MAYOR

CITY CLERK

**THIS IS SCHEDULE "A" TO BY-LAW 2018-XX
OF THE CORPORATION OF THE CITY OF
CORNWALL FEES**

1. Licence	
1.1 Licence Fee where the rental unit is entirely compliant with all the requirement of the inspections pursuant to this by-law at the time of the inspection.	\$ 50.00
1.2 Licence Fee where the rental unit is compliant with all the requirements of the inspections within thirty (30) days of issuance of an order to comply.	\$ 100.00
1.3 Licence Fee where the rental unit remains non-compliant with all the requirements of the inspections after thirty (30) of issuance of an order to comply.	\$ 300.00
2. Late payment Fee	\$ 35.00
3. Appeal Fee	\$ 50.00

SAMPLE

APPENDIX B

Residential Rental Licensing Engagement Strategy

Similar to previous public engagements undertaken by the City, administration will reach out to residents using traditional outlets, online platforms, and direct contacts to specific organizations.

Costs are approximate.

1. News release and information uploaded on Cornwall.ca
2. Multiple strategic posts on Facebook, Twitter, and Instagram
3. Option for a possible Facebook/Instagram ad (\$500-\$1,000)
4. Ad featuring the complete survey in Seaway News and Standard-Freeholder (\$2,000)
5. Radio ads directing residents to the project webpage on Cornwall.ca (\$500)
6. Surveys sent by mail (with return pre-paid envelope included) to 2,000 random addresses in Cornwall (\$3,000)
7. In-person public engagement session once pandemic restrictions are lifted
8. Focus group conversations with groups representing landlords and tenants

Surveys issued in the last year, using similar engagement strategies, have seen 1,200 to 1,800 responses.