



Committee Agenda

**Committee Meeting of Council
August 2, 2011
at 6:00 p.m.**

MEETINGS

**FOR THE WEEK OF
AUGUST 2ND, 2011**

Tuesday, August 2, 2011

5:00 p.m.

Special Closed Meeting of Council
Monthly CAO Briefing
5th Floor Boardroom
light dinner

6:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor

PUBLIC MEETING

**HELD UNDER THE
MUNICIPAL ACT**

Tuesday, August 2, 2011

6:00 p.m.

Amendments to the Procedural
By-Law

ENGINEERING & WORKS COMMITTEE

Tuesday, August 2, 2011

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Chairperson: Councillor Vrebosch-Merry
Vice-Chair: Councillor Mayne
Member: Councillor Bain
Ex-Officio: Mayor McDonald

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).

GENERAL GOVERNMENT COMMITTEE

Tuesday, August 2, 2011

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Chairperson: Councillor Chirico
Vice-Chair: Councillor Koziol
Members: Councillors Anthony, Maroosis
Ex-Officio: Mayor McDonald

GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).

► **GG-2011-15 Report from C.M. Conrad dated June 7, 2011 re Amendments to Procedural By-Law (C00/2011/BYLAW/PROCEDUR).**

GG-2011-15

Draft recommendation:

"That the amended Procedural By-Law be presented to Council for three (3) readings."

CITY OF NORTH BAY

REPORT TO COUNCIL

Report No. CORP 2011-93

Date: June 7, 2011

Originator: Catherine Conrad

Subject: Amendments to Procedural By-law

RECOMMENDATION

- That:
1. Council receive Report No. CORP 2011-93 dated June 7, 2011 from Catherine Conrad; and
 2. the matter be referred to the General Government Committee for a Public Meeting under the *Municipal Act*.
-

BACKGROUND

At its Regular Meeting held on Monday, June 6, 2011 Council adopted General Government Committee Report No. 2011-15 authorizing amendments to Procedural By-law No. 2007-218.

In accordance with Council's direction, amendments have been made to the by-law. As directed, Section 36 (Inquiries) has been amended. In addition, a number of "housekeeping" amendments are recommended. For ease of reference, the proposed amendments are noted in bold and underlined, as follows:

INAUGURAL MEETING:

- 3.4 At the Inaugural Meeting, Council shall appoint, by by-law, the Councillor **who placed first in the Municipal Election** as Deputy Mayor.

CLOSED MEETING INVESTIGATOR:

- 6.16 Effective January 1, 2008, Council shall ~~enter~~ **entered** into an Investigator Services Agreement with Local Authority Services of the Association of Municipalities of Ontario, subject to the approval of the City Solicitor as to form, for the provision of closed meeting investigation services in accordance with section 238.1 of the *Municipal Act, 2001*, as amended.

INQUIRIES:

- 36.1 (a) ~~Inquiries about a matter may be raised by any Member and put to the Presiding Officer or through him to the Chief Administrative Officer, who may call upon another officer to reply.~~
- (b) ~~No argument or opinion shall be offered or fact stated except as is necessary to explain the inquiry or the answer.~~

- ~~(c) A member and staff are not to debate the matter. **(moved to 49.3(b))**~~
- ~~(d) Inquiries may be in writing or may be made orally.~~
- ~~(e) An officer shall reply promptly in writing in response to all requests for reports made by Council resolution. **(moved to 36.4(e))**~~
- ~~(f) The Chief Administrative Officer may provide an update of the status of matters remaining on Standing Committee files at the end of each Standing Committee meeting. **(moved to 49.10)**~~

REPORTS FROM OFFICERS:

- 36.4 (e) An officer shall reply promptly in writing in response to all requests for reports made by Council resolution. **(from 36.1 (e))**

STANDING COMMITTEES:

- 45.1 **NEW** **(d) Appointments to Standing Committees shall be made in order of preference, based on the Councillor's standing in the Municipal Election results.**

GENERAL GOVERNMENT COMMITTEE

- 46.1 The General Government Committee shall have jurisdiction over the Office of the Chief Administrative Officer and the Corporate Services Division, including:

Access North Bay	Administrative Approvals
By-law Enforcement	City Hall Maintenance
Corporate Support (deleted)	Council Liaison and Support
Finance and Assessment	General Administration
Health and Safety	Human Resources
Information Systems & Technology	Insurance and Risk Management
Legal Services	Licensing
Local Board Liaison	
Ontario Court of Justice Provincial Offences Administration	
<u>Parking Administration (amended)</u>	Policy Development
Procurement and Inventory	Realty Management
Records Management	Special Project Co-ordination
Training and Development	Vital Statistics

COMMUNITY SERVICES COMMITTEE

- 48.1 The Community Services Committee shall have jurisdiction over the Community Services Division, including:

Arena Buildings	
Building Facility Repair & Maintenance	
Building & Fire Code Inspection and Enforcement	
Building Services	Cemeteries

Crossing Guards
Economic Development & Tourism
Emergency Planning & Operations
Fire Protection
Land Use Planning
Marina and King's Landing
North Bay Airport
Parking Maintenance (added - formerly under GG)
Transit Services

Development Administration

Grant Access Program
Leisure Services
Marketing & Promotion
Parks & Pathways

STANDING COMMITTEE PROCEDURES

49.3 (b) A member and staff are not to debate the matter. (moved from 36.1(c))

49.10 The Chief Administrative Officer may provide an update of the status of matters remaining on Standing Committee files at the end of each Standing Committee meeting. (from 36.1(f)).

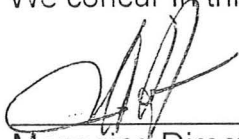
Respectfully submitted,

C. Conrad

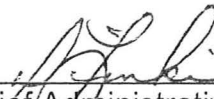
Catherine Conrad
City Clerk

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We concur in this report and recommendation.



Managing Director of Corporate
Services – M. B. Burke



Chief Administrative Officer –
D. G. Linkie

Personnel designated for continuance: Catherine Conrad, City Clerk

THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2011-

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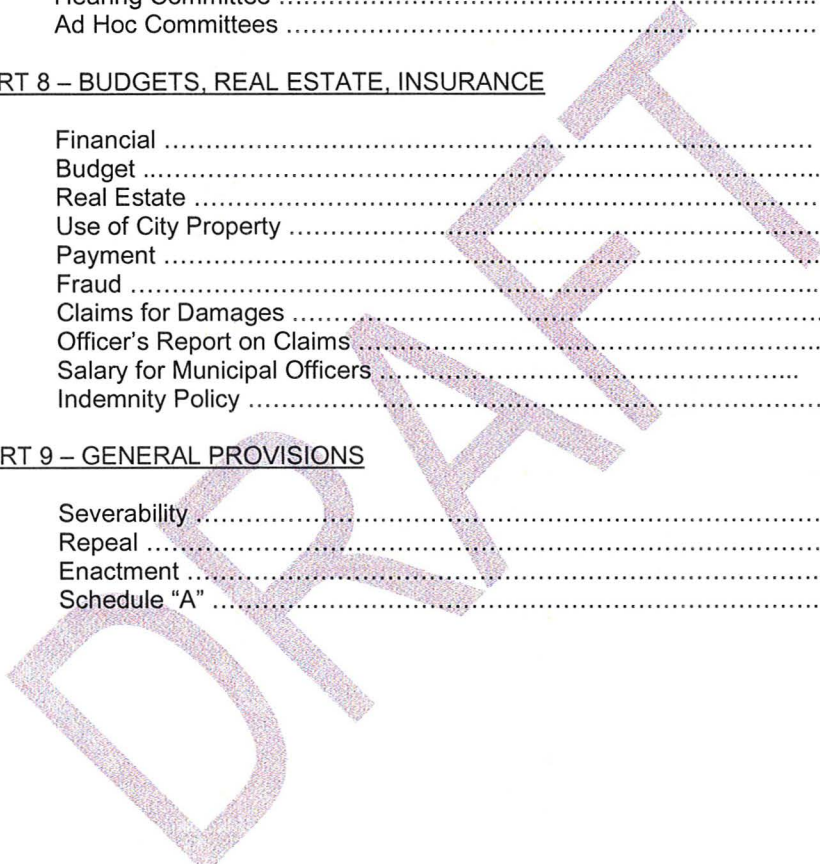
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THE CORPORATION OF THE CITY OF NORTH BAY

PROCEDURAL BY-LAW NO. 2011-<>

WHEREAS section 238 of the *Municipal Act, 2001*, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceeding of meetings;

AND WHEREAS section 270.(1)(1) of the *Municipal Act, 2001*, as amended, provides that every municipality shall adopt and maintain policies with respect to the sale and other disposition of land;

AND WHEREAS Notice of the Public Meeting in the matter of the Procedural By-law was given by way of an advertisement in the North Bay Nugget on the <> day of <>, 2011 and on the <> day of <>, 2011;

AND WHEREAS a Public Meeting under the *Municipal Act, 2001*, as amended, in the matter of the Procedural By-law was held on the <> day of <>, 2011;

AND WHEREAS Council approved the Procedural By-law by General Government Committee Report No. 2011-<> passed on the <> day of <>, 2011.

