

Amended: By-law 184-2001 Repealed
By-law 066-2002 Repealed
By-law 110-2002
By-law 166-2002

BY-LAW 132- 1999, OF THE CITY OF CORNWALL

A Bylaw respecting the provision of vital services by landlords,
under Part VII of the Tenant Protection Act.
(Sections 146 to 153)

WHEREAS the Corporation of the City of Cornwall is desirous of implementing a Vital Services Bylaw on a one year trial basis; and

WHEREAS this bylaw is intended to protect citizens of our community who pay rent with vital services included and where services may be cut off due to landlords who do not pay their utilities to the utility company.

NOW THEREFORE, the Corporation of the City of Cornwall enacts as follows:

1. DEFINITIONS:

In this by-law:

"adequate and suitable supply of electricity" means a continuous and uninterrupted supply of electrical power sufficient to operate lights, appliances and other normal electrical requirements for a dwelling,

"adequate and suitable supply of fuel" means a supply of fuel oil sufficient to maintain the operation of the heating system during the normal heating season commencing on the 1st day of October and ending on the 30th day of April,

"adequate and suitable supply of gas" means a continuous and uninterrupted supply of natural gas of sufficient quantity to maintain the operation of the heating system during the normal heating season commencing on the 1st day of October and ending on the 30th day of April, heating of water, if applicable, and other normal requirements for gas for a dwelling.

"adequate and suitable supply of hot water" means a supply of hot water at the ordinary temperature between 45°C (113°F) and 60°C (140°F).

"adequate and suitable supply of water" means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities,

"Chief Building Official" means the or Chief Building Official of the Corporation of the City of Cornwall or designate.

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

"landlord" includes,

- (a) the owner or other person permitting occupancy of a rental unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or the tenant protection including the right to collect.

"rented unit" means any living accommodation used or intended for use as rented residential premises, and "rental unit" includes a room in a boarding house, rooming house or lodging house and a unit in a care home.

"supplier of a vital service" means a person who carries on the business of or whose business includes supplying a vital service to an end user, and includes, but not limited to

- (a) in the case of electricity, Cornwall Electric,
- (b) in the case of artificial and natural gas, Union Gas Limited or Consumer Gas
- (c) in the case of fuel oil, see all suppliers.

"system used for the distribution" includes all parts of a system owned or supplied by a landlord and located in a building for the purpose of supplying and distributing a vital service to a rented residential unit;

"tenancy agreement" means a written, oral or implied agreement between a tenant and a landlord for occupancy of a rental unit and includes a license to occupy a rental unit.

"tenant" includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs, assigns and personal representatives, but "tenant" does not include a person who has the right to occupy a rental unit by virtue of being.

- (a) a co-owner of the residential complex in which the rental unit is located or
- (b) a shareholder of a corporation that owns the residential complex;

"vital service" means fuel, electricity, gas or hot or cold water.

2. PROVISION OF VITAL SERVICES

Every landlord of a building or part of a building which is rented or leased as a dwelling shall provide an adequate and suitable supply of vital service to each part used as a dwelling.

3. PROHIBITION

(1) A landlord shall not cause the cessation of a vital service at rented residential unit that is occupied by a tenant.

(2) No landlord shall disconnect, shut off or discontinue any gas, water, electric power, fuel oil or other service serving a dwelling except where it is necessary to safely make repair in or alterations to the dwelling and then only during the minimum time necessary to complete them.

(3) For the purposes of subsection (3.2), a person liable for service or utility rates who fails to pay the rates with the result that the service is disconnected, shut off or discontinued shall be deemed to have caused the disconnection, shutting off or discontinuance.

(4) **Supplier - lack of notice - prohibited** a supplier of a vital service shall not cease to provide a vital service at a building or the part of the building to which this by-law applies until at least 30 days after the supplier gives notice to the City Clerk. Prior to issuing a notice to the city under this by-law, the supplier shall determine that the landlord is responsible to provide the vital service.

(5) **Supplier - failure to restore service - prohibited** a supplier of a vital service who discontinues the vital service at a building to which this by-law applies shall not fail to promptly restore the vital service at the building when directed, to do so by the Chief Building Official.

(6) **Hindering authorized acts - prohibited** no person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with the Chief Building Official or with a person acting under his or her instructions in the exercise of a power or performance of a duty under the Act or this by-law

4. EXCEPTIONS:

(a) A landlord is not required to provide a service referred to in Section 2 if a tenant has

expressly assumed the obligation to provide that service in a tenancy agreement.

(b) Notwithstanding the requirements for notices to be issued by certain Municipal officials. The City, as supplier of potable water can have those notices issued by the Water and Tax office enforced by same and vary the procedure as necessary.

