



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2023

To Establish a Licensing Program for the Regulation of Residential Rental Housing in the City of Brampton in Wards 1, 3, 4, 5 and 7

WHEREAS Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “Municipal Act”) provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under any Act;

AND WHEREAS Subsection 11(1) of the *Municipal Act, 2001*, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Subsection 11(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); and in paragraph 8, Protection of persons and property, including consumer protection;

AND WHEREAS Section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

AND WHEREAS pursuant to the provisions of Part IV – Licences of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Subsection 151(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence;

AND WHEREAS Section 391 (1) of the *Municipal Act, 2001*, provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Subsection 429(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for a by-law passed under the Act;

AND WHEREAS Subsection 436(1) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 426 of the *Municipal Act, 2001*, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the Municipal Act or under a by-law passed under the Municipal Act;

AND WHEREAS Section 429 of the *Municipal Act, 2001*, provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 431 of the *Municipal Act, 2001*, provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order to prohibit the continuation or repetition of the offence by the person convicted;

AND WHEREAS Sections 444 and 445 of the *Municipal Act, 2001*, respectively, provide for the municipality to make an order requiring a person who contravenes a By-law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

AND WHEREAS the Council for The Corporation of the City of Brampton considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

NOW THEREFORE the Council of The Corporation of the City of Brampton enacts this by-law to license residential rental housing within the jurisdictional boundaries of Wards 1, 3, 4, 5 and 7 in the City of Brampton as follows:

PART I - SHORT TITLE

1. This By-law may be cited as the Residential Rental Licensing By-law (RRLB).

PART II - DEFINITIONS

2. In this By-law:

“Applicant” means a person seeking to become licensed under this By-law; and who, either in person or through an Authorized Agent, makes such an application;

“Application” means an application for a new Licence or a Licence renewal in the form provided by the Licence Issuer that must be accompanied by the appropriate documentation and fee;

“Authorized Agent” means a person authorized in writing by an Applicant or Licensee to act on behalf of such Applicant or Licensee, for the identified purpose of making an application, renewing a Licence, or otherwise complying with the provisions of this By-law;

“Building” shall mean any structure, whether temporary or permanent, used or erected for the shelter, accommodation or enclosure of persons, animals, materials or equipment, but shall not include a house trailer or mobile home;

“Building Code” means Ontario Regulation 332/12, as amended, enacted under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;

“Business Licensing By-law” means the City’s Business Licensing By-law 184-2023 as amended, or any successor by-law;

“City” means The Corporation of the City of Brampton or the land within the municipal boundaries of the City of Brampton, as context requires;

“Clerk” means the Clerk of the City or the Clerk’s duly appointed Deputy;

“Contact Information” means, but is not limited to: (a) current mailing address; (b) current telephone number(s); (c) current E-mail address; and (d) Emergency contact;

“Council” means the Council of The Corporation of the City of Brampton;

“Dwelling Unit” means one or more habitable rooms designed or capable of being used together as a single and separate housekeeping unit by one person or jointly by two (2) or more persons, containing its own kitchen and sanitary facilities, with a private entrance from outside of the unit itself;

“Fire Code” means Ontario Regulation 213/07, as amended, under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c .4, as amended;

“Inspector” means any one of the following:

- (a) Municipal Law Enforcement Officer;
- (b) Peel Regional Health Inspector; or
- (c) Police Officer.

“Licence” means a licence issued under this By-law, or predecessor by-law;

“Licence Fee” means the fee set out in Schedule 2 of this By-law that is required to be paid to the City for a new Licence or a Licence renewal;

“Licence Issuer” means the person appointed under the City’s Licensing By-Law and includes their designate;

“Licensee” means a person, corporation or partnership who has been issued, and maintains, a valid Licence pursuant to the terms of this By-law;

“Market”, “Marketed” or “Marketing” means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of part or all of a Rental Housing Unit, and includes placing, posting or erecting advertisements physically or online;

“Medical Officer of Health” means the Medical Officer of Health for the Region of Peel and includes any Peel Region Health Inspector acting on their behalf;

“Municipal Law Enforcement Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City;

“Noise By-law” means the City’s Noise By-Law 93-84, as amended, or any successor by-law;

“Operate”, “Operated” or “Operating” means to rent, provide, offer to rent or provide, or cause to be Marketed the offer or rental, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a Rental Housing Unit and shall include a person collecting a fee or handling payments in respect of a Rental Housing Unit;

