

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2343

Being a By-law for requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation that, as between tenant or lessee and the landlord, is normally heated by or at the expense of the landlord, for defining adequate and suitable heat for such purposes and for providing for the inspection of such dwelling or living accommodation.

WHEREAS The Municipal Act R.S.O. 1960 Chapter 249 Section 379(1) Paragraph 63 authorizes the Council to pass a By-law for the purposes therein set forth;

AND WHEREAS the Council of The Corporation of the City of North Bay deems it advisable to enact the within By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The provisions of this By-law shall be applicable to and have full force and effect within the territorial limits of The Corporation of the City of North Bay.
2. For the purposes of this By-law;
 - (a) "Adequate and suitable heat" shall mean that the indoor temperature of a dwelling or living accommodation as herein defined is continuously maintained at not less than seventy degrees (70°) Fahrenheit.
 - (b) "Caretaker" shall include any person employed by or acting on behalf of a landlord and whose duty it is to look after and maintain the heating of a dwelling or living accommodation, as aforesaid.
 - (c) "City" shall mean The Corporation of the City of North Bay.
 - (d) "Dwelling or living accommodation" shall mean rented or leased dwelling or living accommodation that, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord.
 - (e) "Enforcement Officer" shall include:
 - (i) the Medical Officer of Health for the time being of the North Bay Area Health Unit,
 - (ii) a Public Health Inspector of the North Bay Area Health Unit,
 - (iii) The City Engineer, Assistant City Engineer, Building Inspector, Deputy Building Inspector, Plumbing Inspector and the Deputy Plumbing Inspector for the time being of The Corporation of the City of North Bay, and
 - (iv) any member of the City of North Bay Police Force.

- (f) "Landlord" shall mean a landlord who rents or leases dwelling or living accommodation as herein defined.
- (g) "Person" shall include a firm, partnership, company or corporation.
- (h) "Tenant or lessee" shall mean a tenant or lessee of a dwelling or living accommodation as herein defined.

3. (a) Throughout the period extending from the first day of September in each year to the first day of June in the next following year, both dates inclusive, every landlord is hereby required to provide adequate and suitable heat for dwelling or living accommodation.

(b) Every caretaker shall comply with the provisions of this By-law.

(c) Every landlord and every caretaker shall keep and maintain the heating facilities and equipment supplying heat to dwelling or living accommodation in a proper state of repair and in good operating or working condition so as to ensure the supply of adequate and suitable heat for such dwelling or living accommodation.

4. (a) The Enforcement Officer shall enforce the provisions of this By-law and upon receiving a complaint from any tenant or lessee that adequate and suitable heat is not being provided in accordance with the provisions of this By-law, he shall enter and inspect the dwelling or living accommodation occupied by such tenant or lessee for the purpose of determining whether adequate and suitable heat is being supplied to such dwelling or living accommodation and the landlord or caretaker shall, upon request, render all assistance to the Enforcement Officer as may be necessary to carry out the aforesaid inspection.

(b) No landlord, caretaker or other person shall obstruct, hinder, delay or prevent any Enforcement Officer from carrying out the inspection of any dwelling or living accommodation.

(c) Every landlord and every caretaker, upon being notified in writing by an Enforcement Officer that he has failed to provide adequate and suitable heat for any dwelling or living accommodation, shall promptly make all necessary repairs, alterations, installations and connections to the heating facilities and equipment and take such other steps as may be necessary to provide and ensure the supply of adequate and suitable heat for such dwelling or living accommodation.

(d) Any Notice issued by an Enforcement Officer pursuant to this By-law may be served upon the landlord or the caretaker personally or mailed by prepaid registered post addressed to the landlord or the caretaker at his respective address as on the last revised Assessment Roll for the City and service of such Notice upon the landlord or caretaker, as the case may be, shall be deemed effective on the date of such personal service or as of the date of mailing as aforesaid.

(e) Subject to the provisions of Paragraph 4(f) of this By-law, where the landlord or caretaker, as the case may be, fails to comply with any Notice served upon him pursuant to the provisions of this By-law, and where such default continues for a period of twenty-four (24) hours from the date of service of such notice, the Medical Officer of Health, the City Engineer, the Plumbing Inspector or the Deputy Plumbing Inspector is hereby authorized and empowered to make the necessary arrangements to have all necessary repairs, alterations, installations and connections made to the heating facilities and equipment and take

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such other steps and measures as may be necessary to ensure due compliance with the provisions of this By-law and the cost thereof shall be borne by the landlord and shall be added to the Collector's Roll for the City and collected in like manner as taxes. In addition thereto, the landlord or the caretaker, as the case may be, shall be liable to the penalty imposed by this By-law.

(f) Where, in the opinion of the Enforcement Officer, the nature and extent of the necessary repairs and alterations required to put the heating facilities and equipment in proper working order are such that more than twenty-four (24) hours are required to provide and ensure adequate and suitable heat, the Enforcement Officer is hereby authorized and empowered to grant to the landlord or caretaker, as the case may be, in writing, the necessary extension of time to complete the aforesaid work. In the event that the aforesaid work is not completed within the extended period of time and in the event that the landlord or caretaker has failed to provide adequate and suitable heat in accordance with the provisions of this By-law, the provisions of Paragraph 4(e) of this By-law shall mutatis mutandis apply.

5. No prosecution under this By-law shall be instituted by any person other than an Enforcement Officer.

6. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a fine or penalty not exceeding the sum of \$300.00 for each offence, exclusive of costs, to be recoverable under The Summary Convictions Act.

7. By-law No. 1874 of The Corporation of the City of North Bay and all previous By-laws or sections of By-law conflicting with the terms and provisions of this By-law shall be deemed to be and they are hereby repealed.

8. This By-law shall come into full force and effect as of the date of the final passing thereof.

READ A FIRST TIME IN OPEN COUNCIL THIS 7TH DAY OF NOVEMBER 1966

READ A SECOND TIME IN OPEN COUNCIL THIS 21ST DAY OF NOVEMBER 1966

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED
THIS 19TH DAY OF DECEMBER 1966.

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MAYOR

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CITY CLERK