

Attachment 2: Pest Management on Private Property Draft By-Law

**TORONTO MUNICIPAL CODE
CHAPTER 611, PEST MANAGEMENT ON PRIVATE PROPERTY**

Chapter 611

PEST MANAGEMENT ON PRIVATE PROPERTY

ARTICLE 1

Definitions and Application

§ 611-1.1 Definitions.

A. As used in this Chapter, the following terms have the meanings indicated:

EXECUTIVE DIRECTOR - The Executive Director, Municipal Licensing and Standards or designate.

INFESTATION - means:

- (1) One or more bedbugs;
- (2) A multitude of insects other than bedbugs; or
- (3) Any mammal or bird identified as a pest.

MINISTRY - Ministry of Environment, Conservation and Parks, or such subsequent Ministry responsible for licensing exterminations.

OPERATOR - The superintendent or property manager of a building or property who may take on some of the roles relating to permitting occupancy but does not include an owner.

OWNER - Includes:

- (1) An owner in fee simple;
- (2) A person for the time being managing or receiving the rent for a property for themselves or as an agent of another person; and/or
- (3) A person who would receive the rent for a property if it were leased.

PEST - An animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant, or other organism. Does not include any species designated under the Species at Risk Act, S.C. 2002, c. 29 or Endangered Species Act, 2007, S.O. 2007, c. 6.

Property, etc.

PROPERTY – A parcel of land or a part of a parcel of land and includes:

- (1) Any building or structure or part of a building or structure on the property;
- (2) Any mobile home, mobile building, mobile structure, outbuilding, fence or other erections on the property; and
- (3) Vacant property.

MIXED-USE PROPERTY - A property lawfully occupied or capable of being lawfully occupied in part for residential purposes and in part for non-residential purposes.

NON-RESIDENTIAL PROPERTY – A property lawfully occupied or capable of being lawfully occupied other than for a residential purpose.

RESIDENTIAL PROPERTY - A property lawfully occupied or capable of being of being lawfully occupied solely for residential purposes.

RESIDENTIAL UNIT - A building or part of a building lawfully occupied or capable of being lawfully occupied as living accommodations by one or more persons as a self-contained unit with a kitchen and sanitary facilities.

REPAIRED AND/OR MAINTAINED IN GOOD REPAIR – Includes the following, and may also include additional standards as set out in this Chapter:

- (1) Free from defects;
- (2) Made of materials that are sufficient to ensure maintenance in good repair, including compatible in design to adjoining finished materials;
- (3) In a safe and clean condition without any loose components; and
- (4) In good working condition and operational, where applicable;

B. In this Chapter a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

§ 611-1.2 Application.

A. If there is a conflict between a provision of this Chapter and a provision of any other Chapter of the Toronto Municipal Code, the provision that establishes the highest standard to protect the health, safety and well-being of persons shall apply.

ARTICLE 2

Obligations

§ 611-2.1 Pest control

- A. Every owner, operator and occupant of private land shall ensure their property is kept free of infestation.
- B. Every owner, operator and occupant of private land shall ensure their property is kept free of conditions which encourage infestation, including but not limited to:
- (1) Ensuring the property is kept free of standing water;
 - (2) Ensuring the property is kept free of uncontained food or organic waste; and
 - (3) Ensuring doors, windows, walls and other possible pest entry points in buildings and other structures are sealed so as to resist the entry of pests.
- C. Every owner or operator of private land shall:
- (1) Inspect the property for pests within 72 hours of being made aware of the presence of pests;
 - (2) Take immediate measures to prevent the spread of pests onto other areas of the property and/or other properties when dealing with an infestation;
 - (3) Take action forthwith to eliminate or exterminate the pests in all areas where the presence of the pests is detected; and
 - (4) Ensure all methods used for pest control are in accordance with applicable provincial and federal statutes and regulations.
- D. No person shall take any action, fail to take any action, or permit any action which:
- (1) Prevents the lawful control or extermination of pests; and/or
 - (2) Obscures or hides the presence of pests on a property.

§ 611-2.2 Record keeping obligations.

Every owner or operator of a tenanted property, whether residential, non-residential, or mixed-use, shall ensure:

- A. Proper record keeping necessary to demonstrate compliance with this Chapter are created and maintained.
- B. The records required in accordance with Subsection A shall include, but are not limited to:
 - (1) Tenant service requests for pest management;
 - (2) Logs of all scheduled or unscheduled pest inspections, including:
 - (a) The date and location of all reactive pest inspections;
 - (b) The name of the pest management operator or exterminator licensed by the Ministry retained to conduct inspections; and
 - (c) The results of the inspection, including the recommended treatment, if any;
 - (3) Logs of all pest treatment activities, including:
 - (a) The date and location of treatment;
 - (b) The name of the pest management operator or exterminator licensed by the Ministry undertaking the treatment;
 - (c) The nature of the treatment; and
 - (d) The date of a follow-up inspection, if any.
- C. All records created in accordance with this section shall be maintained in a secure and accessible manner for a period no less than 24 months from the date the record was created.

ARTICLE 3

Offences, Authority, and Compliance

§ 611-3.1. Offences.

- A. Every person who contravenes any provisions 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 no more than \$100,000.

B. In addition to a fine or fines provided for in this section every person who gains an economic advantage or economic gain from contravening this Chapter, or a notice of violation or direction or order issued in accordance with this Chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.

C. In addition to offences referred to in Subsection A, 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, upon 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.

§ 611-3.2. Powers to enter and 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 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.

§ 611-3.3. Orders to comply.

- A. An officer who finds a contravention of this Chapter may make one or more orders 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 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. An order or any other notice or document may be served:
 - (1) Personally on the person to whom it is directed;
 - (2) 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; or
 - (3) By email, at any email address determined by the Executive Director to be related to the person, in which case it shall be deemed to have been given on the day it is emailed.
- D. If there is evidence that a person to whom the order, notice or document is directed is not

the registered property owner or occupant, the order may be served on both the registered property owner or occupant and the person.

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 and placed in a conspicuous place upon the land shall be deemed to be sufficient notice to the owner or occupant.

F. If the delay necessary to serve an order under Subsection C would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order may be served by a placard stating the terms of the order and placed in a conspicuous place upon the land.

§ 611-3.4. Remedial action.

A. If a person fails to comply with an order to do work to correct a contravention of this Chapter, the Executive Director or persons acting upon either of their instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.