“Operator” means any person who operates, maintains, or is otherwise responsible for managing or addressing issues in relation to a Rental Housing Unit but is not necessarily an Owner;

“Order” means a written direction issued by the City under statutory authority, including but not limited to orders under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, including section 9.5 of this By-law, the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;

“Owner” includes:

- (a) each registered owner of a Rental Housing Unit;
- (b) each person who permits occupancy of a Rental Housing Unit; and
- (c) the heirs, assigns, personal representatives and successors in title of a person referred to in articles (a) and (b);

“Person” means an individual person, a partnership, or a corporation (including any of such corporation’s affiliates, subsidiaries or parent corporations, as the case may be to which the context can apply and “Person” shall also include multiple persons who, acting together, operate or offer to operate a Rental Housing Unit, despite the fact that no single one of those persons carries on the activity in its entirety;

“Police Officer” means a member of a police service who is appointed as a police officer and, for greater certainty, does not include a municipal by-law enforcement officer, a police cadet or an auxiliary member of a police service.

“Premises” means land and includes the structures on the land, such as buildings, fences and shed, and includes vacant property;

“Prohibited Ground” means the prohibited grounds of discrimination as provided for under the Ontario Human Rights Code, R.S.O. 1990, c. H.19;

“Property Standards By-law” means the City’s Property Standards By-law 165-2022, as amended, or any successor by-law;

“Public Nuisance By-law” means the City’s Public Nuisance By-law 136-2018, as amended, or any successor by-law;

“Refuse and Dumping By-law” means the City’s Refuse and Dumping By-law 381-2005, as amended, or any successor by-law;

“Rent” includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a Tenant to an Owner for the right to occupy a Rental Housing Unit and for any services and facilities and any privilege, accommodation or thing that the Owner provides for the Tenant in respect of the occupancy of the Rental Housing Unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing;

“Rental Housing Unit” means a Dwelling Unit which is occupied or offered for occupancy in exchange for Rent or services in lieu of paying Rent;

“Short-Term Rental (STR)” means all or part of a residence offered or advertised to be used to provide sleeping accommodations for any rental period that is less than twenty-eight (28) consecutive days in exchange for payment, but does not include bed and breakfast, hotels, motels, or hospital, or other short-term rentals where there is no payment;”

“Snow and Ice Removal By-law” means the City’s Ice and Snow Removal By-law 242-76, as amended, or any successor by-law;

“Tenant” includes a person who pays Rent or provides services in lieu of paying Rent in return for the right to occupy a Rental Housing Unit and includes the person’s heirs, assigns, subtenants and personal representatives;

“Tribunal” means the Brampton Appeal Tribunal appointed by Council to conduct hearings under the Brampton Appeal Tribunal By-law No.138-2023, as amended, or any successor by-law;

“Zoning By-law” means the City’s Zoning By-law 270-2004, as amended, or any successor by-law.

PART III - APPLICABILITY AND SCOPE

3. This by-law applies to all of the following within Wards 1, 3, 4, 5 and 7 of the City of Brampton as shown in Schedule 1 of this By-law:
 - (a) Owners of a Rental Housing Unit;
 - (b) Operators of a Rental Housing Unit; and
 - (c) Dwelling Units used or intended to be used as a Rental Housing Unit.
4. This By-law does not apply to:
 - (a) Premises containing five (5) or more Dwelling Units;
 - (b) a Dwelling Unit whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner’s spouse, child or parent or the spouse’s child or parent, and where the owner, spouse, child or parent lives in the Building in which the living accommodation is located;
 - (c) a hotel, motel, or inn;
 - (d) a Lodging Home licensed under the City’s Business Licensing By-law 332-2013, as amended;
 - (e) Short Term Rental licensed under the City’s Business Licensing By-law 165-2021, as amended;
 - (f) Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 as defined in By-Law 254-2021, as amended;
 - (g) a Dwelling Unit to which any of the following statutes, or their regulations, apply:
 - (i) the *Homes for Special Care Act*, R.S.O. 1990, c H. 12, as amended;
 - (ii) the *Innkeeper’s Act*, R.S.O. 1990, c 17, as amended;
 - (iii) the *Long-Term Care Homes Act*, 2010, S.O. 2010, c. 11, as amended;
 - (iv) the *Retirement Homes Act, 2000*, S.O. 2010, c. 11, as amended;
 - (v) the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, as amended; and
 - (h) social housing or affordable housing that is not subject to the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, as amended, but which is subject to an agreement with the City and which has been approved for exemption by the Licence Issuer.

