

## ***City of Toronto Act, 2006 Public Notice***

**Municipal Licensing and Standards is proposing that the Council of the City of Toronto create a new bylaw for apartment buildings.**

At its meeting to be held in Committee Room 1 in Toronto City Hall on March 6, 2017 at 9:30 a.m., or as soon as possible thereafter, Licensing and Standards Committee of Toronto City Council will hear in person or by his or her counsel, agent or solicitor, any person who wishes to speak to the matter (Item LS17.1).

The proposed amendments are subject to the decision of Licensing and Standards Committee and the decision of Toronto City Council. Consequently, the proposed amendments may be modified. Additional or other amendments to the above-noted by-laws, including amendments not contemplated or considered in the proposal by Municipal Licensing and Standards, may occur as a result of the decisions of Licensing and Standards Committee and Toronto City Council.

It is proposed that the by-laws be amended at the Council meeting to be held on March 28, 2017 or at a subsequent meeting.

**Municipal Licensing and Standards is proposing that the Council of the City of Toronto:**

### **New bylaw**

1. City Council adopt a new Municipal Code Chapter called "Apartment Buildings" that is in accordance with the following recommendations and this report. Apartment buildings shall be defined as a residential property with three or more storeys and ten or more dwelling units available for rent. An apartment building shall not be a long-term care facility or a retirement home.

### **Registration**

2. City Council direct that the owner shall register with the City every 12 months. Registering shall consist of paying an annual registration fee and providing the following information:
  - a. Name of building owner. Where there are multiple owners, each person must provide their name and address.
  - b. Contact information of building owner.
  - c. Name of building operator. Where there are multiple operators, each person must provide their name and address.
  - d. Contact information of building operator.
  - e. Any other information as required by the Executive Director, ML&S.
3. City Council direct that:
  - a. No owner shall operate an apartment building that is not registered.
  - b. No owner shall register information that is inaccurate, misleading or otherwise incorrect.
  - c. Information listed in recommendation 2 a, b, c, and d shall be updated within 30 days of any change. All other information required by the Executive Director must be updated every 12 months upon registration.
  - d. Where the Executive Director determines that registration information is inaccurate, misleading or otherwise incorrect, the Executive Director shall notify the owner.

- e. If the owner fails to correct registration within 14 calendar days of receipt of the notice the Executive Director shall remove the owner's registration from the registry without further notice to the owner.

### **Tenant service requests**

4. City Council direct that the owner and operator shall develop a process for receiving and tracking tenant requests. The process shall include collecting the following information regarding the request and providing a copy of the information to the tenant:
  - a. Date and time of service request
  - b. Location of issue (including unit number, if applicable)
  - c. Nature of issue
  - d. Tenant name and contact information
  - e. Determination of urgent or non-urgent request
  - f. Response from owner or operator
5. City Council direct that the owner or operator shall be required to demonstrate compliance with the tenant service request process that is created.
6. City Council require owners or operators to respond to urgent requests within 24 hours and non-urgent requests within 7 days. Requests are urgent if they are related to the discontinuance of the following vital services: fuel, electricity, gas, heat, or hot or cold water.

### **Tenant notification**

7. City Council direct that the owner or operator shall have a notification board in a central location and post the following information:
  - a. Information regarding planned or unplanned service disruptions, including disruption to heat, water, security, electricity, elevators (shall include nature of disruption, duration of disruption, units affected).
  - b. Information regarding major capital projects (shall include nature of project, duration of project, units affected).
  - c. Cleaning plan.
  - d. Emergency contact information as described in Municipal Code Chapter 629-5.1 B, C and D.
  - e. Information regarding the nearest cool location, including: (1) The location of an air-conditioned place in the building, if accessible to tenants; and (2) the name, address and map to location of a publicly accessible air-conditioned location.
  - f. All confirmed orders pursuant to Chapter 629, notices pursuant to pursuant to Chapter 485, Graffiti; and notices of non-compliance pursuant to Chapter 844, Waste, issued by ML&S that apply to common areas, if any.
  - g. Property standards appeals relating to common areas, if any.
  - h. Date of any ML&S audit, if any, upon receipt of notice from ML&S.
  - i. Any other documents as required by the Executive Director, ML&S.

