



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2021

To regulate and govern the registration of Supportive Housing Residences Type 1 and 2, and to repeal By-Law 244-82, as amended

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**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their 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** Subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and 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** Section 434.1 of the *Municipal Act, 2001*, authorizes the City to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

**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 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;

**AND WHEREAS** The Council of the Corporation of the City of Brampton considers it desirable and necessary to regulate and govern the registration of Supportive Housing Residence Types 1 and 2 businesses;

**NOW THEREFORE** the Council of The Corporation of the City of Brampton  
**ENACTS AS FOLLOWS:**

### **PART I - ADMINISTRATION**

1. This By-law shall be administered and enforced by the Commissioner of Planning, Building and Economic Development and by the Commissioner of Legislative Services.
2. This By-law may be referred to as the “Supportive Housing Residences Registration By-law”.

### **PART II - DEFINITIONS**

3. For the purposes of this By-law:

“**City**” means The Corporation of the City of Brampton and includes all lands and premises within its territorial limits;

“**Commissioner**” shall mean the Commissioner of Planning, Building and Economic Development and/or the Commissioner of Legislative Services for the City of Brampton or such person as they may designate to carry out their duties under this By-law;

“**Municipal Law Enforcement Officer**” includes all by-law officers who are employed for the City.

“**Person**” includes an individual person, corporation, partnership or limited partnership;

“**Supportive Housing Residence Type 1**” shall mean a single dwelling unit in a residential dwelling of any kind that is licensed, approved or funded under Province of Ontario or Government of Canada legislation, for the accommodation of 3 to 10 residents, exclusive of staff, that provides a group living arrangement under responsible supervision. A Supportive Housing Residence Type 1 shall not include a Supportive Housing Residence Type 2 or have any correctional purpose;

“**Supportive Housing Residence Type 2**” shall mean a single dwelling unit that is licensed, approved or funded under Province of Ontario or Government of Canada legislation, for the accommodation of 3 to 10 residents, exclusive of staff, that provides housing and rehabilitation for persons on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. A Supportive Housing Residence Type 2 shall not include a Supportive Housing Residence Type 1.

**PART III – REGISTRATION REQUIREMENTS**

4. No Person shall own or operate a Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 that is not registered in accordance with the provisions of this By-law.
5. Every Person owning or operating a Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 shall register it with the Commissioner of Planning, Building and Economic Development prior to, or no later than thirty (30) days after, taking possession thereof, or commencing operation therein, as the case may be.
6. The Person seeking to register a Supportive Housing Residence and Policy Planning staff are encouraged to meet with and inform the area Ward Councillors about the proposed Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2.
7. A Person seeking to register, or renew the registration of, a Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 shall use the application forms authorized by the Commissioner and shall provide all of the information required by such forms.
8. Every Person owning or operating a Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 registered under this By-law shall renew the registration on an annual basis, in accordance with the provisions as set out in Schedule B.
9. A Person shall not be entitled to renew the registration of a Supportive Housing Residence Type 1 or a Supportive Housing Residence Type 2 unless the Supportive Housing Residence has been and remains registered for the calendar year in which the application for the renewal of registration is made.
10. Registration pursuant to this By-law neither confirms or relieves any Person from compliance with all applicable law including any other licensing requirement under any other federal, provincial, or the City's Zoning By-law.

**PART IV – REGISTRATION APPLICATION**

11. Every Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 registration application shall include:
  - (1) A complete application in the form specified by the Commissioner of Planning, Building and Economic Development;
  - (2) A copy of the licence from the appropriate Provincial Ministry;
  - (3) A copy of the Insurance Certificate in a form approved by the City under the Name of the Supportive Housing Residence;
  - (4) A letter of inspection from the City's Fire & Emergency Services Department stating the Supportive Housing Residence complies with all Fire Regulations;
  - (5) A letter of inspection from the City's Enforcement and By-law Services Department stating that the Supportive Housing Residence complies with all applicable municipal standards;

- (6) Written confirmation from the City's Building Department that a building permit or change of use is or is not required to operate the Supportive Housing Residence Type 1 or Type 2;
- (7) Each Supportive Housing Residence shall comply with the Ontario *Building Code*, O. Reg. 332/12 and the Ontario *Fire Code*, O. Reg. 213/07;
- (8) Payment of a non-refundable registration fee, which includes, where applicable, any unpaid fees for previous calendar years while operating the Supportive Housing Residence business without registration, and any other applicable fees as set out in Schedule A.

#### **PART V - INSPECTION**

- 11. (1) The Municipal Enforcement Officer, 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; or
  - (c) an order made under section 431 of the *Municipal Act, 2001*.
- (2) For the purposes of an inspection under Subsection 11(1) 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 registered under this By-law.
  - (b) inspect and remove documents or things relevant to the inspection, including anything listed in Subsection 11(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.
- (3) No Person shall obstruct or hinder or cause to be obstructed or hindered the conduct of an inspection under Subsection 11(1).
- (4) Upon request of the Municipal Law Enforcement Officer, the owner or operator of the Supportive Housing Residence shall produce any other requested documents forthwith.

#### **PART VI – ORDER TO COMPLY**

- 12. (1) Where the Municipal Law Enforcement Officer 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.
- (2) The orders contemplated in Subsection 12(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 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 Supportive Housing Residence if the work is not done in compliance with the order.
- (3) 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 Municipal Law Enforcement Officer and a copy of the order may be posted on any property to which the contravention applies.
- (4) If an order is served by registered mail, the service shall be deemed to have been made five (5) days after mailing.
- (5) Where service cannot be carried out in accordance with subsection 12 (3), the Inspector may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention 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.
- (6) Every Person who fails to comply with an order made under this section is guilty of an offence.

## **PART VII – OFFENCES AND PENALTIES**

- 13. 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 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.
- 14. In addition to Section 13, 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:
  - (1) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
  - (2) 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;
  - (3) 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.

15. In addition to the fine provisions in Subsections 14(1) to 14(3), 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 registration 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 registration.
16. The maximum amount for a special fine in Section 15 may exceed \$100,000.
17. 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:
  - (1) prohibiting the continuation or repetition of the offence by the Person convicted; and
  - (2) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
18. 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.
19. 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 18, the outstanding fine is deemed to be unpaid taxes pursuant to Section 351 of the *Municipal Act, 2001*.
20. Administrative Penalties (Non-Parking) By-law 218-2019, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of the Administrative Penalties (Non-Parking) By-law 218-2019, 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.
21. Every Person who carry on the Supportive Housing Residence Type 1 or Supportive Housing Residence Type 2 business without registration shall be liable to a late registration/renewal fee set out in Schedule A.
22. The provisions of this By-law may be enforced by a Municipal Law Enforcement Officer for the administration and enforcement of this By-law.

#### **PART VIII – TITLE, INTERPRETATION AND SEVERABILITY**

23. (1) 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.
- (2) 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.

- (3) 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.
- 24. 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.
- 25. 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 IX - REPEAL**

- 26. By-law 244-82, as amended, is hereby repealed.

**PART X – EFFECTIVE DATE**

- 27. This By-law comes into effect on the date of its passing.

ENACTED and PASSED this 24<sup>th</sup> day of November, 2021.

Approved as to  
form.  
  
2021/11/19  
  
S. Ross

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Patrick Brown, Mayor

Approved as to  
content.  
  
2021/11/19  
  
RJB

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Peter Fay, City Clerk