PART IV - PROHIBITIONS

5. No person shall do any of the following, except in accordance with a Licence issued under this By-law:
 - (a) Operate a Rental Housing Unit;
 - (b) Permit a person to operate a Rental Housing Unit;

- (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
 - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
 - (e) Hold a Rental Housing Unit out as being licensed when it is not.
6. No person shall do any of the following, other than at a location for which a Licence has been issued under this By-law:
- (a) Operate a Rental Housing Unit;
 - (b) Permit a person to operate a Rental Housing Unit;
 - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
 - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
 - (e) Hold a Rental Housing Unit out as being licensed when it is not.
7. No person shall do any of the following under a name other than the name under which a Licence has been issued under this By-law:
- (a) Operate a Rental Housing Unit;
 - (b) Permit a person to operate a Rental Housing Unit;
 - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
 - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
 - (e) Hold a Rental Housing Unit out as being licensed when it is not.
8. No person shall provide false or misleading information to the City or Inspector at any time, including when applying for a Licence or renewing a Licence.
9. No person shall operate, or permit to operate, a Rental Housing Unit in contravention of any City by-law including the Zoning By-law 270-2004, or in contravention of the Building Code, the Fire Code, or any other applicable law.
10. Every person Licensed under the provisions of this By-law shall maintain, on a continuous basis, the standards and requirements necessary to obtain the original approval of the Licence application, or that have been imposed since the issuance of the Licence.
11. No person shall hinder or obstruct, or attempt to hinder or obstruct, or advise, instruct, or encourage others to hinder or obstruct, an Inspector who is exercising a power or performing a duty under this By-law.
12. Every Person shall keep any and all of the records required to be kept under the provisions of this By-law.
13. No Licence issued under this By-law may be sold or transferred.
14. No Person licensed or required to be licensed under this By-law shall charge any Person, or provide services to any Person, or deny service to any Person, in a manner that in the opinion of the Licence Issuer discriminates on the basis of a prohibited ground under the Ontario Human Rights Code, R.S.O. 1990, c. H.19, as amended, or is deemed by the Licence Issuer to have the same or similar effect.

PART V - POWERS AND DUTIES OF THE LICENCE ISSUER

15. The Licence Issuer:
- (a) The Clerk is appointed as the Licence Issuer for the purposes of this By-law.

- (b) Council delegates to the Licence Issuer the power to issue or renew, refuse to issue or renew, to cancel, revoke or suspend, reinstate or impose conditions on a Licence under this By-law.
16. The Licence Issuer shall:
- (a) receive and process all Applications for new Licences and for Licence renewal;
 - (b) issue a new Licence or renew a Licence when,
 - i. an Application is made in accordance with the provisions of this By-law;
 - ii. the Application is complete;
 - iii. the applicable Licence Fee is paid; and
 - iv. the Application meets all of the requirements under this By-law, unless there are grounds to refuse to issue a new Licence or renew a Licence as set out in this By-law;
 - (c) impose terms and conditions on a new Licence or Licence renewal when the Licence Issuer is of the opinion that a term or condition of a Licence should be imposed under this By-law;
 - (d) maintain records showing all Applications received and Licences issued;
 - (e) enforce or cause to be enforced, the provisions of this By-law;
 - (f) prepare or cause to be prepared all notices, forms and any other document, including any amendments thereto, that are necessary for the administration of this By-law; and,
 - (g) perform all the administrative functions that may be required by this By-law.

PART VI - GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

17. The Licence Issuer may refuse to issue or renew a Licence, if the Licence Issuer is of the opinion that any one or more of the following has occurred, or may occur:
- (a) the issuance of or the holding of a Licence or its renewal, would:
 - i. be contrary to the public interest;
 - ii. adversely affect the health and safety of any person,
 - iii. create a public nuisance affecting any land or person in the City, or
 - iv. be required for the protection of any consumer;
 - (b) there are reasonable grounds for belief that the Applicant has not carried on or will not carry on business in accordance with this By-law or any other law or with integrity and honesty;
 - (c) the conduct of the Applicant or Licensee or other circumstances afford reasonable grounds for belief that carrying on the business has infringed, or would infringe, the rights of other members of the public;
 - (d) the Licence was issued on false, mistaken, or incorrect information;
 - (e) the business of the Applicant or Licensee is carried on or intended to be carried on in an area where it is prohibited;
 - (f) the business for which the Licence has been issued has not been carried on for a continuous period of sixty (60) days or more, except if the Licence Issuer has been informed in writing that the licensed premises is undergoing renovations;

