

City Initiated Technical Amendments: Standardizing Methods of Service (All Wards)

That the Corporate Services Committee recommend to City Council:

Whereas City by-laws prescribe methods of service which establish means in which documents (e.g. notices, orders, licence decisions, etc.) may be deemed served to a person; and

Whereas documents are generally deemed to have been served by any of the following methods of service: when a copy is delivered to the person to whom the document is addressed, on the third (3rd) day following the date of mailing by regular letter mail or by registered mail, by facsimile transmission, by e-mail transmission, or by posting a copy at or on the person's property; and

Whereas staff regularly review by-laws to ensure that they are effective and efficient; and

Whereas staff identified a need to establish consistency, increase service options by developing standardized methods of service in various by-laws established pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended including:

- Boulevard By-law 136-2006
- Business Licensing By-law 120-2005
- Dust and Mud Control By-law 64-2020
- Fence and Sight Triangle By-law 23-2014
- Fortification By-law 103-2005
- Fouling of Highways By-law 65-2020
- Lot Maintenance By-law 127-2007
- Lottery Licensing By-law 135-2008
- Nuisance By-law 65-2009
- Pool Enclosure By-law 79-2006
- Responsible Pet Owners By-law 14-2010
- Unauthorized Parking By-law 97-2009
- Waste By-law 113-2008; and

Whereas in addition to standardizing methods of service, posting on vehicles as a method of service should be included in Business Licensing By-law 120-2005, Fouling of Highways By-law 65-2020, Responsible Pet Owners By-law 14-2010, Unauthorized Parking By-law 97-2009 as such by-laws include standards applicable to vehicles;

Therefore be it resolved that Council approve a by-law in a form and content acceptable to the Commissioner of Corporate Services and Legal Services to standardize methods of service as outlined in Attachment 1 to CORP-22-25 "City Initiated Technical Amendments: Standardizing Methods of Service", dated April 11, 2022, to amend the Boulevard By-law 136-2006, Business Licensing By-law 120-2005, Dust and Mud Control By-law 64-2020, Fence and Sight Triangle By-law 23-2014, Fortification By-law 103-2005, Fouling of Highways By-law 65-2020, Lot Maintenance By-law 127-2007, Lottery Licensing By-law 135-2008, Nuisance By-law 65-2009, Pool Enclosure By-law 79-2006, Responsible Pet Owners By-law 14-2010, Unauthorized Parking By-law 97-2009 and Waste By-law 113-2008.

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

being a by-law to amend By-law 136-2006, as amended (“Boulevard By-law”), By-law 120-2005, as amended (“Business Licensing By-law”), By-law 64-2020 (“Dust and Mud Control By-law”), By-law 23-2014, as amended (“Fence and Sight Triangle By-law”), By-law 103-2005, as amended (“Fortification By-law”), By-law 65-2020 (“Fouling of Highways By-law”), By-law 127-2007, as amended (“Lot Maintenance By-law”), By-law 135-2008, as amended (“Lottery Licensing By-law”), By-law 65-2009, as amended (“Nuisance By-law”), By-law 79-2006, as amended (“Pool Enclosure By-law”), By-law 14-2010, as amended (“Responsible Pet Owners By-law”), By-law 97-2009, as amended (“Unauthorized Parking By-law”), and By-law 113-2008, as amended (“Waste Collection By-law”) of the Corporation of the City of Oshawa (the “City”).

WHEREAS pursuant to Report CORP-22-25 considered by the Corporate Services Committee (“Committee”), the Committee recommended to City Council that an amending by-law be passed to implement standardized methods of service in various City by-laws established pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

AND WHEREAS City Council considered Report CORP-22-25 at the Council meeting of April 25, 2022, and considers it desirable to amend the Boulevard By-law, Business Licensing By-law, Dust and Mud Control By-law, Fence and Sight Triangle By-law, Fortification By-law, Fouling of Highways By-law, Lot Maintenance By-law, Lottery Licensing By-law, Nuisance By-law, Pool Enclosure By-law, Responsible Pet Owners By-law, Unauthorized Parking By-law, and Waste Collection By-law.

