

City-Initiated Technical Amendments to Property Standards By-law 1-2002 (All Wards)

That the Corporate Services Committee recommend to City Council:

Whereas the City's Property Standards By-law 1-2002, as amended ("Property Standards By-law") establishes minimum standards for the maintenance and occupancy of property within the City of Oshawa; and,

Whereas staff regularly review by-laws to identify opportunities for enhancements; and,

Whereas staff have identified a need to enhance wording for the issuance of Administrative Monetary Penalties for non-compliance with standards as established in the Property Standards By-law as well as failing to comply with a Property Standards Order issues pursuant to Section 15.2(2) of Building Code Act, 1992, S.O. 1992, c.23; and,

Whereas staff have similarly identified a need to address the numbering system of certain sections to align with the numbering system as detailed in Section 1.9.1 of the By-law and remove a reference to "Schedule "D"" of General Fees and Charges By-law 13-2003 in Section 1.19.1;

Therefore be it resolved that Council approve a by-law to amend the Property Standards By-law 1-2002, as amended, to implement technical amendments as outlined in Attachment 1 to CORP-22-20 "City-Initiated Technical Amendments to Property Standards By-law 1-2002", dated April 11, 2022, in a form and content acceptable to the Commissioner of Corporate Services and Legal Services.



**By-law -2022
of The Corporation of the City of Oshawa**

NOW THEREFORE The Corporation of the City of Oshawa by its Council enacts as follows:

1. Section 1 of the Property Standards By-law 01-2002, as amended, ("Property Standards By-law") is amended by deleting Section 1.4.3 ("Offence") in its entirety and replacing it with the following:

"Contravention

1.4.3 A Person has failed to comply with this By-law if they have contravened any provision or Standard of this By-law."

2. Section 1 of the Property Standards By-law is further amended by deleting Section 1.4.4 in its entirety, including deleting Sections 1.4.4.1 and 1.4.4.2, and replacing it with the following:

"1.4.4 A Person has contravened this By-law if they have failed to comply with an order of an Officer under subsection 15.2(2) of the Building Code Act, as deemed confirmed or as confirmed or modified by the Property Standards Committee, or a judge under section 15.3 of the Building Code Act."

3. Section 1 of the Property Standards By-law is further amended by adding Section the 1.4.5 ("Administrative Monetary Penalties") immediately after Section 1.4.4 as follows:

"Administrative Monetary Penalties

1.4.5 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law."

4. Section 1 of the Property Standards By-law is further amended by adding Section 1.4.6 immediately after Section 1.4.5 as follows:

"1.4.6 Each Person who contravenes any provision of this By-law or fails to comply with an Order issued in accordance with this By-law, shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Property Standards By-law, the following tiered penalty system applies:

- (a) if the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250.

- (b) if the Person receives an additional penalty notice for the same contravention of the Property Standards By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350.
- (c) if the Person receives a subsequent penalty notice for the same contravention of the Property Standards By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$500.
- (d) if the Person receives any subsequent penalty notices for the same contravention of the Property Standards By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$500.”

5. Section 1 of the Property Standards By-law is further amended by adding Section the 1.4.7 immediately after Section 1.4.6 as follows:

“1.4.7 The Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, does not apply to a penalty notice issued in accordance with Administrative Penalty Process By-law 63-2013.”

6. Section 1 of the Property Standards By-law is further amended by adding Section the 1.4.8 (“Offences”) immediately after Section 1.4.7 as follows:

“Offences

1.4.8 Every Person who fails to comply with an Order, direction, or requirement made under the Building Code Act is guilty of an offence, and, upon conviction, is liable to penalties as provided in the Building Code Act.”

7. Section 1 of the Property Standards By-law is amended by deleting Section 1.19.1 in its entirety and replacing it with the following:

“1.19.1 Every Owner or Occupant who has failed to comply with a confirmed Order made pursuant to Subsection 15.2(2) of the Building Code Act, shall pay the fees set out in the General Fees and Charges By-law 13-2003, as amended, for each inspection to determine if contraventions of this By-law observed on an initial inspection have been corrected where the contraventions have not been remedied by the time provided for in the said Order.”

8. This by-law shall come into full force and effect on the date of passage.

By-law passed this day of , 2022.

Mayor

City Clerk