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

PART 1 - MEETINGS OF THE COUNCIL

1.0 DEFINITIONS:

In this by-law:

- 1.1 **"Ad Hoc Committee"** means a Committee established by Council to review a specific matter and once the Committee has reported with respect to its findings and recommendations, the Committee is automatically dissolved.
- 1.2 **"Call the question"** means that the vote on the motion shall be taken.
- 1.3 **"Chair"** means the Mayor or the Presiding Officer of a meeting.
- 1.4 **"Chief Administrative Officer"** means the Chief Administrative Officer (CAO) of the Corporation.
- 1.5 **"Clerk"** means the City Clerk or the Deputy City Clerk of the Corporation.
- 1.6 **"Closed Session"** means that part of a meeting closed to the public in accordance with the provisions of the *Municipal Act*.
- 1.7 **"Corporation"** means The Corporation of the City of North Bay.
- 1.8 **"Council in Committee meeting"** means a meeting of the whole of the Council where the Chair of each Committee may act, in turn, as a Presiding Officer to report to the Council on the deliberations of each Committee.
- 1.9 **"Defer", "Deferred" or "Deferral"**, when used in connection with a matter or item before the Council or a Committee, means that the matter or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that it specified in the motion to defer.
- 1.10 **"Delegation"** means a person intending to address the Council or Committee on a matter where a decision to the Council may be required.

- 1.11 "**Deputy Mayor**" means the Councillor appointed by Council to act in the absence of the Mayor in accordance with this By-law.
- 1.12 "**Emergency Meeting**" means a meeting where the health or welfare of the community is involved.
- 1.13 "**Ex-officio**" means by virtue of office or position and carries with it the right to participate fully in all committee meetings and to vote unless prohibited by law, but does not count towards a quorum.
- 1.14 "**Holiday**" shall mean any holiday as defined in the *Interpretation Act, R.S.O. 1990, c.1.11* or Boxing Day.
- 1.15 "**Improper conduct**" means conduct which offers any obstruction to the deliberations or proper action of Council.
- 1.16 "**In-Camera**" means a closed session of Council or Standing Committee which is closed to the public in accordance with the *Municipal Act*.
- 1.17 "**Inaugural Meeting**" means the first meeting of Council held after a municipal election in a regular election year.
- 1.18 "**Local Board**" means a local board as defined in the *Municipal Act, 2001*.
- 1.19 "**Majority Vote**" means the vote of more than half of the members present at a properly constituted meeting at which a quorum is present.
- 1.20 "**Mayor**" means the Head of Council acting as the Chief Executive Officer of the Corporation.
- 1.21 "**Meeting**" means any regular, special or other meeting of a Council, or a local board or of a committee of either of them.
- 1.22 "**Member of Council**" means any Councillor or the Mayor of the Council.
- 1.23 "**Motion**" means a proposal by a Member for the Council to adopt a resolution.
- 1.24 "**Municipal Act**" means the *Municipal Act, S.O. 2001, c. 25*, as amended and any successor legislation thereto.
- 1.25 "**Municipal Election**" shall mean a general municipal election held pursuant to the *Municipal Elections Act*.
- 1.26 "**Newspaper**" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than three (3) days, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers and includes the North Bay Nugget.
- 1.27 "**Notice of Motion**" means a signal of intent to have a motion dealt with at a subsequent meeting.
- 1.28 "**Officer**" includes the Chief Administrative Officer, Managing Directors and the Chief Financial Officer employed by The Corporation of the City of North Bay.
- 1.29 "**Open Session**" means any part of a meeting not in "closed session".
- 1.30 "**Pecuniary Interest**" means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O, 1990, chapter M.50*, as amended, and any subsequent legislation thereto.
- 1.31 "**Petition**" means a written request signed by one or more persons.

- 1.32 **"Point of Order"** means an issue to which a member calls attention to:
- (a) any breach of the rules of order pursuant to this Procedural By-law; or
 - (b) any defect in the constitution of any meeting; or
 - (c) the use of improper, offensive or abusive language; or
 - (d) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - (e) any other informality or irregularity in the proceeding of the meeting.
- 1.33 **"Point of Personal Privilege"** means a matter that a member of Council considers to impugn the integrity of the Council or the individual member.
- 1.34 **"Presiding Officer"** means
- (a) The Mayor, or
 - (b) in the absence of the Mayor, the Deputy Mayor, or
 - (c) a member appointed pursuant to Section 10.
- 1.35 **"Public Meeting"** means a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the Council to hold a public Meeting.
- 1.36 **"Public Notice"** means a public notice published in accordance with the City's Notice By-law.
- 1.37 **"Published"** means published in a daily or weekly newspaper that, in the opinion of Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, including the North Bay Nugget and "publication" has a corresponding meaning.
- 1.38 **"Quorum"** means the minimum number of members who must be present at the meetings for business to be legally transacted.
- 1.38 **"Recorded Vote"** shall mean the recording of the name and vote of every Member of Council on any matter of question, subject to the *Municipal Conflict of Interest Act*.
- 1.40 **"Regular Meeting"** means a scheduled business meeting held in accordance with the approved calendar/schedule of meetings.
- 1.41 **"Resolution"** means the decision of the Council on any motion.
- 1.42 **"Rules of Order"** shall mean the rules, established by this by-law to govern the proceedings of Council and its Committees.
- 1.43 **"Special Meeting"** means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

2.0 GENERAL PROVISIONS

- 2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all committees of Council, unless otherwise prescribed.
- 2.2 The rules and regulations contained herein may not be suspended except by a two-thirds affirmative vote of the number of Members of Council present and voting.
- 2.3 For the purpose of calculating a vote of two-thirds of the Members, any fraction shall be rounded to the next highest whole number.
- 2.4 A word in this by-law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single

gender should be read to inclusive of both genders.

- 2.5 The Mayor may be addressed as "Mayor (surname inserted)" or as "Your Worship".
- 2.6 Members of Council may be addressed as "Councillor (surname inserted)".

3.0 **INAUGURAL MEETING**

- 3.1 The Inaugural Meeting date shall be held not later than the second Monday in December at 7:00 p.m.
- 3.2 The Inaugural Meeting shall be ceremonial in nature for purposes of the members of Council taking their Oath of Allegiance and Declaration of Office.
- 3.3 The Inaugural Meeting shall be opened with prayer by the officiating clergy chosen by the Head of Council elect.
- 3.4 No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.
- 3.4 At the Inaugural Meeting, Council shall appoint, by by-law, the Councillor **who placed first in the Municipal Election** as Deputy Mayor.
- 3.5 At the Inaugural Meeting:
 - (a) all required Council appointments to local boards and committees shall be appointed for the term of the Council unless otherwise provided by statute or by law.
 - (b) the following Standing Committees shall be appointed:
 - (1) General Government;
 - (2) Community Services; and
 - (3) Engineering and Works.

4.0 **REGULAR MEETINGS**

- 4.1 The dates of regular Council meetings shall be established by resolution at the Inaugural Meeting, to commence on the following Monday.
- 4.2 The regular meetings of the Council and Committees shall be established on an annual basis by the Clerk, and approved prior to the end of November of the previous calendar year.
- 4.3 Council may change the date of any regular meeting by resolution.
- 4.4 If a Monday designated for the holding of a Council meeting falls on a public holiday, or on a day when City Hall is closed for business, Council shall meet at the designated hour on the first day following which is not a public holiday.
- 4.5 **Postponement - Emergency**
The Mayor may, when an emergency or extraordinary situation arises, postpone a meeting for not more than 3 days.
- 4.6 **Postponement – Notice by Clerk**
Upon the postponement of a meeting by the Mayor in accordance with section 4.5 of this by-law, the Clerk shall attempt to notify the Members of Council on the postponement as soon as possible and in the most expedient manner available.

5.0 PUBLIC MEETINGS

- 5.1 Except as provided in this section, all Council and Council-in-Committee meetings shall be open to the public in a designated and accessible location.

6.0 CONFIDENTIAL MEETINGS

- 6.1 A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - (d) labor relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
 - (g) a matter in respect of which the Council has authorized a meeting to be closed under another Act.
- 6.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 6.3 Before holding a meeting or part of a meeting that is to be closed to the public, Council, shall state by resolution,
- (a) the fact of the holding of the closed meeting; and
 - (b) the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session.
- 6.4 Once in a closed session, no item shall be added to the agenda for that closed session.
- 6.5 The Presiding Officer may call an in-camera meeting after 7:00 p.m. on any Regular Meeting night to discuss the matters referred to in the above paragraph 6.1.
- 6.6 If a meeting is closed to the public:
- (a) the Presiding Officer shall inquire as to whether any member present has a conflict of interest, to allow a member to declare any conflict, the reasons therefor and leave the meeting;
 - (b) no resolution or record of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 6.7 Notwithstanding this section, a meeting shall not be closed during the taking of a vote, unless the vote is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.
- 6.8 Minutes shall be kept of all closed meetings, identifying the members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall note any direction given pursuant to section 6.1 above.
- 6.9 No member of the Council shall distribute any reports or items, or disclose

the nature or content of discussions regarding any matters that are part of a closed session agenda without the prior consent of the Council or Committee.

- 6.10 For discussion of items regarding confidential matters related to an individual employee during a closed session, the Chief Administrative Officer will designate which staff members may be present.
- 6.11 The Clerk may require that extra copies of any reports or documents circulated at a closed session regarding confidential matters related to an individual employee shall be collected by the Clerk and returned to the Human Resources Department.
- 6.12 The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed sessions.

Confidentiality

- 6.13 (a) Every person to be in attendance at an in-camera meeting held pursuant to this section shall make an Affirmation of Confidentiality at the Inaugural Meeting of the Council and execute a Confidentiality Agreement in the form attached as Schedule "A".
- (b) No person in attendance at an in-camera meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such in-camera meeting.

CAO Briefings

- 6.14 (a) The Council may meet from time to time to be advised by the Chief Administrative Officer on administrative matters, other matters or of background information.
- (b) The Council shall not make any decision regarding any matter at any such meeting with the Chief Administrative Officer.