(c) This by-law applies to only Residential Buildings containing two (2) or more dwelling units.

(d) This by-law shall apply despite any dispute as between the Landlord and Tenant, so long as the rented residential unit is occupied by the tenant and not abandoned.

(e) A vital services by-law does not apply to a landlord with respect to a rental unit to the extent that the tenant has expressly agreed to obtain and maintain the vital services.

(f) The City will not collect arrears for the providers of the Vital Service.

5. NOTICE:

(1) If a landlord fails to provide at all times an adequate and suitable supply of vital service pursuant to Section 2, the Chief Building Official shall issue a Notice to the landlord of the building or part of a building which is rented or leased as a dwelling at the landlord's last known address, requiring the landlord to provide at all times adequate and suitable vital service therein and the Notice shall specify the time allowed for compliance.

(2) The Notice referred to in subsection (1) shall be served or caused to be served:

- (a) by personal service, and/or
- (b) by placing a placard in a prominent position on the exterior of the property and/or
- (c) registered mail

(3) The Notice as required by Section 5(1) may be waived in situations where the landlord has indicated to the Chief Building Official or authorized subordinate or assistant that the vital services will not be provided.

6. DEFAULT:

(1) If a landlord fails to provide vital services contrary to this by-law, the City may arrange to provide the vital services and the City shall have a lien for any amount so spent (includes disbursements) and for an administrative fee of 10 per cent of the amount spent.

(2) The amount spent by the local municipality under subsection (1) plus an administrative fee of 10 per cent of that amount shall, on registration of a notice of lien in the appropriate land registry office, be a lien in favour of the local municipality against the property at which the vital service is provided.

(3) **The Chief Building Official** or in his or her absence, Manager of Planning, may enter into agreements on behalf of the City with the suppliers of vital services to ensure that an adequate and suitable supply of those vital services is provided to rented or leased dwellings.

(4) **The Certificate of the Clerk** of the City as to the total amount spent is proof, in the absence of evidence to the contrary, of the amount spent.

(5) Before the Certificate of the Clerk of the City is issued, an interim certificate shall be sent by registered mail to the registered owner of the property that is subject to the lien and to all mortgagees or other encumbrancers registered on title.

7. APPEAL

An affected owner, mortgagee or other encumbrance may, within fifteen days after the interim certificate is mailed, appeal the amount shown it to the Council in the manner described in clauses (a to c).

(a) The Property Standards Committee shall hear the appeal or afford the appellant or opportunity to be heard in the place of Council.

(b) Upon the conclusion of a hearing, conducted by the Committee, it shall as soon as practicable make a recommendation to Council on the merits of the appeal.

(c) After considering the recommendation of the Committee, Council may allow in whole or in part or dismiss the appeal.

8. RENT RE-DIRECTION:

(1) If the City has provided vital services at the expense on behalf of the landlord under Section 6, the City may direct an occupant of a dwelling to pay any or all of the rent to the City and the rent so paid shall be applied by the City to reduce any amount spent by the City to ensure the provision of the vital services, plus a administrative fee of 10%. The balance of any rents shall be paid to those entitled thereto.

(2) Payment of the rent to the City shall not be deemed to constitute a default of payment of rent for the purposes of the tenant protection act.

9. ENFORCEMENT:

(1) ***Fine - for contravention*** every person who contravenes or fails to comply with any provision of this by-law is, upon conviction, guilty of an offence for each day or part of a day on which the offence occurs or continues and is liable to any penalty as provided in the *Provincial Offences Act or city fines*.

(2) ***Corporation - officer - offence*** every director or officer of a corporation that is convicted of an offence who knowingly concurs in the commission of the offence is guilty of an offence.

(3) ***Continuation - repetition - prohibition - by order*** the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed upon the person convicted.


10. SEVERABILITY


It is the declared intention of the Council of the Corporation of the City of Cornwall that any section or part of a section of this By-law which may subsequently be held illegal shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.

11.COMMENCEMENT

This By-law shall come into effect on the 1st day of June, 2000 and expired on this 15th day of June, 2001.

READ a First and Second Time in Open Council this 22nd day of November 1999.

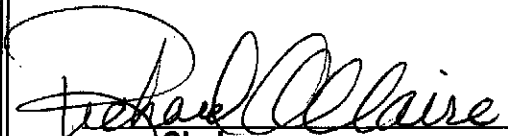

Clerk

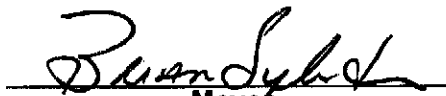

Mayor

Amendments to Bylaw 132-1999 under Section 4, Sub-section (f) shall include:

The City shall collect arrears for up to a maximum of 120 consecutive days prior to the City being responsible for payment of the utility cost. The city shall not be responsible for any arrears prior to June 1, 2000.