### **Pest management**

8. City Council direct that the owner or operator shall inspect:
  - a. Indoor and outdoor common areas of the building at least once every 30 days for the presence of pests.
  - b. Any area within 72 hours of the receipt of any information indicating the presence of pests.
9. City Council direct that the owner or operator who is aware of the presence of pests shall take adequate measures to:
  - a. Prevent the spread of the pests into other portions of the property.

- b. Eliminate or exterminate the pests in all areas where the presence of the pests is detected.
- 10. City Council direct that the owner or operator shall retain a pest management operator licensed by the Ministry of Environment to conduct all pest extermination activity.
- 11. City Council direct that no owner or operator shall take any action or fail to take any action which is likely to:
  - a. Cause the spread of the pests into other portions of the property; or
  - b. Prevent the control or extermination of the pests.
- 12. City Council direct that no person shall take any action or permit any person to take any action intended to obscure or hide the presence of pests in any portion of a property or obstruct the extermination of the pests.
- 13. City Council direct that no person may rent a unit to a new tenant if the owner or operator is aware of the presence of pests in the unit.

### **Waste management plan and requirements**

- 14. City Council direct that the owner or operator will have a waste management plan. A waste management plan shall include the following:
  - a. Information about how owners or operators will comply with the garbage and debris storage and disposal requirements outlined in Municipal Code Chapter 629.
  - b. Information about how owners or operators will comply with mandatory diversion requirements.
- 15. City Council direct that the owner or operator shall be required to demonstrate compliance with the waste management plan that is created.
- 16. City Council direct that the owner or operator take the following actions relating to waste diversion information:
  - a. Post waste diversion literature (items accepted, location of collection bins) in at least one common area.
  - b. Identify clearly with stickers or posters the correct place to deposit waste, recycling and, if applicable, organic materials.

### **Cleaning plan and requirements**

- 17. City Council direct that the owner or operator shall inspect common areas of the building at least once every day for cleanliness.
- 18. City Council direct that the owner or operator shall have a cleaning plan. A cleaning plan consists of:
  - a. A list of all areas accessible to tenants and the public and the frequency with which these areas will be cleaned. This list shall include but not be limited to the following areas: garbage storage area; walls; floors; laundry room and equipment, if present.
  - b. A process, including a timeline (in hours) for the owner or operator to clean unexpected or emergency situations that would cause all or part of the common areas to be in a state of uncleanliness.
- 19. City Council direct that the owner or operator shall be required to demonstrate compliance with the cleaning plan that is created.

### **Licensed contractors for maintenance**

- 20. City Council direct that the owners and operators must use a licensed or certified contractor where required by law for activities including but not limited to servicing heat, ventilation, air conditioning and plumbing systems.

### **State of good repair capital plan**

21. City Council direct that the owner shall have a current state of good repair capital plan and shall make the plan available to ML&S upon request. A state of good repair capital plan consists of a list of the capital elements of the buildings and date upon which the element will be scheduled to be replaced or updated. Capital elements shall include but not be limited to: roof, elevators, façade, windows, mechanical systems, underground garage, interior flooring, interior wall finish, balcony guards, and handrails.
22. City Council direct that the owner or operator provide the state of good repair capital plan to tenants and prospective tenants upon request.

### **Record keeping**

23. City Council direct that the owner or operator shall create records and retain the records sufficient to demonstrate compliance with this chapter for a period of no less than 24 months. The records shall include but will not be limited to the following:
  - a. Information regarding tenant service request responses as outlined in recommendation 4.
  - b. Log of all scheduled or unscheduled cleaning activities that includes but is not limited to the nature of the activity and the date and location on which it occurred.
  - c. Log of all scheduled or unscheduled activities relating to the waste management plan, including but not limited to the nature of the activity and the date and location on which it occurred.
  - d. Log of all schedule or unscheduled pest inspections, including the date and location of all proactive and reactive pest inspections; the name of the pest management operator licensed by the Ministry of the Environment that conducts the inspection; the results of the inspection and the recommended treatment, if any.
  - e. Log of all pest treatment activities, including the date and location of treatment, the name of the pest management operator licensed by the Ministry of the Environment undertaking the treatment, the nature of the treatment.
  - f. Log of service and maintenance conducted on fuel burning appliances, heating systems, cooling systems, ventilation systems and plumbing systems, including but not limited to: date and nature of service and name of licensed contractor, if applicable.
24. City Council direct that owners or operators shall make the pest inspection and treatment records (as described in recommendation 23 d and e) that pertain to common areas available to tenants and prospective tenants upon request.
25. City Council direct that owners or operators shall post information on the notice board regarding any pest treatment activities, including the date of the treatment, the name of the licensed pest management company undertaking the treatment, and the nature of the treatment. The notice shall not include the location of the treatment.