Educational or Training Sessions

- 6.15 (a) The Council may meet from time to time for educational or training sessions during *in-camera* meetings pursuant to section 238.3(1) of the *Municipal Act, 2001*, (S.O. 2001, c.25) provided that no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council.
- (b) Before holding a meeting or part of a meeting in-camera for educational or training purposes, Council shall state by resolution,
 - (i) the fact of the holding of the closed meeting;
 - (ii) the general nature of the subject matter to be considered at the closed meeting; and
 - (iii) that it is closed pursuant to section 238.3(1) of the *Municipal Act*.

Closed Meeting Investigator

- 6.16 Effective January 1, 2008, Council shall enter entered into an Investigator Services Agreement with Local Authority Services of the Association of Municipalities of Ontario, subject to the approval of the City Solicitor as to form, for the provision of closed meeting investigation services in accordance with section 238.1 of the *Municipal Act, 2001*, as amended.

7.0 SPECIAL MEETINGS

- 7.1 The Mayor may summon a Special Council Meeting any time upon notice

to each member.

7.2 Upon the receipt of a petition of the majority of the members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition.

7.3 **Special Meetings – Notice**

Notice of a Special Meeting called in accordance with this by-law shall be delivered to the Members of Council by telephone, facsimile transmission and/or electronic mail, to the phone number, fax number or e-mail address as provided by the Members. It shall be the responsibility of the Chief Administrative Officer and/or Clerk or the Clerk's representative shall use their best efforts to forward Members and the media all notices and agendas for Special Council Meetings a minimum of 24 hours in advance of such Meetings.

7.4 **Special Meetings – Business Specified**

No business except the business dealing directly with the purpose mentioned in the notice shall be transacted at a Special Meeting.

8.0 EMERGENCY MEETINGS

8.1 In the case of a disaster or emergency as defined in the municipality's Emergency Plan, an Emergency Meeting may be held without notice, to deal with the emergency or extraordinary situation, provided that an attempt has been made by the Chief Administrative Officer and/or Clerk or the Clerk's representative shall use their best efforts to notify the members and the media about the meeting as soon as possible and in the most expedient manner available.

8.2 **Emergency Meetings – Business Specified**

No business except the business dealing directly with the emergency or extraordinary situation shall be transacted at an Emergency Meeting.

9.0 QUORUM

9.1 A majority of all members shall constitute a quorum.

10.0 MEETING TIME

10.1. The Mayor, or in his absence, the Deputy Mayor, shall call members to order as soon after the meeting time as a quorum is present.

10.2 (a) If the Mayor and Deputy Mayor are not present within ten minutes after the meeting time, the Clerk shall call the members to order and if a quorum is present, a member shall be chosen from among those present to preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

(b) For a Committee Meeting, in the event that the Chair of a Committee does not attend, the Vice-Chair, or other Member, shall assume the chair for the meeting and shall preside until the arrival of the Chair and, while presiding, shall have all the powers of the Chair.

10.3 In the election of a Presiding Officer, the Clerk shall call the meeting to order and preside.

10.4 If there is no quorum within fifteen minutes after the meeting time, the Clerk shall call the roll, take down the names of the members present, and declare the meeting cancelled.

- 10.5 Unless otherwise determined by Council resolution, all regular Council and Standing Committee meetings shall commence at 7:00 p.m. in the Council Chambers of City Hall.
- 10.6 (a) If during the course of a meeting, the quorum is lost, then the meeting shall stand recessed and shall reconvene when a quorum is regained. In the event that the quorum is not regained within thirty (30) minutes, then the Clerk shall record in the minutes the names of those present and the meeting shall be ended without a formal adjournment.
- (b) The minutes of the meeting which ended because a quorum was lost, shall note that the quorum was lost and shall include the names of the members present at the time the quorum was lost.

11.0 ABSENCE FROM MEETING

- 11.1 The members of Council or Committee shall inform the Clerk of all planned absences, late arrivals and early departures from a meeting in order that the recording of the minutes of such meeting may accurately reflect attendance (i.e. vacation, illness, other municipal business, personal).

12.0 CONDUCT

- 12.1 The Presiding Officer shall preserve order and decorum.
- 12.2 The Presiding Officer may expel or exclude from any meeting any person who is guilty of improper conduct.
- 12.3 No person except a member or officer shall be allowed to come within the bar during a Council meeting without permission of the Presiding Officer.
- 12.4 Every member, prior to speaking, shall address the Presiding Officer, shall confine his remarks to the question and shall not use any indecorous or offensive language.
- 12.5 When two or more members raise their hands to be recognized, the Presiding Officer shall name the member whom he first recognizes.
- 12.6 Upon being recognized by the Presiding Officer, a member shall address the Presiding Officer.
- 12.7 While the question is being put, no one shall walk across or out of the Council Chambers, make any noise or disturbance or hold any private conversations, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker.
- 12.8 When the Council adjourns, the members shall keep their seats until the Presiding Officer leaves the chair.

13. LANGUAGE

- 13.1 No member shall speak disrespectfully of Her Majesty the Queen or of any member of the Royal Family, the Governor-General, Lieutenant-Governor or a Minister of the Crown.
- 13.2 No member shall use offensive words in or against the Council or against any member thereof.
- 13.3 No member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.

- 13.4 In case a member refuses to obey the order of Council, he may, on the order of the Presiding Officer, be removed from his seat by the Police, but, upon an apology by the offender, he may retake his seat.

14.0 ADJOURNMENT

- 14.1 A meeting shall always adjourn by 11:00 p.m. unless a majority of members vote otherwise.

PART 2 - ROLES AND DUTIES

15. ROLE OF THE MAYOR

- 15.1 It is the role of the Mayor as the Head of Council:
- (a) to act as the Chief Executive Officer of the municipality;
 - (b) to preside over Council meetings so that the business can be carried out efficiently and effectively;
 - (c) to provide leadership to the Council;
 - (d) to provide information and recommendations to Council with respect to the role of Council;
 - (e) to represent the municipality at official functions;
 - (f) to carry out the duties of the Head of Council under any Act; and
 - (g) to fulfill the responsibility of the Head of Council as prescribed in North Bay's Emergency Response Plan.
- 15.2 As Chief Executive Officer of the municipality, the Head of Council shall:
- (a) uphold and promote the purposes of the municipality;
 - (b) promote public involvement in the municipality's activities;
 - (c) act as the municipality's representative both within and outside the municipality, and to promote the municipality locally, nationally and internationally; and
 - (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

16. DUTY OF THE MAYOR

- 16.1 It is the duty of the Mayor to preside at all Meetings of Council, and in addition to the requirements in the *Municipal Act* shall be responsible:
- (a) to open the Meeting of Council by taking the Chair and calling the meeting to order;
 - (b) to receive and submit, in the proper manner, all motions presented by the members;
 - (c) to put to vote all motions and announce the result;
 - (d) to sit as an ex-officio member of any Standing Committee of Council and to vote at such Meetings;
 - (e) decline to put motions to a vote which infringe upon the rules of procedure;

- (f) to inform the members of the proper procedure to be followed and to enforce the rules of procedure;
- (g) to enforce on all occasions, the observance of order and decorum among the members;
- (h) to call by name any member persisting in a breach of the rules of procedure and order the member to vacate the Council Chambers;
- (i) to permit the questions to be asked through the Mayor of any officer of the City for information to assist in any debate when the Mayor deems it proper;
- (j) to provide information relating to the business of the City;
- (k) to authenticate by signature all by-laws, agreements and minutes of Council;
- (l) to rule on any points of order raised by members;
- (m) to represent and support the Council;
- (n) to maintain order;
- (o) to adjourn the meeting when the business is concluded;
- (p) to carry out the duties of the Head of Council under the *Municipal Act* or any other Act; and
- (q) to act in accordance with his Oath of Allegiance and Oath of Elected Office.

17. ROLE OF THE COUNCIL

17.1 It is the role of the Council:

- (a) to represent the public and consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which service the municipality provides in accordance with applicable legislation;
- (d) to ensure that the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (e) to ensure that accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (f) to maintain the financial integrity of the municipality; and
- (g) to carry out the duties of Council under the *Municipal Act* or any other Act.

18. DUTY OF COUNCILLORS

18.1 It is the duty of Councillors to attend all meetings of Council, and:

- (a) to prepare for meetings, including reviewing the agenda and background information prior to the meeting;

- (b) to speak only to the subject under debate;
- (c) to vote on all motions before the Council unless prohibited from voting by law;
- (d) to observe proper procedure and decorum at all times;
- (e) to state questions to be asked through the Presiding Officer;
- (f) to support the Council once a decision is made;
- (g) to attend Local Board and Committee Meetings to which the member has been appointed by Council;
- (h) to carry out the duties of Councillor under the *Municipal Act* or any other Act; and
- (i) to act in accordance with their Oath of Allegiance and Oath of Elected Office.

19. DUTY OF THE CHIEF ADMINISTRATIVE OFFICER

- 19.1 It is the duty of the Chief Administrative Officer to attend all Council Meetings, and:
- (a) to provide vision, leadership and enthusiasm for administration, planning, organizing, directing and controlling all municipal operations and services in accordance with the municipality's policies and relevant legislation;
 - (b) to manage the assets, business and financial health of the municipality;
 - (c) to manage the relationship between the elected officials and staff;
 - (d) to provide municipal representation to government, media, community and public organizations;
 - (e) to exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
 - (f) to perform such other duties as are assigned by the Council of the municipality.

20. DUTY OF THE CLERK

- 20.1 It is the duty of the Clerk to attend all Council Meetings, and
- (a) to prepare and distribute agendas for all meetings of Council in accordance with this by-law;
 - (b) to record, without note or comment, all resolutions, decisions and other proceedings of the Council, whether it is closed to the public or not;
 - (c) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question (recorded votes);
 - (d) to keep the originals or copies of all by-laws and of all minutes of the proceeding of the Council;
 - (e) to perform other duties required under the *Municipal Act*, *Municipal*

Elections Act 1996, or as required under any other Act;

- (f) to authenticate by signature all by-laws, agreements and minutes of Council;
- (g) to advise Council on parliamentary procedure; and
- (h) to perform such other duties as are assigned by the Council or Chief Administrative Officer.

