

THE CORPORATION OF THE CITY OF MISSISSAUGA
RENTAL APARTMENT BUILDINGS BY-LAW

TABLE OF CONTENTS

PART 1 - DEFINITIONS.....	2
PART 2 - REGISTRATION REQUIRED	3
Application for Registration.....	3
PART 3 - OWNER OBLIGATIONS.....	4
Tenant Service Request Process.....	4
Tenant Notification Board	5
Voluntary List of Tenants Requiring Assistance.....	5
Use of Certified Tradespersons	6
Pest Management	6
Waste Management Plan	6
Cleaning Plan.....	6
State of Good Repair Plan.....	7
Electrical Maintenance Plan	7
Vital Service Disruption Plan.....	7
PART 4 - RECORD KEEPING REQUIREMENTS.....	7
PART 5 - INSPECTIONS	7
PART 6 - PROHIBITION ON RENTING NON-COMPLIANT RENTAL UNITS.....	7
PART 7 - ADMINISTRATION AND ENFORCEMENT	8
Fees	8
Administration and Enforcement.....	8
Power of Entry.....	8
Notices, Orders and Remedial Action.....	8
Penalties and Offences.....	9
General	9
Short Title.....	9



THE CORPORATION OF THE CITY OF MISSISSAUGA

Rental Apartment Buildings By-law 0089-2022

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the "*Municipal Act, 2001*"), states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 11 of the *Municipal Act, 2001*, provides a lower-tier municipality with broad authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS subsections 425(1) and 429(1) of the *Municipal Act, 2001*, authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

AND WHEREAS section 434.1 of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 436 of the *Municipal Act, 2001*, provides that a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality has been complied with;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001*, provide 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 to do work to correct the contravention;

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

PART 1 - DEFINITIONS

1. In this By-law:

"Administrative Penalty" means a monetary penalty as defined in the City's Licensing Administrative Penalty By-law for a contravention of a designated by-law;

"Apartment Building" means a purpose-built building with two or more storeys and six or more residential Rental Units which share at least one Common Area and includes the lands and premises appurtenant to but does not include a condominium, a long-term care home, a licensed retirement home or a housing co-operative;

"Audit" means an Inspection and assessment of the physical condition of an Apartment Building, its systems and site components subsequent to a failed Evaluation to determine compliance with applicable law;

"City" means The Corporation of the City of Mississauga or the geographical area of the City of Mississauga as the context requires;

“Common Area” means a shared area within an Apartment Building available for the use of its Tenants, including but not limited to vestibules, lobbies, hallways, stairs, elevators, underground parking levels, meeting rooms, exercise and recreation facilities, and garbage storage areas;

“Council” means the Council of The Corporation of the City of Mississauga;

“Evaluation” means an Inspection of an Apartment Building to assign a score for maintenance practices and standards using criteria developed by the City.

“Inspection” means an inspection carried out by an Officer in accordance with this By-law and includes an Evaluation and Audit;

“Licensing Administrative Penalty By-law” means the City’s Licensing Administrative Penalty By-law 0135-2014;

“Manager” means the Manager of the Compliance and Licensing Enforcement Section of the City’s Enforcement Division and includes their designate;

“Officer” means a provincial offences officer of the City, or person appointed under the authority of a municipal by-law or by Council to enforce City by-laws, and includes a police officer employed by the Peel Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police;

“Owner” means the owner of an Apartment Building or owner of land upon which an Apartment Building is situated or a superintendent, manager or other person who may take on some of the roles of the Owner relating to maintenance activities or permitting occupancy;

“Penalty Notice” means a penalty notice given to a person pursuant to the Licensing Administrative Penalty By-law;

“Plan” means written procedure required by the City, including but not limited to a cleaning plan, electrical maintenance plan, state of good repair plan, waste management plan and vital service disruption plan;

“Property Standards By-law” means the City’s Property Standards By-law 0654-1998 or successor by-law;

“Rental Unit” means any living accommodation used or intended for use as a rented residential premises;

“Tenant” includes a person who pays rent in return for the right to occupy a Rental Unit and includes their heirs, assigns and personal representatives, but does not include a person who has the right to occupy a rental unit by virtue of being an owner of the Apartment Building in which the Rental Unit is located or a shareholder of a corporation that owns the Apartment Building;

“Tenant Service Request” means any communication from a Tenant to an Owner for the purpose of identifying and rectifying concerns regarding their Rental Unit or the Apartment Building; and

“Vital Service” means hot or cold water, fuel, electricity, gas or heat.

