

Authority: Licensing and Standards Committee Item LS25.1, as adopted by City of Toronto Council on May 22, 23 and 24, 2018

**CITY OF TORONTO**

**BY-LAW 646-2018**

**To amend City of Toronto Municipal Code Chapter 497, Heating.**

Whereas Council wishes to make certain updates and refinements to Chapter 497, Heating, to clarify that the provisions in the Chapter do not require turning on heating devices in order to maintain the minimum temperature; and

Whereas Chapter 497, Heating, requires housekeeping updates to reflect recent Council decisions and to align the style and formatting of the chapter to the current Municipal Code standards; and

Whereas notice as required has been provided;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 497, Heating, is amended by replacing Chapter 497, with the updated version attached as Schedule A to this by-law.

Enacted and passed on May 24, 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**

**Chapter 497**

**HEATING**

**ARTICLE 1**

**Rented Accommodations**

**§ 497-1.1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DWELLING UNIT** - An enclosed living area used or designed to be used for human habitation.

**LANDLORD** - Includes an owner and any person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person.

**OFFICER** - Any City employee assigned responsibility for enforcing this article.

**§ 497-1.2. Minimum temperature.**

- A. Landlord shall ensure that a minimum air temperature of 21 degrees Celsius is maintained in all areas of the dwelling unit from September 15 in each year to June 1 in the following year.
- B. Subsection A is only applicable to a dwelling unit that is normally heated at the landlord's expense
- C. For greater clarity, where a dwelling unit is at a minimum air temperature of 21 degrees Celsius, a landlord is not required to operate a heating unit.

**§ 497-1.3. Inspection.**

- A. Where an officer receives a complaint from a person identified as the tenant or lessee of a dwelling unit that is normally heated at the landlord's expense, the officer may enter and inspect the premises in which the dwelling unit is located at any reasonable time for the purpose of determining compliance with this article.
- B. No person shall obstruct, hinder or delay an officer in making an inspection under Subsection A.

**ARTICLE 2**  
**Burning of Used Motor Oil**

**§ 497-2.1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

SPACE HEATER - A heating device that, through combustion of fuel, provides heat energy to an internal or external area.

USED MOTOR OIL - Lubricating oil that has been used as a lubricant in any commercial or industrial operation or as a lubricant in the crankcase of motor vehicles.

**§ 497-2.2. Use in space heaters prohibited.**

No person may burn used motor oil within a space heater.

**ARTICLE 3**  
**Offences, Entry to Inspect, Orders, Notices of Violation.**

**§ 497-3.1. Offences.**

- A. Every person who contravenes any provision of this chapter, or a notice of violation or direction or order issued in accordance with this Chapter, is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.
- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage from contravening this chapter, or a notice of violation or direction or order issued in accordance with this chapter, is liable to a special fine in an amount equal to the fair market value of the economic advantage obtained from the contravention.
- C. In addition to offences in Subsections A and B, every person is guilty of an offence under this chapter who:
  - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
  - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;
  - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, or a notice of violation or direction or order issued in accordance with this chapter, every director or

officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.

- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

**§ 497-3.2. Entry to inspect.**

- A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
- (1) This chapter; or
  - (2) A notice of violation or direction or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, 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 of them;
  - (3) Require information from any person concerning a matter related to the inspection;
  - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
  - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**§ 497-3.3. Orders to comply or notices of violation.**

- A. An officer who finds a contravention of this chapter may make one or more orders or notices of violation requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
- B. An order or notice of violation may be of immediate effect should the Executive Director determine that a delay would result in circumstances that endanger the health or safety of any person or similarly serious consequences.
- C. The order or notice of violation may be served personally on the person to whom it is directed or to an email or social media address that person has provided to the City or by

registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.

- D. If there is evidence that the occupant of the land is not the registered property owner, the order or notice of violation shall be served on both the registered property owner and the occupant of the land.
- E. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection C, a placard stating the terms of the order or notice of violation and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the owner.
- F. If the delay necessary to serve an order or notice of violation under Subsection C would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order or notice of violation may be served by a placard stating the terms of the order or notice of violation and placed in a conspicuous place upon land on or near the property.