PART 3 – PRESCRIBED NOTICE

21. NOTICE OF MEETINGS

- 21.1 Where notice of a Public Meeting is required to be given, the Clerk shall cause such notice to be published in the newspaper.
- 21.2 No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 238 of the Act.
- 21.3 Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice for providing for a longer notice period or additional notices where deemed desirable by the Chief Administrative Officer and subject to the approval of the Chief Administrative Officer.

Emergency Provision

- 21.4 If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived by the Chief Administrative Officer and the Clerk shall make his best efforts to provide such notice as is reasonable under the circumstances.

PART 4 - VOTING & DEBATE PROCEDURES

22. CONFLICT OF INTEREST

- 22.1 All members have a personal obligation to comply with the *Municipal Conflict of Interest Act*.
- 22.2 A member shall declare a conflict of interest in accordance with the *Municipal Conflict of Interest Act* and
 - (a) shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
 - (b) shall not take part in the discussion of, or vote on any motion in respect of the matter; and
 - (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.
- 22.3 If the conflict under section 22.2 above is with respect to an item on a closed session agenda, in addition to complying with the requirements of section 22.2 above, the member shall forthwith leave the closed session or that part of the closed session during the matter is under consideration.
- 22.4 Where the interest of a member has not been disclosed as required by section 22.2 above, by reason of the member's absence from the meeting

referred to therein, the member shall disclose the interest and otherwise comply with section 22.2 above at the first meeting of Council attended by the member after the meeting referred to in section 22.2 above.

- 22.5 Subject to compliance by all members with the *Municipal Conflict of Interest Act*, the Presiding Officer may vote with the other members on all questions.

23. DUTIES OF PRESIDING OFFICER

- 23.1 The Presiding Officer may answer questions and comment in a general way without leaving the Chair, but if he wishes to speak on a motion taking a definite position and endeavouring to persuade the Council to support that position, he must first leave the chair.
- 23.2 If the Presiding Officer desires to leave the chair for the purpose of taking part in the debate or for any other reason, he shall designate another member to fill his place until he resumes the Chair.

24. VOTING

- 24.1 Every member of Council who shall be present when a question is put shall vote thereon unless he is disqualified to vote on the question. All votes shall be by show of hands except where a recorded vote is requested by any member.
- 24.2 The Presiding Officer shall announce the result of every vote.

25. RESULT OF THE VOTE - DISAGREEMENT

- 25.1 Any Member who disagrees with the announcement of the Presiding Officer that a motion is carried or lost may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken, subject to the next order of business not having been already introduced.

26. TIE VOTE – DEEMED NEGATIVE

- 26.1 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. (*Municipal Act, 2001, c.25, s.245*).

27. NO VOTE – DEEMED NEGATIVE

- 27.1 If any member present refuses to vote, for other than a conflict of interest, it shall be recorded as a vote in the negative.

28. RECORDED VOTES

- 28.1 Where required by statute, and whenever any member shall request a recorded vote, the names of those who vote for and against the question shall be entered in the Minutes.
- 28.2 Subject to the *Municipal Conflict of Interest Act*, where a recorded vote is requested each member present in the chamber shall announce their vote openly.
- 28.3 The Clerk shall begin the recorded vote with the member who requested the recorded vote, and proceed in random order to poll all Councillors and

the Presiding Officer.

29. PRIVILEGE

- 29.1 A Member may raise a point of privilege at any time if they consider that their integrity or the integrity of the Council as a whole has been impugned, whereupon the Presiding Officer shall:
- (a) interrupt the matter under consideration;
 - (b) ask the Member raising the point of privilege to state the substance of and the basis for the point of privilege; and
 - (c) rule on the point of privilege immediately without debate by Council.
- 29.2 If there is no appeal, the decision of the Presiding Office is final. The Council, if appealed to, shall decide the question without debate and its decision is final.
- 29.3 Where the Presiding Officer considers the integrity of any City employee has been impugned or questioned, the Presiding Officer may permit the Chief Administrative Officer to make a statement to the Council.

30. POINTS OF ORDER AND BOURINOT'S RULES

- 30.1 The Presiding Officer may call to order any member who is speaking.
- 30.2 A member called to order shall remain seated and shall not speak until the point of order has been determined by the Presiding Officer, unless permitted to explain.
- 30.3 Whenever the Presiding Officer elects or is required to decide a point of order, the point shall be stated, a ruling made and the reason therefore given by the Presiding Officer.
- 30.4 A member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.
- 30.5 In the event that this by-law does not address an issue, then Bourinot's Rules of Order shall apply.
- ~~30.6 No member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of the Council.
(Duplicate – see 13.3)~~
- ~~30.7 In case a member refuses to obey the order of Council, he may, on the order of the Presiding Officer, be removed from his seat by the Police, but, upon an apology by the offender, he may retake his seat.
(Duplicate – see 13.4)~~
- 30.8 (a) When a member is speaking, no member shall make any disturbance or pass between the speaker and the Presiding Officer or interrupt the speaker, except to raise a point of order.
- (b) Every member shall speak only to the matter under debate.
- 30.9 Any member may require the motion under discussion to be read at any time, but not so as to interrupt a member speaking.
- 30.10 (a) Without leave of the Presiding Officer, no member shall speak more than once on the same question, except to explain, without introducing new matter, a material part of a speech which may have been misconceived.

- (b) A reply is allowed to any member who has made a substantive motion, or amendment, but not to any member who has moved an order of the day, the previous question or an instruction to a committee except with the permission of the Presiding Officer.

31. THE QUESTION

- 31.1 When a question is finally put by the Presiding Officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- 31.2 A decision by the Presiding Officer that the question has been finally put shall be conclusive.
- 31.3 No member shall comment upon any vote by the Council.

32. TO AMEND THE RULES

- 32.1 No rule contained in this by-law shall be suspended, repealed, altered or amended unless the Clerk receives two weeks prior written notice thereof.

33. TO AMEND MOTIONS

- 33.1 Every amendment shall be in writing and shall be decided or withdrawn before the main question is put.
- 33.2 Only one amendment shall be allowed to an amendment.
- 33.3 Amendments shall be put in reverse order to that in which they are moved, except when a motion properly put is put in the following words: "Put the question now".
- 33.4 If such a motion is defeated then the amendment or amendments shall be considered in reverse order.
- 33.5 If a vote on an amendment is carried, then the main motion shall be deemed to be carried.
- 33.6 (a) Any member may request the Presiding Officer to divide any motion or report into such parts as the member may submit and the Presiding Officer shall make a ruling on whether to divide the motion.
(b) A member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.
- 33.7 If a proposed amendment or an amendment to an amendment is lost, then unless a further amendment is put, the main question shall be put.
- 33.8. When putting an amendment, the Clerk shall read the wording as it appears in the main motion, read the proposed amendment and then read the wording as it would be if the amendment carried.

34. RESCISSION

- 34.1 No matter decided within the calendar year shall be considered without the prior consent by resolution of a majority of the whole Council.

35. RECONSIDERATION

- 35.1 (a) There shall be no reconsideration unless notice thereof is given at

the meeting at which the question was decided.

- (b) After such notice is given, no action shall be taken by the Council on the main motion until such reconsideration is disposed of.
 - (c) After any question has been decided, any member may, if the required notice has been given, at the first regular meeting held thereafter, move for reconsideration thereof.
 - (d) No discussion of the main question shall be allowed unless reconsidered.
- 35.2 (a) If a motion for reconsideration is made at the next meeting, the question shall not be considered unless a majority of the whole Council votes therefore and such vote shall be by a recorded vote.
- (b) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

36. INQUIRIES

- ~~36.1 (a) Inquiries about a matter may be raised by any Member and put to the Presiding Officer or through him to the Chief Administrative Officer, who may call upon another officer to reply.~~
- ~~(b) No argument or opinion shall be offered or fact stated except as is necessary to explain the inquiry or the answer.~~
 - ~~(c) A member and staff are not to debate the matter. (moved to 49.3(b))~~
 - ~~(d) Inquiries may be in writing or may be made orally.~~
 - ~~(d) An officer shall reply promptly in writing in response to all requests for reports made by Council resolution. (moved to 36.4(e))~~
 - ~~(e) The Chief Administrative Officer may provide an update of the status of matters remaining on Standing Committee files at the end of each Standing Committee meeting. (moved to 49.10)~~

PART 5 - AGENDA AND MOTIONS

36. AGENDA

- 36.1** The Clerk shall prepare for the use of the members an Agenda as follows:
- (1) Roll Call
 - (2) Public Presentations
 - (3) Minutes
 - (4) Closed Meeting Minutes (The minutes for the Closed Meetings of Council will be available for Council viewing in the Clerk's Office prior to being adopted by Council)
 - (5) Reports of Standing Committees
 - (6) Correspondence
 - (7) By-Laws
 - (8) Motions
 - (9) In-Camera Correspondence
 - (10) Motions for Reconsideration
 - (11) Giving Notice
 - (12) Motion to Adjourn.
- 36.2.** (a) The business shall be taken up in the order in which it stands upon

the Agenda in all cases except where a majority of the members otherwise agree.

- (b) A motion which is not listed on the Agenda may be presented at Council meetings, if not more than one member of Council present at the meeting objects to its consideration.

36.3 A copy of Committee recommendations, staff reports and letters received by the Clerk by Wednesday at 4 p.m. shall be provided to all members of Council by circulation of the Agenda.