PART 2 - REGISTRATION REQUIRED

2. Every Owner of an Apartment Building in the City shall register each Apartment Building in accordance with this By-law.
3. An Owner shall at all times ensure that an Apartment Building complies with all applicable laws, including but not limited to applicable public health regulations, the Ontario Building Code, the Ontario Fire Code, and the Property Standards By-law.
4. A registration certificate issued under this By-law is non-transferable.

Application for Registration

5. An Owner applying for registration of an Apartment Building shall:
 - (1) submit a completed application in a form and manner satisfactory to the Manager for each individual Apartment Building located on a property;

- (2) have and maintain general liability insurance with a minimum per occurrence limit of \$5,000,000;
 - (3) pay all applicable fees for annual registration; and
 - (4) provide any other information and documentation to complete registration, as required by the Manager.
6. An Owner shall notify the Manager, within 7 days, of any change to:
- (1) the name, mailing address, email address or phone number of the Owner, the primary contact or secondary contact listed on the most recent application for registration;
 - (2) the ownership of the Apartment Building or the land to which the Apartment Building registration applies; and
 - (3) any other information relating to their Apartment Building registration.
7. Every Owner shall prominently display proof of valid registration pursuant to this By-law in a location at the Apartment Building which is visible to Tenants and prospective Tenants at all times.

PART 3 - OWNER OBLIGATIONS

Tenant Service Request Process

8. An Owner shall have a process for managing Tenant Service Requests.
9. The process for managing Tenant Service Requests must include the following:
- (1) a means of receiving requests for service from Tenants;
 - (2) a means of maintaining a record of all Tenant Service Requests, which incorporates:
 - (a) the date and time the request was made;
 - (b) the address to which the request relates, including unit number where applicable;
 - (c) the contact information provided by the Tenant;
 - (d) a description of the issue, as reported by the Tenant;
 - (e) an evaluation of the urgency of the request, as set out in Section 10;
 - (f) a record of actions taken to address the request;
 - (g) a record of the outcome of the request; and
 - (h) the date and method by which the Tenant was notified of the resolution of the request;
 - (3) a prioritization of incoming Tenant Service Requests to identify the urgency as set out in Section 10; and
 - (4) a verification if the Tenant has registered to be on the contact list of Tenants who have voluntarily chosen to self-identify as requiring assistance as set out in Section 17.
10. For the purposes of Section 9, an urgent Tenant Service Request is any such request related to:
- (1) a loss or interruption of Vital Services;
 - (2) a breach of security of a Rental Unit or the Apartment Building; and
 - (3) an issue that can reasonably be expected to make a Rental Unit uninhabitable.
11. An Owner in receipt of an urgent Tenant Service Request shall respond to the Tenant

making the request within 24 hours of the request being made.

12. An Owner in receipt of a Tenant Service Request that is not urgent shall respond to the Tenant within 5 days of the request being submitted.
13. An Owner shall provide a copy of a Tenant Service Request to a Tenant if all of following requirements are satisfied:
 - (1) the Tenant who made the Tenant Service Request has requested a copy;
 - (2) the Tenant has made the request in writing; and
 - (3) the Tenant has made the request within 30 days of the original Tenant Service Request.

Tenant Notification Board

14. An Owner shall erect or install a Tenant notification board in an accessible location within the Apartment Building.
15. The Tenant notification board required under Section 14 may be made available electronically if all of the required information can be displayed for Tenants and prospective Tenants and hard copies of the required information is available to Tenants upon request.
16. The most recent copies of the following information shall be posted on the Tenant notification board:
 - (1) planned or unplanned service disruptions to Vital Services involving more than one Rental Unit or a disruption to elevator(s), including information related to:
 - (a) the nature of disruption;
 - (b) the expected duration of disruption; and
 - (c) if any Rental Units will be impacted by the disruption;
 - (2) major capital projects and all information related to:
 - (a) the nature of the project;
 - (b) the expected duration of the project; and
 - (c) if any Rental Units will be impacted by the project;
 - (3) the name and telephone number of the emergency building contact that is available on a 24-hour basis;
 - (4) a copy of the most recent Evaluation completed by the City for the Apartment Building;
 - (5) instructions for Tenants on how to:
 - (a) submit and follow up on previously submitted Tenant Service Requests;
 - (b) report unresolved issues to the City; and
 - (c) obtain a copy of a Plan required pursuant to this By-law.
 - (6) notice of any scheduled Audit by the City, posted at least 30 days prior to the Audit date that contains information for Tenants to contact the City to express concerns about the Apartment Building or their Rental Unit; and
 - (7) any other information or document required by the Manager.