- (g) the Applicant is indebted to the City in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing, including an administrative penalty;
 - (h) the building, Premises, place or part thereof in which the business is carried on does not comply with the provisions of this By-law, or with any other law, regulation or City By-law, including the Zoning By-law, the Building Code and the Fire Code, or any successor regulations;
 - (i) the Premises in which the business is carried on is in an unsafe or dangerous condition;
 - (j) there are reasonable grounds for belief that the carrying on of the business or occupation by the Applicant or Licensee has resulted or will result in a breach of this By-law or any other law;
 - (k) the Licence Fee payable has not been paid;
 - (l) any Additional Fee imposed on an Applicant or Licensee remains unpaid after the due date as indicated in a notice of Additional Fee sent to the Applicant or Licensee; or
 - (m) the Applicant has received three (3) or more penalty notices, orders to comply or convictions under this By-law within one year.
18. Where the Applicant is a corporation or a partnership, the grounds for refusing registration or its renewal shall apply to any of the officers or directors of the corporation or partners in the partnership.
19. In addition to the grounds for refusing a Licence or its renewal, an Applicant shall not be entitled to hold a Licence, and the Licence Issuer shall refuse to issue or renew Licence where, in the twelve (12) month period from the date of the Application, the Applicant has:
- (a) applied for and been finally refused a Licence; or
 - (b) had her or his Licence finally revoked.

PART VII - GROUNDS FOR REVOKING OR SUSPENDING A LICENCE

20. The Licence Issuer may revoke or suspend a Licence for any one or more of the grounds listed in Section 17.
21. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
22. If the Licence Issuer is satisfied that the continuation of a business of Rental Housing poses immediate danger to the health or safety of any Person or property, the Licence Issuer may, without a hearing, suspend a Licence for a maximum period of fourteen (14) days and on such conditions as the Licence Issuer considers appropriate, and shall provide the Licence holder with written reasons for the suspension and allow the Licence holder an opportunity to respond before the Licence Issuer makes a decision to revoke or suspend a Licence pursuant to Section 20.
23. After a decision is made by the Licence Issuer to refuse, revoke, suspend, or cancel a Licence or Licence renewal, written notice of that decision shall be given within ten (10) days to the Applicant or Licence holder.
24. The written reasons may be given in any of the following ways and is effective:
- (a) on the date when a copy is delivered personally to the Person to whom it is addressed;
 - (b) on the date when a copy is emailed or faxed to the Person to whom it is addressed;

- (c) on the 5th day after a copy is sent by registered mail to the Person's last known address; or
 - (d) where service is unable to be done under subsections (a) or (b) or (c), notice may be given by placing a placard containing the terms of the document or written reasons in a conspicuous place on the Premises to which the document or written reasons relate and shall be deemed to be sufficient service on the Person.
25. Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

PART VIII – RETURN OF LICENCE

26. Where a Licence has been revoked or suspended, and written notification is provided and deemed received, the Licensee shall immediately return the Licence to the Licence Issuer.
27. A Person whose Licence has been revoked or suspended shall not refuse to deliver the Licence to the Licence Issuer or Inspector in any way obstruct or prevent the Licence Issuer or Inspector from receiving or taking the Licence.
28. Where a Licence has been revoked or suspended, the Licence Issuer or Inspector may enter upon the business premises or the Person to whom the Licence was issued for the purpose of receiving, taking or removing the Licence.