36.4 Reports From Municipal Officers

- (a) Reports from municipal officers shall be signed by the writer. Signatures are required from the writer, Manager, Director and Managing Director. The Chief Financial Officer's signature is required on all reports with financial implications. The Chief Administrative Officer shall sign all reports to Council.
- (b) Reports shall be submitted to the Chief Administrative Officer no later than 4 p.m. on the Wednesday before the Council Meeting for approval and signature.
- (c) Where the Chief Administrative Officer determines a matter to be of an extremely urgent matter, then a staff report submitted after Wednesday at 4 p.m. may be shown on the Agenda without copies being provided.
- (d) Any staff reports received by the Clerk after Wednesday at 4 p.m. shall be referred to the next following Council meeting.
- (e) **An officer shall reply promptly in writing in response to all requests for reports made by Council resolution. (from 36.1 (e))**

37. DELEGATIONS / PUBLIC PRESENTATIONS

37.1 Public presentations will be received at both Regular and Special Meetings of Council. Presentations at Regular Meetings shall be on a subject within the jurisdiction or influence of local government. Presentations at the Special Meeting shall be related to the agenda item.

37.2 Persons wishing to make a formal presentation to Council must register with the Clerk prior to 4:30 p.m. on the Wednesday preceding any Regular or Special Council Meeting. Where possible, a written copy of the submission shall be provided to the Clerk prior to 4:30 p.m. on the Thursday preceding any Regular or Special Council Meeting.

37.3 The maximum number of presenters in any presentation (including the spokesperson) shall be three.

37.4 The Clerk shall inform the presenter of the guidelines affecting the presentation (e.g. maximum time, maximum of three presenters and adherence to subject) and obtain an acknowledgement by the presenter of his understanding of those guidelines.

37.5 (a) A public presentation, which has been registered with the Clerk may address matters of municipal jurisdiction for up to 10 minutes

(b) An unregistered public presentation of up to 5 minutes may be made at the Regular Council meeting to address matter of municipal jurisdiction.

(c) Notwithstanding subsections (a) and (b) above, no delegation shall

be permitted when the subject matter to be addressed relates to a recommendation of any tribunal that has conducted a hearing under the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.

- 37.6** No person will be permitted to address Council with respect to a labour management dispute or issue, unless provided for by legislation or collective agreement.
- 37.7** Presenters appearing before Council who have previously appeared before the same Council on the same subject shall be limited to providing only new information in their second or subsequent appearances.
- 37.8** In unique circumstances, the time limit may be extended by the Council by a majority vote of the Council Members present. Such question shall be decided by Council without debate.
- 37.9** No presenter shall:
- (a) speak disrespectfully of any person;
 - (b) use offensive words or unparliamentary language;
 - (c) speak on any subject other than the subject for which he received approval to address; or
 - (d) disobey the rules of order or a decision of the Presiding Officer.
- 37.10** After the presenter has completed the presentation, members shall each have the opportunity to ask questions for clarification purposes only, and without debate.
- 37.11** The Presiding Officer may curtail any presenter, any questions of a presenter or debate during a presentation, for disorder or for any other breach of this Procedural By-law and, should the Presiding Officer rule that the presentation is concluded, the presenter shall withdraw immediately and shall be given no further audience by the Council.
- 37.12** Public presentations made at the beginning of the meeting shall be considered by Council at the end of the Agenda of that meeting.
- 37.13** The above guidelines shall apply where applicable to a statutory public meeting held under the authority of specific legislation.

38. MOTIONS

- 38.1** (a) Every motion shall be in writing, shall be seconded and shall be read by the Clerk before debate or before being put from the Chair.
- (b) Where the question under consideration contains separate propositions then, at the request of any member of Council, any separate matter shall be put separately.
- (c) Subject to paragraph (b), upon the motion of the Chair of a committee, similar routine matters may be dealt with in the same resolution.
- 38.2** After a motion is read by the Clerk, it shall be deemed to be in the possession of the Council, but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

39. PRECEDENCE

- 39.1** (a) When a question is under debate, the only motions in order shall be:
- 1. to extend the time of the meeting;
 - 2. to refer to a Standing Committee;

3. to amend;
 4. to lay on the table;
 5. to postpone to a certain time and day;
 6. to move the previous question
- (b) These six motions shall have precedence in the order in which they are listed.
- 39.2. (a) On a motion to postpone to a certain time and day, only the question of time and day so mentioned is open to debate, after an explanation by the mover of the motion.
- (b) A motion to refer to Committee shall designate the Committee and shall not be debated, other than as to timing and shall be decided before any motion to amend the resolution.
- (c) A motion to refer for a staff report shall name the Chief Administrative Officer.

PART 6 - BY-LAWS & CORRESPONDENCE

40. BY-LAWS

- 40.1. (a) No by-law shall be presented to Council unless there is a resolution to authorize the by-law.
- (b) Each member shall be supplied with a copy of every by-law prior to consideration of the by-law by the Council.
- (c) No by-law shall be introduced for first reading in blank or in imperfect form.
- 40.2. (a) A by-law shall be passed by being given three readings.
- (b) A by-law shall be given each reading by reference to its by-law number in the same resolution in which all by-laws relating to a particular committee are being considered.
- (c) At the request of any member of Council, the reading of any by-law shall be deleted from a consolidated motion and dealt with by separate motion.
- (d) A by-law shall be deemed to have been read upon the number, title or heading being read or taken as read, unless a member requires the by-law or any portion thereof to be read in full.
- (e) The minutes of the meeting shall reflect both the number and the title of the by-law, notwithstanding that the motion refers only to the number of the by-law.

First Reading

- 40.3 The first reading of a by-law shall be decided by resolution without amendment or debate.

Second Reading

- 40.4 (a) The second reading of a by-law shall be decided by resolution at which time the contents of the by-law shall be debated.
- (b) The contents of the by-law may be changed by an amending resolution to authorize the second reading.

- (c) An amending resolution may be introduced to refer the by-law to a Standing Committee for further consideration.
- (d) A by-law referred to a Standing Committee shall be considered during the next Standing Committee meeting and a report shall be submitted for Council's consideration.

40.5. Unless otherwise required by statute or by the direction of the Chair to be heard at two separate Council meetings, any by-law shall be given three readings and passed at the same meeting on a vote of a majority of all members by separate motion.

Third Reading

40.6. Every by-law which has been read a first and second time may, at the same meeting or at a subsequent meeting, be read a third time and finally passed.

Records

40.7. The Clerk shall endorse on every by-law the dates of the three readings thereof.

40.8. Every by-law passed by Council shall be numbered, sealed with the corporate seal, signed by the Mayor and the Clerk and the by-law shall be entered in a by-law register to be kept by the Clerk.

41. MINUTES

41.1 There shall be attached to every Minutes of the proceedings of the Council a progressive marginal number of each year and every document or certified copy or Minute communicated to any Committee of the Council as hereinbefore required shall bear the number of the Resolution to which it refers.

41.2 After the minutes of each meeting of the Council have been approved by the Council, the minutes shall be immediately signed by the Mayor and Clerk.

42. DOCUMENTS

42.1 All original documents, including by-laws, contracts, agreements, deeds, leases, bonds or other securities, addressed to or considered by the Council, shall remain in the custody of the Clerk.

43. CORRESPONDENCE

43.1 All correspondence addressed to the Mayor or the Council, which refers to the business of the Corporation, shall be included in the information section of the Council Agenda for the Mayor and Councillors and shall be referred by the Clerk in consultation with the Chief Administrative Officer to the appropriate staff for response to the Council within six weeks.

43.2 Every communication to be considered by Council shall be in writing.

43.3 (a) All correspondence relating to a matter previously referred to a Standing Committee shall be referred by the Clerk to the Standing Committee to which it properly belongs unless otherwise directed by the Committee Chair.

(b) If a correspondent complains of a present personal grievance requiring immediate remedy, the complaint may be considered and disposed of forthwith.

Applications under the *Planning Act*

- 43.4 (a) Any application for approval under the *Planning Act* by any numbered or otherwise unidentifiable company shall include the name, address and telephone number of the principal owners of such companies on a separate page to be filed with the Clerk.
- (b) The Clerk shall make such information available on a confidential basis to Councillors, members of the Committee of Adjustment and members of the Planning Advisory Committee, upon request.
- (c) The names of the principal owners of any such numbered or otherwise unidentifiable company shall be included on the Agenda item relating to any such application upon approval by resolution of Council.

PART 7 - COMMITTEES

44. STRIKING COMMITTEE

- 44.1. (a) A Striking Committee to recommend appointments to **Agencies**, Boards, Commissions and Standing Committees shall consist of the Mayor and the Council.
- (b) The Mayor shall be the Chair of the Striking Committee.
- (c) Councillors shall select Committee position and membership in the order of electoral finish.
- 44.2 The Striking Committee shall recommend appointments to local Boards and Committees which may be required during the life of the Council.

45. STANDING COMMITTEES

- 45.1. (a) The Mayor shall be a member of each Standing Committee ex officio.
- (b) Four Councillors shall be appointed to the General Government Committee.
- (c) Three Councillors shall be appointed to each of the Engineering and Works Committee and the Community Services Committee.
- (d) **Appointments to Standing Committees shall be made in order of preference, based on the Councillor's standing in the Municipal Election results.**
- 45.2 A majority of the members of a Standing Committee, including the Mayor, shall constitute a quorum.
- 45.3 The Clerk shall attend all meetings of Standing Committees to record all reports as directed by the Chair thereof.
- 45.4 All completed reports of Standing Committees shall be presented for adoption at the next Council meeting.