Voluntary List of Tenants Requiring Assistance

17. An Owner shall have and maintain a list of Tenants that have self-identified as requiring assistance during periods of evacuation, elevator disruption or temporary discontinuance of Vital Services.

18. An Owner shall provide the following information to all Tenants:
- (1) that a Tenant may request to be placed on a voluntary list of Tenants requiring assistance referred to in Section 17; and
 - (2) the manner in which a Tenant who wishes to self-identify as requiring assistance may be added to the list referred to in Section 17.

Use of Certified Tradespersons

19. An Owner shall demonstrate that they have retained or used the services of a certified tradesperson where required by law for activities including but not limited to servicing heat, ventilation, air conditioning and plumbing systems.

Pest Management

20. An Owner shall inspect all indoor and outdoor areas of an Apartment Building for pest infestations:
- (1) at a minimum frequency of at least once every 30 days, for any Common Areas; and
 - (2) within 72 hours of receiving a Tenant Service Request relating to a pest infestation in any part of the Apartment Building.
21. An Owner who is aware of a pest infestation shall take adequate measures to:
- (1) prevent the spread of the pests into other portions of the property;
 - (2) resolve any pest infestation in accordance with applicable law; and
 - (3) ensure that educational information about pest infestation prevention is made available to Tenants.
22. No Owner shall take any action or permit any person to take any action intended to obscure or hide the presence of pests in any part of an Apartment Building.

Waste Management Plan

23. Every Owner shall have a waste management plan for the Apartment Building.
24. The waste management plan required under Section 23 shall include information on:
- (1) the dates and times of garbage, recycling, and if applicable, organics material collection for the Apartment Building;
 - (2) the location of garbage, recycling, and if applicable, organics material bins, or receptacles in the Apartment Building; and
 - (3) a process for dealing with bulk waste, excess garbage, recycling or other waste between collections.
25. An Owner shall identify clearly with stickers or posters the correct location and receptacles to deposit garbage, bulk waste, recycling and, if applicable, organic material.

Cleaning Plan

26. An Owner shall inspect all Common Areas for cleanliness on a regularly scheduled basis so as to ensure that the Apartment Building is maintained in a clean and sanitary manner at all times.
27. An Owner shall have a cleaning plan for the Apartment Building that includes the following information:
- (1) a cleaning schedule for the Common Areas; and
 - (2) a process to address any unexpected health or safety hazards that require cleaning of a Common Area.

State of Good Repair Plan

28. An Owner shall have and maintain a state of good repair plan, in a form and manner satisfactory to the Manager, that includes a comprehensive 5 year forecast of capital element and common element repairs and improvements necessary to:
- (1) protect or restore the physical integrity of any part of the Apartment Building;
 - (2) maintain the provision of Vital Services;
 - (3) maintain or improve the security of any part of the Apartment Building; or
 - (4) maintain the safe movement of persons.
29. A state of good repair plan referred to in Section 28 shall include a list of the capital and common elements of the Apartment Building and a forecasted date on which the element is scheduled to be replaced or updated.

Electrical Maintenance Plan

30. An Owner shall have and maintain an electrical maintenance plan for the Apartment Building in collaboration with an electrical contractor holding a valid ECRA/ESA Electrical Contractor licence issued by the Electrical Safety Authority.

Vital Service Disruption Plan

31. An Owner shall have and maintain a Vital Service disruption plan for the Apartment Building which includes preventative measures and processes to address any potential disruptions to Vital Services.
32. Any document required to be posted to the Tenant notification board pursuant to Subsection 16(1) shall be posted:
- (1) within 24 hours of the occurrence of any unplanned service disruption; and
 - (2) a minimum of 24 hours prior to any planned service disruption.

PART 4 - RECORD KEEPING REQUIREMENTS

33. An Owner shall create and retain records necessary to demonstrate compliance with this By-law.
34. All records created in accordance with Section 33 shall be maintained in a secure and accessible manner for a period of not less than 24 months from the date the record was created and made available for Inspection upon request by an Officer.
35. Any Plan required pursuant to this By-law shall be created and available for Inspection by the City within 90 days of initial registration of the Apartment Building.
36. An Owner shall provide a copy of a Plan required pursuant to this By-law to any Tenant within 60 days of receiving a written request.
37. An Owner shall provide a copy of the most recent Evaluation completed by the City for the Apartment Building to any Tenant within 60 days of receiving a written request.