PART IX - APPEAL OF DECISION OF LICENCE ISSUER

29. The Applicant or Licensee may appeal a decision of the Licence Issuer to refuse to issue or renew, revoke, suspend, or to impose any condition on a Licence, to the Tribunal by filing a written notice of appeal with the Clerk, with reasons in support of the appeal, accompanied by the appropriate appeal fee as set out in the City's User Fee By-law.
30. On receipt of a written request for an appeal from the Applicant or Licensee, the Clerk shall schedule a hearing of the Tribunal and shall give the Applicant or Licensee and the Licence Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law.
31. The decision of the Tribunal shall be final.
32. No member of the Tribunal, Council, or any employee for the City is personally liable for anything done under authority of this By-law.
33. Where the Tribunal has ordered that a Licence be granted, reinstated, a suspension to a Licence ended or a change to the condition(s) of a Licence, the Applicant or Licensee shall fulfill any outstanding requirements for the Licence under this By-law.
34. The filing of an appeal does not operate to suspend the decision of the Licence Issuer.
35. The decision of the Licence Issuer shall be final if the Clerk does not receive an appeal by the fifteenth day following the receipt of written notice of the Licence Issuer's decision.
36. The provisions of the Brampton Appeal Tribunal By-law, No. 138-2023, as amended, or any successor by-law, apply to any appeal that is made under this By-law.

PART X - GENERAL REQUIREMENTS OF LICENCES

37. Every Licensee shall at all times:
 - (a) comply with the provisions of this By-law, including any applicable Schedule;
 - (b) notify the Licence Issuer within seven (7) days of any changes related to any particulars required to be filed as part of the Application for a Licence or Licence renewal; and,
 - (c) notify the Licence Issuer immediately of the nature and extent of any violation, where the Person registered or holding a permit ceases to comply with the requirements of this By-law.
38. Every Applicant holding a Licence under this By-law shall ensure that every document issued by the landlord, such as invoice, contract, receipt, or similar document, contains the Licence number.
39. Every Applicant holding a Licence under this By-law shall include their Licence number in any advertisements soliciting Rental Guests.
40. Every landlord is liable for the conduct of each tenant and is responsible for ensuring that all tenants comply with all applicable laws, including municipal by-laws.
41. Any Licence issued under this By-law shall be posted on the Premises of the business of the Rental, to which the Licence relates in a conspicuous place that is clearly visible to the renter(s).
42. Any Licence that is invalidated for any reasons pursuant to this By-law remains the property of the City and shall be returned to the Licence Issuer forthwith.
43. An Applicant or Licensee whose Licence has been refused or revoked, shall not be entitled to make a new Application for the same or similar type of Licence for a period of at least twelve (12) months from the date of the refusal or revocation.
44. The Licence Issuer shall reinstate any Licence that has been suspended upon satisfactory proof that the administrative requirements have been met.
45. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
46. A Person shall not enjoy a vested right in the continuation of a Licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a Licence shall be the property of the City.
47. A Licensee carrying on business under this By-law shall not advertise, promote or carry on the business under any name other than the name endorsed upon the Licence, without the written approval of the Licence Issuer.

PART XI – INSURANCE

48. Every Person shall, before the issuance of a Licence to him or her, provide proof of General Liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence insuring them against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the Licence relates.
49. Every Person who obtains a Licence shall ensure that the insurance policy in Subsection 61(1) is maintained in good standing while the Licence is valid and the business to which the Licence applies is in operation.
50. Every Person shall provide the Licence Issuer with at least ten (10) days' notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration or variation in the amount or conditions of the policy required by Subsection 61(1).

51. A certificate of insurance issued in respect of the insurance policy in Subsection 61(1) shall be provided to the Licence Issuer, before the issuance of the Licence that it applies to, in the form of proof set out in Schedule B to this By-law.

PART XII – INSPECTION

52. The Licence Issuer or Inspector may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:
- (a) the provisions of this By-law;
 - (b) an order made under this By-law;
 - (c) a condition of a Licence issued under this By-law; or
 - (d) an order made under section 431 of the *Municipal Act, 2001*.
53. For the purposes of an inspection under Section 53 the person carrying out the inspection may do any one or more of the following:
- (a) require the production for inspection of any goods, articles, books, records and other documents of or relating to any trade, business or occupation licensed under this By-law.
 - (b) inspect and remove documents or things relevant to the inspection, including anything listed in Subsection 62. (2) (a), for the purpose of making copies or extracts.
 - (c) require information from any Person concerning a matter related to the inspection.
 - (d) alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
54. No Person shall obstruct or hinder, or cause to be obstructed or hindered, an Inspector in the performance of their duties under this By-law.
55. Upon request of the Licence Issuer or Inspector, the Licensee shall produce the Licence and any other requested documents forthwith.
56. Failure to accommodate an inspection as requested by the City may result in additional fees at the discretion of the City.