46. GENERAL GOVERNMENT COMMITTEE

- 46.1 The General Government Committee shall have jurisdiction over the Office of the Chief Administrative Officer and the Corporate Services Division, including:

Access North Bay	Administrative Approvals
By-law Enforcement	City Hall Maintenance
Corporate Support	Council Liaison and Support
Finance and Assessment	General Administration
Health and Safety	Human Resources
Information Systems & Technology	Insurance and Risk Management
Legal Services	Licensing
Local Board Liaison	
Ontario Court of Justice Provincial Offences Administration	
Parking Administration	Policy Development
Procurement and Inventory	Realty Management
Records Management	Special Project Co-ordination
Training and Development	Vital Statistics

47. ENGINEERING AND WORKS COMMITTEE

47.1 The Engineering and Works Committee shall have jurisdiction over the Engineering, Environmental Services and Works Division including:

Construction Contract Administration	
Construction Management	Drafting
Engineering and Design	Environmental Services
Fleet and Equipment Maintenance	
Infrastructure Planning and Management	
Roads and Traffic	Service Contract Administration
Sewage Collection and Treatment	Stormwater System
Survey and Inspection	Traffic Planning and Engineering
Waste Management and Recycling	Water Distribution
Water Treatment	Winter Control and Snow Dump

48. COMMUNITY SERVICES COMMITTEE

48.1. The Community Services Committee shall have jurisdiction over the Community Services Division, including:

Arena Buildings	
Building Facility Repair & Maintenance	
Building & Fire Code Inspection and Enforcement	
Building Services	Cemeteries
Crossing Guards	Development Administration
Economic Development & Tourism	
Emergency Planning & Operations	
Fire Protection	Grant Access Program
Land Use Planning	Leisure Services
Marina and King's Landing	Marketing & Promotion
North Bay Airport	Parks & Pathways
Parking Maintenance (formerly under GG)	
Transit Services	

49. STANDING COMMITTEE PROCEDURES

49.1 The Clerk shall prepare a list of matters referred to each Standing Committee prior to Standing Committee meetings, together with a list of all outstanding requests on reports and the proposed due date of such report.

49.2 (a) The agenda for a Standing Committee meeting will be selected from the items referred to it by Council that are on that Committee's file and should be announced by the Committee Chair at the preceding Council meeting whenever possible. The Chair of each Standing Committee may consult with the Chief Administrative Officer and the Managing Director of the Business Unit and advise

the Clerk of the matters to be dealt with.

- (b) The Chair shall provide a draft recommendation on each matter by 4 p.m. of the Wednesday before a Committee meeting and advise the Clerk of any members of the public who are to be invited to or allowed to address the Council in Committee meetings.
- (c) The Clerk will ensure that available relevant documentation is circulated to all members of Council on the Friday preceding the Standing Committee meeting, with a draft recommendation for the Standing Committee to consider. Draft recommendations will be taken from the staff report unless the Committee Chair advises otherwise.
- (d) Where no staff report exists, or no recommendation is contained therein, or where the Committee Chair wants a different draft recommendation to be considered, it will be the responsibility of the Committee Chair to provide an appropriate draft recommendation to the Clerk for circulation.
- (e) The order of business at the Standing Committee Meetings will be:
 - (i) any scheduled statutory public meeting (chaired by the Chair of the appropriate Standing Committees);
 - (ii) any special public presentation (chaired by the Presiding Officer);
 - (iii) Standing Committee meetings (chaired by the Chair of the appropriate Standing Committee).
- (f) Standing Committees shall consider only those matters referred to it by Council.

- 49.3 (a) The Chair of each Standing Committee shall:
- (i) introduce the other members of the committee and identify the subject matter;
 - (ii) read the draft recommendation;
 - (iii) request a report from or accommodate questions of the Chief Administrative Officer and staff; or interested members of the public as required at the discretion of the Chair;
 - (iv) consider comments by the members of the Committee; and
 - (v) consider comments by the other members of the Council.

(b) A member and staff are not to debate the matter. (from 36.1(c))

- (c) At the conclusion of the discussion, the Committee Chair and the Clerk shall settle the wording of the recommendation to be proposed to the next Council meeting and the Chair shall poll the members of the Committee on such recommendations.
- (d) Public presentations shall not be permitted during Standing Committee unless approved by the Presiding Officer or the Chair, and noted on the Committee Agenda. The Presiding Officer shall be the Chair for all public presentations, except those comprising part of a scheduled statutory public meeting.
- (e) The Presiding Officer may at any time assume the Chairmanship of a public presentation at a Committee Meeting where in the opinion of the Presiding Officer it is necessary to maintain or restore order.

- 49.4 (a) Each Standing Committee meeting shall be subject to a curfew of

60 minutes (or, where a Council meeting is scheduled for the same evening, 20 minutes);

- (i) whether or not any other Committee has used less or more than its 60 minutes (or 20 minutes when a Council meeting is scheduled for the same evening);
- (ii) subject to the proviso that, upon a majority vote of all the members of Council present, the curfew may be extended by a specific number of minutes.

(b) A motion to extend a committee curfew is a motion of Council-in-Committee, not of the Standing Committee, and may be moved or seconded by any members of Council present, such motion to include a specific number of minutes by which the curfew is proposed to be extended and shall only be open to discussion and amendment with respect to the number of minutes.

(c) The Standing Committees shall alternate which Standing Committee goes first by rotation every third meeting:
Week 1: General Government, Community Services, Engineering & Works
Week 2: Community Services, Engineering & Works, General Government
Week 3: Engineering & Works, General Government, Community Services

~~(d) The Standing Committee Agenda shall be available to the media and the public at the time of the meeting. (Deleted -- paper copies no longer provided; available on the City's website).~~

49.5 (a) All members of a Standing Committee shall sign the report as assenting to or dissenting from the terms thereof.
(b) In the absence of not more than two (2) members of a Standing Committee another Member of Council may second the Committee Report.

49.6 (a) Any report of Standing Committee may be voted upon item by item upon the request of any member.
(b) Any report of a Standing Committee may be divided into one or more reports upon the request of any member.

49.7 No Committee shall have the authority to bind the Corporation.

49.8 The rules of Council shall be observed during Standing Committee meetings except that:
(a) no recommendation has to be moved or seconded or in writing;
(b) no motion for the previous question or for an adjournment is allowed; and

(c) the names of the members shall not be recorded on a vote;

49.9 (a) Questions of order arising during Standing Committee shall be decided by the Chair of the Standing Committee, subject to an appeal to the Council.

(b) If any disorder shall arise in the Committee, the Presiding Officer shall immediately resume the Chair, without any question being put.

49.10 The Chief Administrative Officer may provide an update of the status of matters remaining on Standing Committee files at the end of each Standing Committee meeting. (from 36.1(f)).

50. **HEARING COMMITTEE**

- 50.1 A Hearing Committee may hear any interested parties or afford them an opportunity to be heard on any matter where Council is required by law to hold a hearing in relation to any act, by-law or decision where such a hearing is required.
- 50.2 The Hearing Committee shall be comprised of the Mayor, the Chair and the Vice-Chair of the Standing Committee to which the matter relates, or their nominees from the Standing Committee. Any other Councillor may sit to hear the interested parties, but shall not be a member of the Hearing Committee for the purpose of making a recommendation to the Council.
- 50.3 The Hearing Committee shall be bound by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.
- 50.4 Except as otherwise herein provided this by-law applies mutatis mutandis to the Hearing Committee.
- 50.5 Upon the conclusion of a hearing conducted by the Hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of the fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefore on the merits on the application in respect of which the hearing has been conducted.
- 50.6 After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any by-law or make any decision that it might have done, passed or made, had it conducted the hearing itself.

51. **AD HOC COMMITTEES**

- 51.1 Ad Hoc Committees may be established by Council, from time to time for consideration of special projects.
- 51.2 Prior to the establishment of an ad hoc committee which Council has determined will include members of the public, the Clerk shall place an advertisement in a newspaper inviting members of the public to apply to be a member of the committee.
- 51.3 Each ad hoc committee shall be given a clear mandate and well defined terms of reference that shall include:
- (a) the mandate,
 - (b) the membership,
 - (c) the composition, including the applicable staff members,
 - (d) the reporting relationships,
 - (e) the staff and other resources to be made available, and
 - (f) a start and finish date.
- 51.4 The Chair and Vice-Chair shall be determined and appointed by the Mayor.
- 51.5 The Mayor shall be ex-officio, a Member of all Ad Hoc Committees of Council and shall be entitled to vote and to make motions and amendments.
- 51.6 Any member of Council may attend and participate in meetings of ad hoc committees, but may not vote.
- 51.7 The Ad Hoc Committee shall meet in accordance with the meeting schedule established by the Committee at a location to be determined by the Chair.

- 51.8 The Procedural Rules governing meetings of Council as set out in this by-law shall apply with necessary modifications to any meeting of an ad hoc meeting.
- 51.9 The Council may terminate an Ad Hoc Committee at its discretion.

PART 8 – BUDGET, REAL ESTATE & INSURANCE

52. FINANCIAL

- 52.1. No Committee or officer shall exceed the appropriation made to any department for any purpose, without the prior consent of the Council.

53. BUDGET

- 53.1 The Treasurer shall provide a monthly financial report to the Council.

54. REAL ESTATE

Qualified Appraisal

- 54.1 In this section "qualified appraisal" means an appraisal in writing by an A.A.C.I. or C.R.A. as determined by the professional guidelines of appraisers, unless the Council agrees to deem the assessed value to be the appraised value on the recommendation of the Chief Administrative Officer.

Council Direction

- 54.2 Before selling real property other than lanes, the Council shall be consulted in-camera with a recommendation as to the manner of the sale, whether the property is regarded as surplus to municipal needs, whether the property should be rezoned prior to sale and the sale shall proceed as Council directs.

Declaration of Surplus

- 54.3 Before selling real property Council shall by resolution passed at a meeting open to the public declare the real property to be surplus.
- 54.4 Each new Council shall be provided with a list of all surplus properties by the Chief Administrative Officer.

