

Authority: Urban Environment and Development Committee Report 12, Clause No. 1,
as adopted by Council on October 28, 29 and 30, 1998
Enacted by Council: October 30, 1998

CITY OF TORONTO

BY-LAW No. 749-1998

To prohibit vital service suppliers from ceasing to provide vital services without providing thirty days notice to the City Clerk.

WHEREAS property standards by-laws in force in the City of Toronto require landlords to provide vital services to rented premises; and

WHEREAS the Tenant Protection Act, 1997, provides that a municipality may pass a by-law requiring a vital service supplier to give the municipality thirty days notice of the intention to discontinue provision of the vital service where the landlord has breached a contract with a supplier for the supply of the vital service; and

WHEREAS, during the thirty day notice period, the City may use other methods to avoid discontinuation of a vital service, including the enforcement of property standards by-laws where appropriate; and

WHEREAS the property standards by-law in force in the City of Toronto, (including the Housing Standards provisions of the Municipal Code of the former City of Toronto) require landlords to provide vital services to rented premises; and

WHEREAS the provisions of the Building Code Act, as amended, provide that the officer may issue an emergency order with respect to a non-conformity that may pose an immediate danger to the health or safety of any person and further, take any measures necessary to terminate the danger; and

WHEREAS the provisions of the City of Toronto Act, 1936, as amended, provide that the inspector may issue an order with respect to a violation that constitutes an urgent hazard to the health or safety of any person and further, take whatever measures necessary to correct the violation; and

WHEREAS it is in the best interests of the City to have advance notice of the intention of any vital service provider to discontinue the provision of a vital service and in order that any interruption to a vital service may be averted; and

WHEREAS the Tenant Protection Act, 1997 provides that a municipality may pass a by-law requiring a vital service provider to give the municipality thirty days notice of the intention to discontinue provision of the vital service where the landlord has breached a contract with a supplier for the supply of the vital service;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In this by-law the following definitions apply:

- (a) “City” means the City of Toronto.
- (b) “Commissioner” means the Commissioner of Urban Planning and Development Services.
- (c) “Landlord” includes,
 - (i) the owner or other person permitting occupancy of a rental unit;
 - (ii) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (i); and
 - (iii) 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 the tenancy agreement or the Tenant Protection Act, including the right to collect rent.
- (d) “Rental Unit” means any living accommodation used or intended for use as rented residential premises, and includes,
 - (i) a room in a boarding house, rooming house or lodging house and a unit in a care home; and
 - (ii) a site for a mobile home or a site on which there is a land lease home used or intended for use as rented residential premises.
- (e) “Tenant” includes a person who pays rent in return for the right to occupy a rental unit and includes a 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,
 - (i) a co-owner of the residential complex in which the rental unit is located, or
 - (ii) a shareholder of a corporation that owns the residential complex.
- (f) “Vital Service” means fuel, hydro, gas, or hot or cold water.

2. No supplier of a vital service shall cease to provide the vital service to a rental unit unless notice of the intended discontinuance of the vital service has been given in writing to the City Clerk at least thirty (30) days before the supplier ceases to provide the vital service.

3. Despite section 2, the notice of intended discontinuance shall be given only if the vital service is to be discontinued for a rental unit because the landlord has breached a contract with the supplier for the supply of the vital service.

4. The supplier of a vital service shall immediately restore the vital service when directed to do so by the Commissioner. The Commissioner shall issue such a direction when the vital service has been discontinued in a manner that is contrary to section 2 of this by-law.

5. Every person who contravenes or fails to comply with sections 2 or 4 of this by-law is guilty of an offence for each day or part of a day on which the offence occurs or continues.

6. 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.

ENACTED AND PASSED this 30th day of October, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)