



By-law No. 2007-121

“A By-law to Require Adequate and Suitable Heat for Rented or Leased Residential Accommodation”

Originally Passed and Enacted June 18, 2007

Amended by By-law:	Passed On:
Not Amended	

Consolidated Version

Revised and Verified February 18, 2014

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk’s Department.

BY-LAW NO. 2007-121

THE CORPORATION OF THE CITY OF OWEN SOUND

**A BY-LAW TO REQUIRE ADEQUATE AND SUITABLE
HEAT FOR RENTED OR LEASED RESIDENTIAL
ACCOMMODATION**

WHEREAS it is provided by the Ontario Municipal Act, S.O. 2001 Part II General Municipal Powers, Section 11 Broad authority, lower-tier and upper-tier municipalities, the city of Owen Sound may pass by-laws protecting the health, safety and well-being of persons,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be cited as the "Heat By-law"

2. INTERPRETATION

2.1 For the purposes of this By-law the following terms shall have the corresponding meanings:

2.2 **City** means the Corporation of the City of Owen Sound;

2.3 **Council** means Council of the City;

2.4 **Person** includes a corporation, organization, association, partnership and the like;

2.5 **Officer** includes a Police Officer appointed pursuant to the Police Services Act, a Municipal Law Enforcement Officer appointed pursuant to the Municipal Act or Police Services Act, a Chief Building Official appointed or constituted under the Building Code Act, a Building Inspector and Property Standards Officer as appointed under the Building Code Act, a Fire Inspector including the Fire Marshall, an assistant to the Fire Marshall, and Fire Chief for the provisions of the Fire Protection and Prevention Act.

3. GENERAL PROHIBITIONS

3.1 Every building or part of a building which is rented or leased as a dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall, between the 15th day of September in each year and the 31st day of May of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purpose of this by-law "adequate heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is consistently not less than 21 degrees Celsius or 70 degrees Fahrenheit, and "suitable heat" means that the heat source is compliant with the provisions of the Ontario Building Code and does not pose health or safety risk to the tenant or lessee.

3.2 The Chief Building Official or any person acting under his/her instructions, upon the written request of any tenant or lessee, or person(s) acting on the behalf of the tenant or lessee, shall enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation; and any person in charge of such premises for the time being, shall render aid and not impede such inspection or examination.

3.3 No person shall obstruct, hinder, delay or prevent the Chief Building Official or any person acting under his/her instructions, in the exercise of any power conferred or any duty imposed of this by-law.

4. Offence

4.1 Any person who contravenes the provisions of this By-law is guilty of an offence and upon conviction therefore is subject to the penalty set out in the Provincial Offences Act.

5. Enforcement and Penalty

5.1 This by-law shall be enforced by the Enforcing Officers of the City of Owen Sound as defined herein.

6. TERMS SEVERABLE

6.1 The terms and provisions of this By-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the By-law shall continue to be in full force and effect.

7. BY-LAWS REPEALED

7.1 By-law Number 3485 is hereby repealed.

8. Effective Date

8.1 This By-law shall come into full force and effect upon the final passing thereof and receipt of approval of short form wording under the Provincial Offences Act.

FINALLY PASSED AND ENACTED this 18th day of June, 2007.

Signature on File
Mayor

Signature on File
Clerk