Notice of Surplus

- 54.5 Before selling real property Council shall give notice to the public of the location of the surplus land by publication in a newspaper having a general circulation within the municipality at least once, no less than fourteen (14) days prior to the proposed sale, and provide notice in writing to the North Bay real Estate Board.

Appraisals

- 54.6 Before selling real property Council shall obtain at least one appraisal of the fair market value of the real property except for the real property listed in subsection 54.7.
- 54.7 An appraisal is not required for the sale of the following classes of land:
- (a) land 0.3 meters or less in width acquired in connection with an approval or decision under the *Planning Act*;
 - (b) closed lanes if sold to an owner of land abutting the closed lanes;

- (c) land assessed with a current value of less than \$10,000.00, upon the recommendation of the Chief Administrative Officer;
- (d) industrial lands sold under sections 107 and 108 of the *Municipal Act, 2001*;
- (e) easements granted to public utilities or to telephone companies;
- (f) land being sold to a municipality;
- (g) land being sold to a local board, including a school board and a conservation authority;
- (h) land being sold to the Crown in right of Ontario or Canada and their agencies.

Methods of Sale

- 54.9 Real property shall be sold by public tender, save and except where:
- (a) the real property is being sold to the abutting or adjacent landowner to a road allowance or lane;
 - (b) the real property cannot be built on as a separate parcel and is being sold to the abutting landowner;
 - (c) the real property is industrial land in an industrial park;
 - (d) for economic development reasons the Council deems it desirable to proceed by way of another method of sale;
 - (e) more than one qualified appraisal is obtained or where a qualified appraisal is peer reviewed by another qualified appraiser and the sale price meets or exceeds the appraised value;
 - (f) Council has approved an alternate public competitive process;
 - (g) where the real property is being sold for tax arrears; or
 - (h) where there is a direct exchange of lands either:
 - (i) of similar size, value and zoning, or
 - (ii) where the land to be exchanged is included as all or part of a bid in response to a tender call, is accompanied by a qualified appraisal satisfactory to the Council and the exchanged land is required for municipal purposes.

Commission

- 54.10 (a) Where a property is offered for sale by placard placed on the property, and where no direct offer is received within three (3) months, then the City may refer the property to the North Bay Real Estate Board.
- (b) Where an offer to purchase is submitted through a real estate agent at any time and the transaction has closed then the City shall pay a commission of 3% to such real estate agent.

Notice

- 54.11 Where a property is to be sold by public tender:
- (a) a placard shall be posted on the subject lands; and
 - (b) notice in writing shall be given to the North Bay Real Estate Board at least fourteen (14) days prior to tender closing.

Tax Sales

- 54.12 Where land is being sold for tax arrears then the Treasurer may either deem the appraised value to be the assessed value according to the last returned assessment roll or may request an appraisal.

Register

- 54.13 The Clerk shall establish and maintain a public register listing and describing all the real property owned or leased by the municipality.

Road Allowance Right of First Refusal

- 54.14 In the event that:
- (a) both sides of a road allowance lot or laneway are not acquired by each of the abutting owners within 60 days; and
 - (b) one of the abutting owners is not prepared to acquire all of the road allowance lot within 60 days, then the road allowance lot shall be sold by tender as a single lot.

Surplus Road Allowance

- 54.15 When the Council has declared its intention to return surplus road allowance lands received within the previous ten (10) years by way of a registered plan to the original dedicating owner, then the Council may transfer such lands to the original dedicating owner for \$1.00.

Parkland Right of First Refusal

- 54.16 In the event that parkland previously dedicated to the City within the previous ten (10) years is deemed surplus then such lands shall be offered first to the developer from which the lands were dedicated based on the current appraised value thereof. In the event such developer does not acquire the lands within sixty (60) days then the lands may be offered for sale as provided for in this by-law.

Laneways

- 54.17 (a) The sale of the whole of a laneway to one (1) abutting owner shall be permitted at the discretion of the Council;
- (b) The transfer of lands for the purpose of a road widening along an arterial or collector road shall be required prior to, or at the same time as, the transfer of the whole or part of the laneway being transferred to the abutting property owner.

55. USE OF CITY PROPERTY

- 55.1 No property of the Corporation shall be delivered or used outside the limits of the City of North Bay without either Council's or the Chief Administrative Officer's approval.
- 55.2 No property shall be made available to outside interests except as herein provided.
- 55.3 Use of real property owned by the Corporation (excepting public highways and lanes) shall only be put to personal or private use upon Council approval of a written agreement.
- 55.4 The Chief Administrative Officer, or his authorized delegate, may authorize the rental and use of vehicles, equipment or corporate services of the City to local boards, other municipalities, corporations and individuals for specialized work or services, subject to the following

conditions:

- (a) that the vehicles and equipment are operated by and the services are rendered by City employees;
 - (b) that the vehicles, equipment and services cannot be provided by a contracting firm or company in North Bay;
 - (c) that the rental and use of the vehicles and equipment shall not prejudice or delay work or services required by the City;
 - (d) that the rental or service fees shall be fixed and determined by the Chief Administrative Officer or his authorized delegate and they shall include the following:
 - (i) the wages of the operator;
 - (ii) the cost of the necessary public liability insurance;
 - (iii) the cost under the *Workplace Safety and Insurance Act, 1997*;
 - (iv) all other applicable costs and expenses
 - (e) The Chief Administrative Officer, or his authorized delegate, shall consider, and if deemed advisable, revise the rental or service fees annually.
- 55.5 The Chief Administrative Officer may approve the lease of municipal real estate upon terms approved by resolution of the Council either in general terms or on a case by case basis.

56. PAYMENT

- 56.1 (a) No contractor or other person engaged on any work for the City shall be paid except according to the Purchasing By-law, the Purchasing Policy or according to written contracts authorized by by-law.
- (b) In all cases, the Treasurer, after making payment, will report without delay, to the next Council meeting by submitting the progress certificate so handled for approval.
- 56.2 (a) No goods or services shall be ordered except upon the authorization of the Chief Administrative Officer or Managing Director, or his authorized delegate.
- (b) No account for goods or services supplied shall be paid, unless the account is authorized by a department head.
- 56.3 (a) Every account for work done or for goods furnished shall be checked and certified by the superior officer under whose superintendence the work was done or goods provided.
- (b) A payment certificate shall refer to the by-law or resolution under which the expenditure was authorized.
- 56.4 After the accounts have been certified by the Treasurer, the responsible Committee Chair may also examine each such account and invoice, following which the Treasurer shall submit an itemized summary of all accounts to be prepared and signed by the Chair of the appropriate Standing Committee.
- 56.5 (a) After the list of accounts has been approved by Council, or a Managing Director or Chief Administrative Officer, the Treasurer shall issue the necessary cheques for payment thereof.
- (b) The list of accounts may include paid and unpaid accounts.

57. FRAUD

57.1 The various officers of the Corporation shall forthwith report any frauds or attempted frauds of which any of them may become cognizant to the Chief Administrative Officer who shall report the same to the Council.

58. CLAIMS FOR DAMAGES

58.1 The Council shall obtain an investigation and report on all claims for damages, unless such claims are covered by insurance in which case the claim shall be referred to the insurer for disposition according to the law.

58.2 Subject to Section 58.1, the Clerk shall forward any notice of claim to the City Solicitor, who shall investigate and report on the same to the Council.

59. OFFICER'S REPORTS ON CLAIMS

59.1 The City Solicitor may require any officer of the Corporation to report to him upon the claim, and such officer shall immediately inquire into the circumstances and report the facts fully in writing to the City Solicitor.

59.2 Subject to Section 59.1, no claim shall be settled without the prior approval of the Council.

60. SALARY FOR MUNICIPAL OFFICERS

60.1 No member of Council, while retaining his seat therein, shall be eligible for any office to which there is attached any salary, remuneration or emolument payable by the Council except as is provided by statute.

61. INDEMNITY POLICY

61.1 (a) Subject to the following provision the Council agrees to indemnify and save harmless its members and its non-union employees for necessary and reasonable legal costs incurred in the defence of statutory offence or complaints other than *Criminal Code* or *Municipal Conflict of Interest* offence, arising because of acts performed in good faith in the ordinary course of their employment or office.

(b) That Council may refuse payment under subsection (a) where in the opinion of the Council, the actions of the member or non-union employee amounted to a gross dereliction of duty or deliberate abuse of the power.

(c) (i) The Council may elect to provide legal counsel to defend a member or a non-union employee in any legal proceeding, whereupon the cost of such counsel shall be borne by the Corporation regardless of the outcome of the proceedings.

(ii) Where the Council elects to provide legal counsel under subsection (i), the Corporation shall not be responsible for any other legal costs unless the counsel provided the City Council expresses the written opinion that it would be improper for him to act on behalf of another party to the charge or complaint.

(d) For greater certainty, the Corporation shall not be liable to indemnify for legal costs arising from:

(i) the actions or omissions of members of non-union

employees acting in their capacity as private citizens;

(ii) disciplinary or discharge proceedings.

(e) In this section, necessary and reasonable legal costs shall be determined in the first instance by the approval of the account by the City Solicitor, or in the case of a dispute by taxation of the costs on a solicitor and client basis.

PART 9 – GENERAL PROVISIONS

62. SEVERABILITY

62.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the provisions so declared to be invalid.

63. REPEAL

63.1 By-law No. **2007-218** is hereby repealed.

64. ENACTMENT

64.1 This By-law shall take force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS <> DAY OF <>, 2011.

READ A SECOND TIME IN OPEN COUNCIL THIS <> DAY OF <>, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS <> DAY OF <>, 2011.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

W:\CLERK\CATHY\PROCEDURAL BY-LAW(2011)(DRAFT).doc

Affirmation of Confidentiality

I, _____, member of the Council of The Corporation of the City of North Bay, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the City of North Bay that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me
At the City of North Bay
In the District of Nipissing
This ___ day of _____, 20__

Name:

A Commissioner, etc.