READ a Third and Final Time, Signed and Sealed in Open Council this 10th day of April 2000 .


Clerk


Mayor

THE CORPORATION OF THE CITY OF CORNWALL

By-law #110 -2002

A by-law to further amend Bylaw 132-1999 and repeal
Bylaws 184-2001 and 066-2002
Respecting the provision of Vital Services by landlords, under Part VII of the
Tenant Protection Act (Section 146 to 153)

WHEREAS, the Council of the Corporation of the City of Cornwall has implemented By-law 132-1999, a Vital Services By-law, on a one year trial basis beginning June 1, 2000 to June 15, 2001; and

WHEREAS, By-law 184-2001 further extended the effective date of the By-law to April 30, 2002, and Bylaw 066-2002 extending the effective date from April 30, 2002 to June 30, 2002; and

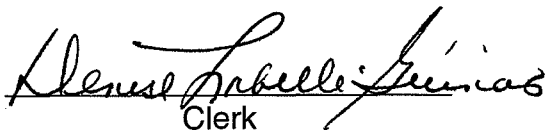
WHEREAS, this By-law is intended to protect citizens of our community who pay rent with vital services included and where services may be cut off due to landlords who do not pay their utilities to the utility company; and

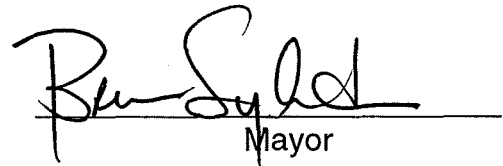
WHEREAS, the City is proposing that the time period be extended.

NOW, THEREFORE BE IT RESOLVED THAT THE CORPORATION OF THE CITY OF CORNWALL ENACT AS FOLLOWS:

1. THAT Section 11, Commencement of By-law 132-1999 be amended to extend the effective date of the By-law to October 31, 2002; and
2. That Bylaws 184-2001 and 066-2002 be hereby repealed.

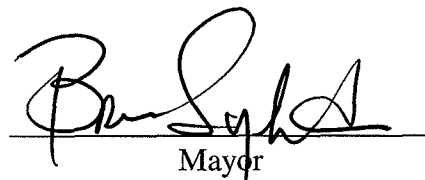
READ a First and Second Time, in Open Council this 8th day of July , 2002.


Clerk


Mayor

READ a Third and Final Time, Signed and Sealed in Open Council this 8th day of July A.D., 2002.


Clerk


Mayor

BY-LAW 166-2002

OF THE CORPORATION OF THE CITY OF CORNWALL

A BYLAW TO AMEND BY-LAW 132-1999,
RESPECTING THE PROVISION OF
VITAL SERVICES BY LANDLORDS, UNDER PART VII
OF THE TENANT PROTECTION ACT
(SECTIONS 146 TO 153)

WHEREAS, the Council of the Corporation of the City of Cornwall has implemented By-law 132-1999, a Vital Services By-law, on a one year trial basis beginning June 1, 2000 to June 15, 2001; and

WHEREAS, By-law 184-2001 further extended the effective date of the By-law to April 30, 2002; and

WHEREAS, By-law 066-2002 further extended the effective date of the By-law to June 30, 2002; and

WHEREAS, this By-law is intended to protect citizens of our community who pay rent with vital services included and where services may be cut off due to landlords who do not pay their utilities to the utility company; and

WHEREAS, the City is proposing that the time period be extended.

NOW, THEREFORE BE IT RESOLVED THAT THE CORPORATION OF THE CITY OF CORNWALL ENACT AS FOLLOWS:

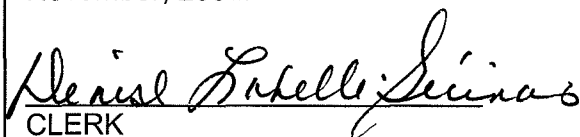
THAT Section 11, Commencement of By-law 132-1999 be amended to remove any reference to an expiry date.

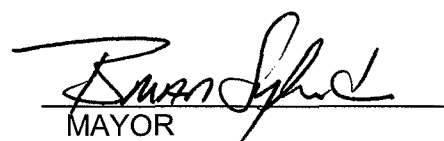
READ a First and Second Time in Open Council this 25th day of November, 2002.


CLERK


MAYOR

READ a Third Time, PASSED, SIGNED and SEALED in Open Council this 25th day of November, 2002.


CLERK


MAYOR