PART XIII – ORDER TO COMPLY

57. Where the Licence Issuer or Inspector believes that a contravention of this By-law has occurred they may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to correct the contravention; or
 - (c) an order to discontinue the contravening activity and correct the contravention.
58. The orders contemplated in Subsection 63.(1) shall set out:
- (a) the name of the Person who is believed to have contravened this By-law and the municipal address or the legal description of the land to which the contravention or Licence applies;
 - (b) reasonable particulars of the contravention;
 - (c) the date by which there must be compliance with the order;

- (d) if applicable, the work to be done and the date by which the work must be done; and,
 - (e) if applicable, a statement that the City may have the work done at the expense of the owner of the Premises if the work is not done in compliance with the order.
59. An order issued under this By-law may be served personally or served by mail to the last known address of the Person and such other persons affected by it as determined by the Licence Issuer or Inspector and a copy of the order may be posted on any Premises to which the contravention or Licence applies.
60. If an order is served by registered mail, the service shall be deemed to have been made five (5) days after mailing.
61. Where service cannot be carried out in accordance with subsection 63. (3), the Inspector may place a placard containing the terms of the order in a conspicuous place on the Premises to which the contravention or Licence applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
62. Every Person who fails to comply with an order made under this section is guilty of an offence.

PART XIV – OFFENCES AND PENALTIES

63. Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided 15 for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the “Provincial Offences Act”) and the *Municipal Act, 2001*, S.O. 2001, c. 25.
64. In addition to Section 64, any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to the following fines:
- (a) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues the minimum fine shall be \$500 and the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
 - (c) in the case of a multiple offence, for each offence included in the multiple offence the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
65. In addition to the fine provisions in Section 65, if a Person is convicted of an offence under this By-law, any economic advantage or gain obtained by the Person from operating a business without a Licence may be considered an aggravating factor for sentencing purposes which may attract a special fine, which shall be equal to or greater than the economic advantage or gain obtained by the Person from operating the business without a Licence.
66. The maximum amount for a special fine in Section 66 may exceed \$100,000.
67. If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and,

- (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 68. Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under Section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- 69. If any part of a fine for a contravention of this By-law remains unpaid after the final date specified in the notice provided under Section 69, the outstanding fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act, 2001*.
- 70. Administrative Penalties (Non-Parking) By-law 218-2019, as amended, applies to this By-law.
- 71. Every Person who contravenes a provision of this By-law designated in Schedule A of the Administrative Penalties (Non-Parking) By-law 218-2019, as amended, shall upon issuance of a Penalty Notice be and is liable to pay to the City of Brampton an administrative penalty in the amount set out in the Administrative Penalties (Non-Parking) By-law 218-2019, as amended.

PART XV – TITLE, INTERPRETATION AND SEVERABILITY

- 72. Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- 73. Wherever a word defined in this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.
- 74. All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
- 75. In the event of a conflict between any of the general provisions of this By-law and any provisions set out in the Schedule attached to this By-law, the provisions of the Schedule shall prevail.
- 76. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART XVI – DISCRIMINATION

- 77. No Person, in carrying out a business Licensed under this By-law, shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- 78. No Person, in carrying out a business Licensed under this By-law, shall with respect to any person being guided or assisted by a service animal:
 - (a) refuse to service the person;
 - (b) refuse to permit the person to enter with the animal into or upon any place or premises to which the Licence relates; or,
 - (c) refuse to permit the person and such animal to remain in or upon such place or premises by reason only of the presence of such animal.

PART XVII – SCHEDULES

- 79. All Schedules attached to this By-law shall form part of this By-law.
- 80. The expiry dates of Licences issued under this By-law, except for those issued per day or per event, are set out in Schedule A to this By-law.

PART XVIII – TRANSITIONAL PROVISIONS

- 81. Any business or person operating a Residential Rental Unit in Wards 1,3, 4, 5 and 7 of the City must obtain a Licence issued under this By-law and pay the applicable fees as outlined in Schedule 2

PART XIX – EFFECTIVE DATE

- 82. This By-law comes into effect on January 1, 2024.

PART XX – EXPIRY DATE

- 83. This By-Law will expire on December 31, 2025.

ENACTED and PASSED this 6th day of December, 2023.

Approved as to
form.
2023/12/01
Colleen Grant

Patrick Brown, Mayor

Approved as to
content.
2023/12/01
[HZ]

Peter Fay, City Clerk