PART 5 - INSPECTIONS

38. An Officer may conduct Inspections of an Apartment Building to determine compliance with this By-law.
39. An Owner shall, upon receiving notification of an Inspection, make arrangements for a representative of the Apartment Building to be in attendance for the entire duration of the Inspection, when required by an Officer.
40. Upon request by an Officer, an Owner shall provide access to conduct Inspections of any room or area of the Apartment Building not actively being used as a Rental Unit at any reasonable time to confirm compliance with this By-law.

PART 6 - PROHIBITION ON RENTING NON-COMPLIANT RENTAL UNITS

41. No Owner shall rent a Rental Unit to a new Tenant if there is a property standards order

issued by the City for that Rental Unit.

42. No Owner shall rent a Rental Unit to a new Tenant if there is a discontinuance of any Vital Services in the Rental Unit.

PART 7 - ADMINISTRATION AND ENFORCEMENT

Fees

43. All fees referred to in this By-law and all fees for services, including applicable Audit fees, shall be as set out in the City's User Fees and Charges By-law 0247-2021 or successor by-law, or as otherwise set and approved by Council from time to time.

Administration and Enforcement

44. The administration and enforcement of this By-law is assigned to the Manager who shall perform all of the functions conferred upon them by this By-law.
45. The Manager may delegate any responsibilities to an employee, conferred to the Manager under this By-law.

Power of Entry

46. An Officer may enter upon land at any time and in accordance with Section 436 of the Municipal Act, 2001 for the purpose of carrying out an Inspection to determine whether or not the following are being complied with:
 - (1) this By-law; or
 - (2) a notice or order issued pursuant to this By-law.
47. For the purposes of an Inspection under Section 46, an Officer may:
 - (1) require, for Inspection, the production of documents or things relevant to the Inspection;
 - (2) inspect and remove documents or things relevant to the Inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the Inspection; and
 - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the Inspection.

Notices, Orders and Remedial Action

48. An Officer who finds a contravention of this By-law may make one or more notices or orders requiring that the contravening activity be discontinued or that work be done to correct the contravention.
49. If a person fails to comply with a notice or order to do work to correct a contravention issued under Section 48, an Officer or persons acting upon their instructions, may enter lands at any reasonable time for the purposes of doing the things described in the notice at the person's expense.
50. A notice or order may be served personally, by mail or by email to the last known mailing address or email address on record for the person to whom it is directed.
51. If the City is unable to effect service under Section 50 or the delay necessary to serve a notice or order would result in an immediate danger to the health or safety of any person, a placard stating the terms of the notice and placed in a conspicuous place upon land on or near the Apartment Building shall be deemed to be sufficient notice to the person to whom the notice is directed.
52. The City may recover the costs of doing a matter or thing under this By-law by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Penalties and Offences

53. No person shall:
- (1) fail to comply with a notice or order issued under Section 48;
 - (2) hinder or obstruct or attempt to hinder or obstruct any person exercising a power or performing a duty under this By-law;
 - (3) neglect or refuse to produce or provide any information or thing to any person acting pursuant to an order made under Section 438 of the Municipal Act, 2001;
 - (4) make, participate in, assent to or acquiesce in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this By-law.
54. Every person who contravenes any provision of this By-law, when given a Penalty Notice, is liable to pay to the City an Administrative Penalty in the amount specified in the Licensing Administrative Penalty By-law, and shall follow the procedures for payment, screening reviews and hearing reviews as outlined in the Licensing Administrative Penalty By-law. If a person is required to pay an Administrative Penalty, the person shall not be charged with an offence in respect of the same contravention.
55. For the purposes of Sections 53 and 54, the notice provisions in the Licensing Administrative Penalty By-law shall be applicable to Penalty Notices issued for contraventions of this By-law.
56. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, and the Municipal Act, 2001, as each may be amended from time to time.
57. In addition to Section 56, every person who is charged with an offence for a contravention of any provision of this By-law, by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, is guilty of an offence and on conviction is liable to a minimum fine of \$500 and a maximum fine of \$100,000.

General

58. In this By-law, a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or replaced from time to time.
59. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the stated intention of Council that the remainder of this By-law shall continue to be in force.

Short Title

60. This By-law may be referred to as the “Rental Apartment Buildings By-law”.

ENACTED and **PASSED** this 4th day of May, 2022.

Signed by Bonnie Crombie, Mayor and Diana Rusnov, City Clerk.