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

1. The Boulevard By-law, as amended, is further amended by deleting subsection 1.3.3 and replacing it with the following:

“1.3.3. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Person to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;
- (d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address; or
- (e) upon a copy being posted on the door of any building or structure on the Person’s property or, where no building or structure exists, on a stake erected by the Officer on the Person’s property.”

2. The Business Licensing By-law, as amended, is further amended by deleting Section 14.1 and replacing it with the following:

“14.1. Notices

Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Person to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;
- (d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address;
- (e) upon a copy being posted on the door of any building or structure on the Person’s property or, where no building or structure exists, on a stake erected by the Officer on the Person’s property; or
- (f) on the date a copy is placed on or affixed in any manner to a Person’s Motor Vehicle.”

3. The Dust and Mud Control By-law is amended by deleting subsection 10.1 and replacing it with the following:

“10.1 Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Person and/or Owner to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the last known address of the Person and/or Owner;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the last known facsimile transmission number of the Person and/or Owner;
- (d) upon sending a copy by e-mail transmission to the last known e-mail address of the Person and/or Owner; or
- (e) upon a copy being posted on the door of any building or structure on the Property of the Person and/or Owner, or, where no building or structure exists, on a stake erected by the Officer on the Property of the Person and/or Owner.”

4. The Fence and Sight Triangle By-law, as amended, is further amended by deleting Section 24 and replacing it with the following:

“24. Subject to section 25, any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- 24.1 on the date a copy is personally delivered to the Person to whom it is addressed;
- 24.2 on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person's last known address;
- 24.3 upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
- 24.4 upon sending a copy by e-mail transmission to the Person's last known e-mail address; or
- 24.5 upon a copy being posted on the door of any building or structure on the Person's Lot or, where no building or structure exists, on a stake erected by the Officer on the Person's Lot."

- 5. The Fence and Sight Triangle By-law, as amended, is further amended by replacing "on the fifth (5th) day" with "on the third (3rd) day" in subsection 25.2.
- 6. The Fortification By-law, as amended, is further amended by deleting subsection 5.2. and replacing it with the following:

"5.2. An Order shall be deemed to have been served upon all owners of the Land to which the Order relates by any of the following methods and on the earliest of the following dates:

- (a) on the date a copy is personally delivered to an owner or occupant of the land;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the last known address of an owner or occupant of the Land;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the last known facsimile transmission number of an owner or occupant of the Land;
- (d) upon sending a copy by e-mail transmission to the last known e-mail address of an owner or occupant of the Land; or
- (e) upon a copy being posted on the door of any building or structure on the owner or occupant's Land, or where no building or structure exists, on a stake erected by a Law Enforcement Officer on the owner or occupant's Land."

- 7. The Fouling of Highways By-law, is amended by deleting subsection 10.1 and replacing it with the following:

"10.1 Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Person and/or Owner to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the last known address of the Person and/or Owner;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the last known facsimile transmission number of Person and/or Owner;

- (d) upon sending a copy by e-mail transmission to the last known e-mail address of the Person and/or Owner;
- (e) upon a copy being posted on the door of any building or structure on the Property, or where no building or structure exists, on a stake erected by the Officer on the Property; or
- (f) on the date a copy is placed on or affixed in any manner to a motor vehicle of the Person and/or Owner.”

8. The Lot Maintenance By-law, as amended, is further amended by deleting subsection 6.3 and replacing it with the following:

“6.3. A Work Order pursuant to this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Owner to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Owner’s last known address;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Owner’s last known facsimile transmission number;
- (d) upon sending a copy by e-mail transmission to the Owner’s last known e-mail address; or
- (e) upon a copy being posted on the door of any building or structure on the Owner’s Lot or, where no building or structure exists, on a stake erected by the Officer on the Owner’s Lot.”

