



**BY-LAW NO. 2013-0063**

A By-law to Regulate Adequate Heat in a Rental Dwelling Unit  
in the Town of Halton Hills

**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

**AND WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, and authorizes municipalities to pass by-laws within their respective spheres of jurisdiction;

**AND WHEREAS** Sections 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorize a municipality to delegate certain powers and duties;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws creating an offence for a contravention of a by-law;

**AND WHEREAS** Section 429 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to establish a system of fines for offences under a by-law;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that the municipality may enter on land for the purpose of carrying out inspections to determine compliance with a by-law, direction, order, or condition of license;

**AND WHEREAS** Sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provide that, where a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order to discontinue or correct the contravention of the by-law;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that, where a municipality directs or requires by by-law or otherwise that a matter or thing be done, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense, and that the municipality may recover the cost of doing such thing or matter by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

**SHORT TITLE**

The short title of this By-law is the *Adequate Heat By-law*:

1. In this by-law:
  - 1.1 “**Adequate and Suitable Heat**” means that the minimum temperature of the air in the dwelling unit shall be 21 degrees Celsius (21°C).
  - 1.2 “**Dwelling Unit**” means one or more habitable rooms designed and intended for human habitation.
  - 1.3 “**Habitable Room**” means a room or area used or intended to be used for living, sleeping, cooking or eating purposes.
  - 1.4 “**Owner**” means the 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 his own account or as agent or trustee or any other person or who would so receive the rent if such land or premises were leased.
  - 1.5 “**Officer**” means a person appointed by the Council for the Town for the purpose of administrating and enforcing this by-law.
2. Every Owner of a Dwelling Unit which is rented or leased and which is to be heated by or at the expense of the Owner, shall:
  - (1) Provide the Dwelling Unit with Adequate and Suitable Heat at the Owner's expense between the 15th of September of each year and the 1st day of June of the following year.
  - (2) For the purposes of determining compliance with subsection (1), the temperature shall be measured at 1.5 metres above floor level and 1 metre from exterior walls in all rooms intended for normal use by tenants.
3. No rented or leased Dwelling Unit shall be equipped with portable heating equipment as the primary permanent source of heat.
4. Every Owner shall ensure that every building or part of a building which is rented or leased as a Dwelling Unit has heating equipment capable of maintaining Adequate and Suitable Heat.
5. Only heating equipment approved for use by a recognized standard testing authority shall be provided in a room used or intended to be used for human habitation.
6. 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 by-law.
7. No person shall obstruct, hinder, delay or prevent the Officer or any person acting under his instructions on the exercise of any power conferred or the performance of any duty imposed by this by-law.

8. Every person or corporation who contravenes the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than Ten Thousand Dollars (\$10,000.00) as provided for in the *Municipal Act, 2001*, as amended.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 2<sup>nd</sup> day of December, 2013.

Originally Signed By:

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MAYOR – Rick Bonnette

Originally Signed By:

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TOWN CLERK – Suzanne Jones