



SUBJECT: Amendment to Property Standards By-law 28-2009

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Building and By-law Department

Report Number: BB-07-20

Wards Affected: All

File Numbers: 110-04-1

Date to Committee: November 10, 2020

Date to Council: November 23, 2020

Recommendation:

Approve the amendments to By-law 28-2009, otherwise known as the “Property Standards By-law”, to change the date in which heat is required in rental buildings, to require building owners to provide alternative refuse disposal options in writing, and to clarify the location of applicable fees, as outlined in Appendix A to building and by-law department report BB-07-20, in a form satisfactory to the City Solicitor.

PURPOSE:

To amend the Property Standards By-law as follows:

- change the date in which heat is required in rental buildings from September 1 to September 15 of each year;
- require that building owners wishing to provide an alternative method of refuse disposal provide alternative options in writing for review and approval by the By-law Officer; and
- to remove all fee amounts listed in the by-law as they are already captured in the City’s Rates and Fees By-law

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

Three minor changes to Property Standards By-law 28-2009 are recommended in order to provide additional clarity and resolve conflicts caused by current wording. They are as follows:

1. Changing the date in which heat is required in rental buildings from September 1 to September 15

The property standards by-law currently requires that heat for rental residential buildings (in which owners cannot regulate the temperature in their unit) be provided and maintained at a temperature of at least 20 degrees Celsius between September 1 and May 31. The temperature and date of September 1 is taken from *Ontario Regulation 516/06 of the Residential Tenancies Act* which defines heat as a vital service that needs to be available between September 1 and June 15.

The problem with using a heat availability date of September 1 is that some building equipment requires cooling systems be turned off several days (sometimes weeks) in advance in order to switch to the heating system. This means tenants are left without air conditioning in mid-August when the temperatures are still quite high.

Many municipalities use a heat start date of September 15 to avoid excessive heat calls in August (e.g., Hamilton, Brampton, Mississauga, Toronto, London, Windsor, Niagara Falls, St. Catharines, Cambridge). Statistically, Burlington receives more calls related to excessive heat during August versus calls for heat at the beginning of September. For this reason, staff are recommending that the heat availability date be changed from September 1 to September 15.

2. Requiring building owners requesting approval of alternative refuse disposal infrastructure submit options in writing for review.

Apartment building owners who cannot provide or maintain refuse disposal chutes/rooms in strict accordance with city by-laws can request that an alternative method of waste disposal be considered. To avoid any misunderstanding, By-law Officers often request that alternatives be provided in writing so that they can properly evaluate against all applicable law (e.g. *Building Code Act, Accessibility for Ontarians with Disabilities Act*).

The requirement that alternative options be provided in writing has been challenged by building owners during legal proceedings as it is not explicitly noted in the by-law; thus, it is recommended that wording be added to the by-law requiring options be provided in writing to avoid any misunderstandings.

3. Removing Fee Amounts from the Property Standards By-law

The fee amounts currently listed in Property Standards By-law 28-2009 have been incorporated into the City's Rates and Fees By-law. To avoid any confusion or conflicts with amounts, it is recommended that they be removed from this by-law and replaced with reference to the City's Rates and Fees By-law.

Financial Matters:

There is no financial impact resulting from this by-law amendment.

Climate Implications

Not Applicable

Engagement Matters:

Staff will work with the Communications Department to develop appropriate communication and media releases if required.

Conclusion:

The proposed by-law amendments will provide additional clarity and resolve conflicts caused by current wording.

Respectfully Submitted,

Kerry Davren
Manager of By-law
905-335-7600 Ext. 7800

Appendices:

- A. Amendment to Property Standards By-law 28-2009 being a by-law to prescribe standards for the maintenance and occupancy of properties in the City of Burlington

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council.