9. The Lottery Licensing By-law, as amended, is further amended by deleting section 29 and replacing it with the following:

“29. Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the person to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the person’s last known address;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the person’s last known facsimile transmission number;
- (d) upon sending a copy by e-mail transmission to the person’s last known e-mail address; or
- (e) upon a copy being posted on the door of any building or structure on the person’s property or, where no building or structure exists, on a stake erected by the Director and/or their agent on the person’s property.”

10. The Lottery Licensing By-law, as amended, is further amended by deleting “purpose of section 30” and replacing it with “purpose of section 29” in section 30.

11. The Nuisance By-law, as amended, is further amended by deleting subsection 8.1. and replacing it with the following:

“8.1. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

(a) on the date a copy is personally delivered to the Person to whom it is addressed;

(b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;

(c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;

(d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address;

(e) upon a copy being posted on the door of any building or structure on the Person’s property or, where no building or structure exists, on a stake erected by the Officer on the Person’s property; or

(f) when the notice or document relates to a donation box, upon a copy being posted by the Officer on the donation box.”

12. The Pool Enclosure By-law, as amended, is further amended by deleting subsection 1.3.3 and replacing it with the following:

“1.3.3. An Order pursuant to this By-law may be given in writing in any of the following ways and is effective:

(a) on the date a copy is personally delivered to the Person to whom it is addressed;

(b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;

(c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;

(d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address; or

(e) upon a copy being posted on the door of any building or structure on the Person’s property or, where no building or structure exists, on a stake erected by the Officer on the Person’s property.”

13. The Responsible Pet Owners By-law, as amended, is further amended by deleting section 46 and replacing it with the following:

“46. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

(a) on the date a copy is personally delivered to the Person to whom it is addressed;

(b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;

(c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;

(d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address;

(e) upon a copy being posted on the door of any building or structure on the Person's last known Premises or, where no building or structure exists, on a stake erected by the Officer on the Person's last known Premises; or
(f) on the date a copy is placed on or affixed in any manner to a Person's motor vehicle."

14. The Unauthorized Parking By-law, as amended, is further amended by adding a new subsection 4.4 after 4.3, which states the following:

"4.3. Service of an order to discontinue on a Person made pursuant to this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Person to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person's last known address;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
- (d) upon sending a copy by e-mail transmission to the Person's last known e-mail address;
- (e) upon a copy being posted on the door of any building or structure on the Person's property or, where no building or structure exists, on a stake erected by the Officer on the Person's property; or
- (f) on the date a copy is placed on or affixed in any manner to a Person's Vehicle."

15. The Unauthorized Parking By-law, as amended, is further amended by deleting subsection 5.3, and replacing it with the following:

"5.3. Service of work order on a Person made pursuant to this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date a copy is personally delivered to the Person to whom it is addressed;
- (b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person's last known address;
- (c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
- (d) upon sending a copy by e-mail transmission to the Person's last known e-mail address;
- (e) upon a copy being posted on the door of any building or structure on the Person's property or, where no building or structure exists, on a stake erected by the Officer on the Person's property; or
- (f) on the date a copy is placed on or affixed in any manner to a Person's Vehicle."

16. The Waste By-law, as amended, is further amended by deleting subsection 13.3 and replacing it with the following:

“13.3. Service of a work order issued pursuant to this By-law may be given in writing and shall be served on the Owner against whom it is made in any of the following ways and is effective:

(i) on the date a copy is personally delivered to the Owner to whom it is addressed;

(ii) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Owner’s last known address;

(iii) upon confirmation of the successful transmission of a copy by facsimile transmission to the Owner’s last known facsimile transmission number;

(iv) upon sending a copy by e-mail transmission to the Owner’s last known e-mail address; or

(v) upon a copy being posted on the door of any building or structure on the Owner’s Property or, where no building or structure exists, on a stake erected by an Officer on the Owner’s Property.”

17. 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