### **Renting a unit to a new tenant**

26. City Council direct that no person may rent a unit to a new tenant if there is a confirmed property standards order pursuant to Municipal Code Chapter 629 related to the unit.

### **Enforcement authorities**

27. The bylaw will include provisions to enable the City to conduct inspections, issue orders for compliance, take remedial action and take any other enforcement activities consistent with the authorities in the City of Toronto Act, 2006.

### **Audits and regular site visits**

28. City Council direct that ML&S shall have the authority to conduct routine site visits and pre-audits of all buildings to determine whether the buildings are in compliance with this and all other City bylaws.
29. City Council direct that ML&S shall have the authority to audit buildings that require further investigation and re-inspect buildings to confirm that the owners or operators are complying with any issued orders.

### **Registration, audit and enforcement activity fees**

30. City Council amend Chapter 441 to include the user fees for audits, re-inspections and registration as outlined in Attachment 1.
31. City Council direct that all fees in Attachment 1 shall be waived for social housing providers. Social housing providers are:
  - a. Toronto Community Housing Corporation.
  - b. A non-profit provider of assisted or social housing under a program administered by the City of Toronto.
  - c. A dedicated supportive housing provider funded by the Province of Ontario.

### **Fines**

32. City Council direct that anyone who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine of no more than \$100,000.
33. City Council establish a system of fines that include fines for continuing and multiple offences and special fines where it is determined that the conduct could have resulted in economic advantage or gain to the party found to have breached the bylaw.
34. City Council establish that directors or officers of a corporation knowingly concurring in the contravention of any offence under the bylaw by the corporation are guilty of an offence.

### **Implementation**

35. City Council direct that the bylaw come into effect July 1, 2017.
36. City Council give Legal Services the authority to make stylistic and technical decisions in the drafting of this bylaw.
37. City Council direct the Executive Director, ML&S, to report back to the Licensing and Standards Committee after one year from the date of enactment of the new bylaw, with an update on the implementation and outcomes of the bylaw.

To view copies of the report outlining and explaining the proposed amendments you may view the Licensing and Standards Committee agenda at:

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&decisionBodyId=1037#Meeting-2017.LS17>

current as of February 27, 2017. To obtain copies of the report at no cost, or to submit comments or make a deputation to Licensing and Standards Committee, please contact the following City official no later than 12:00 p.m. on March 5, 2017:

Licensing and Standards Committee  
City Clerk's Office  
Toronto City Hall, 100 Queen Street West  
10<sup>th</sup> Floor, West Tower, Toronto, Ontario, M5H 2N2  
Telephone: 416-397-4592  
Fax: 416-392-1879

Email: [lsc@toronto.ca](mailto:lsc@toronto.ca)

To ask questions regarding the content of the report, respecting the above items, contact:

Carleton Grant  
Director, Policy and Strategic Support  
Municipal Licensing and Standards  
Toronto City Hall, 100 Queen Street West  
16<sup>th</sup> Floor, West Tower, Toronto, Ontario, M5H 2N2  
Telephone: 416-338-5576  
Email: [cgrant@toronto.ca](mailto:cgrant@toronto.ca)

Any comments received after the Committee meeting will be processed to Council.

**If this matter is deferred at the Committee meeting or Council meeting or considered at a subsequent Committee or Council meeting, no additional notice will be provided other than the information on the subsequent Committee or Council agenda. Please contact the above City officials if you require notice in these cases.**

**ADDITIONAL INFORMATION:**

Personal information (written and oral submissions) received by the City of Toronto is collected under the authority of the *City of Toronto Act, 2006* and will be used to process the proposal, and may become part of a public record. Questions about the collection of this information may be directed to Dela Ting, City Clerk's Office, Toronto City Hall, 100 Queen Street West, 10<sup>th</sup> Floor, West Tower, Toronto, ON M5H 2N2, Telephone: 416-397-4592, Fax: 416-392-1879, Email: [lsc@toronto.ca](mailto:lsc@toronto.ca)

This Notice is dated this 27<sup>th</sup> day of February, 2017.

Ulli S. Watkiss  
City Clerk