Confidentiality Agreement

By signing this document, I agree that :

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of The Corporation of the City of North Bay in connection with any matter designated as confidential by the Procedural By-law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at North Bay, Ontario, this ___ day of _____, 20__

Witness

COMMUNITY SERVICES COMMITTEE

Tuesday, August 2, 2011

Page 1

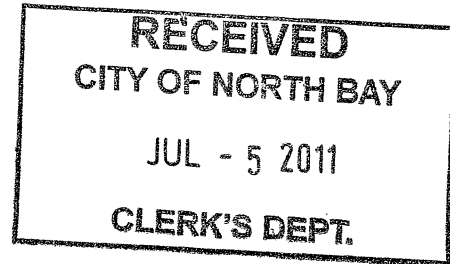
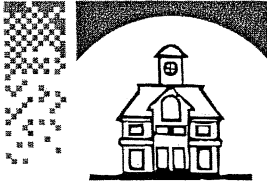
Chairperson: Councillor Lawlor
Vice-Chair: Councillor Mendicino
Member: Councillor Vaillancourt
Ex-Officio: Mayor McDonald

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/ SAGERD).
- CS-2010-21 Official Plan Amendment, Rezoning & Plan of Subdivision applications by Goodridge Planning Solutions on behalf of Jack & Helen Norman - Four Mile Lake Road (D09/D14/ D12/2010/NORMN/FOURMILE).
- **CS-2010-24 Report from S. McArthur dated September 14, 2010 re Municipal Heritage Committee - Annual Award Proposal (R01/2010/ NBMHC/GENERAL).**
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- **CS-2011-08 Report from M.B. Burke / B. Hillier dated February 28, 2011 re Rental Housing Licensing By-Law (C00/2011/BYLAW/ RENTHOUS).**
- CS-2011-15 Report from P. Carello dated June 16, 2011 re General Review and Update of City of North Bay Zoning By-Law No. 28-80 (D14/2011/CNB/BL28-80).

CS-2010-24

Draft recommendation:

"That Report to Council CSBU 2010-63 dated September 14, 2010 relating to an Annual Heritage Advocacy Award, be noted and filed."



July 4, 2011

City Clerk
200 McIntyre Street East
North Bay, ON
P1B 8H8

Ms. Conrad:

This letter is pursuant to Report to Council No CSBU 2010-63 (proposed Annual Heritage Advocacy Award), which is currently on the Community Services Committee's agenda.

The North Bay Municipal Heritage Committee discussed the matter at our June 27 2011 meeting. It was agreed that the Municipal Heritage Committee would not pursue the Annual Heritage Advocacy Award under our mandate. We will cooperate with a third party organization which will support the award.

As such, we are formally requesting that you withdraw the item from the Community Services Committee agenda.

Sincerely,

Peter Handley
Chair, North Bay Municipal Committee

It is envisioned that the award would be presented on the opening day of Ontario Heritage Week, which occurs in mid-February annually. While the primary intent of this program is to recognize valuable community contributions, the Committee anticipates that the presentation of this award will serve to publicize MHC activities and will kick off annual Ontario Heritage Week celebrations.

FINANCIAL

The Committee proposes to purchase a large plaque that denotes all winners. This is estimated to cost approximately \$300 in the first year of the program, with only nominal expenses to add names incurred on an ongoing basis. The MHC proposes that the recipient receive an individual keepsake award and have chosen a small engraved obelisk to commemorate their achievement. Preliminary research indicates that the obelisk will likely cost approximately \$100. Both awards would be purchased by the MHC and would be incorporated as an annual line item into the Committee's existing budget. There are no other costs associated with this initiative.

RECOMMENDATION

That the recommendation by the North Bay Municipal Heritage Committee (MHC) to establish an annual Heritage Award be received for Council's consideration.

Respectfully submitted,

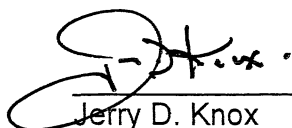


Steve McArthur
Secretary-Treasurer, Municipal Heritage Committee

SM/dlb

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attach.

We concur with this recommendation.



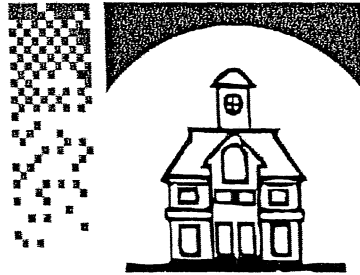
Jerry D. Knox
Managing Director, Community Services



David G. Linkie
Chief Administrative Officer

PROPOSED HERITAGE ADVOCACY AWARD – EXECUTIVE SUMMARY

- Title: MHC Heritage Advocacy Award
- Presented: Annually (if there is a suitable candidate)
- When: Heritage Week (Mid-February)
- Where: Discovery North Bay Museum or other public site
- Form: Master Plaque (bearing MHC logo plus) to be displayed in a public place (Museum, City Hall)
Keeper award – form of a 10" engraved obelisk.
- Application: MHC application form (available from MHC members or via the City web page)
- Protocol: Request for nominations through MHC Secretary–Treasurer to the media, schools etc. in mid September with nominations and complete information to MHC Secretary–Treasurer at North Bay City Hall by November 30th.
- MHC Board to make final decision by January 20th. If more than five (5) nominations received (or on file) then three (3) Committee Members from MHC will reduce the number to five (5). System to be evaluated after five (5) years – possibly utilize past winners of award.
- Rules: Nominations may come from the public or from MHC members.
Nominations must be on MHC Application Form.
Nominations are kept on file for five (5) years.
A nominee may win the award more than once, but not consecutively and not for the same reason each time.
- Eligible: Individuals or organizations who meet the criteria.
- Not eligible: Current, appointed, citizen members of MHC.
- Mission State: MHC Heritage Advocacy Award is presented to an individual or organization for past or present contributions toward enhancing the importance and value of any aspect of North Bay's heritage or history.
- Criteria: The nominee should have contributed to North Bay's heritage or history in a significant way during the year in question or over a period of time.
- Nominee may be currently active or have contributed in the past.
- Posthumous awards will be considered.



Heritage Advocacy Award Description - North Bay Municipal Heritage Committee

The North Bay Municipal Heritage Committee Heritage Advocacy Award is offered / presented annually upon recommendation of the North Bay Municipal Heritage Committee to recognize individual and group contributions to the preservation, restoration and enhancement of heritage resources in North Bay.

Nominations will be considered from the community and will be reviewed by the North Bay Municipal Heritage Committee.

Criteria

The nominee should have contributed to preservation, celebration or education regarding North Bay's heritage or history in a significant way during the year in question or over a period of time.

Awards may be given to an individual, group or an organization for the following contributions:

- A heritage property that has been maintained or that is an enhancement to a neighbourhood or the community.
- An addition to a historic property or new construction that is sensitive to the historic context of the property of a neighbourhood or the community.
- Restoration or adaptive reuse projects.
- Education, Research and Heritage Event Planning
- Other contributions to the preservation, restoration and enhancement of heritage resources.
- A nominee may be awarded more than once for projects independent of each other. This nomination may not take place in consecutive years.
- Current, appointed or citizen members of the MHC are not eligible
- Posthumous awards will be considered

Nomination Process

An individual, group or organization may make one nomination each year. Nominations must be submitted to the North Bay Municipal Heritage Committee, c/o committee secretary / treasurer by November 30th.

1. Nominations may come from an individual, group or organization.
2. Every section on the nomination form must be completed in full.
3. Nomination must be received no later than November 30th of each calendar year.
4. Nominations remain on file for five years.

Notification

All nominators will receive written acknowledgement of their nomination and of the decision of the North Bay Municipal Heritage Committee.

Presentation

The Award will be presented at Discovery North Bay Museum or another public place by the Chair of the Municipal Heritage Committee or designate.

Nomination Form
North Bay Municipal Heritage Committee
Heritage Advocacy Award

Nominator

Name of nominating individual, group or organization: _____

Contact person (if different from above): _____

Mailing Address: _____

Tel: () _____ Fax: () _____

E-Mail: _____

Nominee

Name of Nominee or Group: _____

Affiliated organization (if applicable): _____

Mailing Address: _____

Tel: () _____ Fax: () _____

Provide the following information on a separate sheet or using the form provided.

1. Give a description of any contributions made by the nominee/group that is worthy of recognition through the Heritage Advocacy Award program.

2. Provide any visual documentation, such as blueprints, sketches, photographs, publications or letters of support. List and number each attachment.

3. Please describe the benefits to heritage resources in our community bestowed by the nominee/group: innovative, creative or outstanding aspects of this activity of contribution.

4. Please summarize the relevant background of the nominee or group. What other heritage activities are they involved in?

Signature and Title of Nominator (Contact): _____

Date: _____

Send to: North Bay Municipal Heritage Committee Heritage Advocacy Award
Corporation of the City of North Bay

For Office Use Only

Date Application Received: _____

Application Received By (Name): _____

CS-2011-08

Draft recommendation.

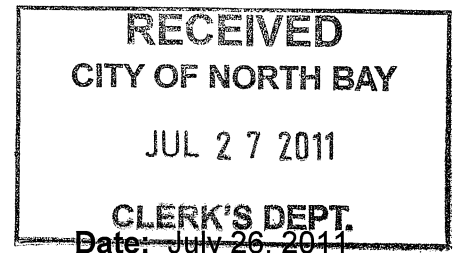
- “That
- a) the Residential Rental Housing Licensing By-Law as described in Report to Council CSBU 2011-74 and attached as Appendix A, be approved;
 - b) the Residential Rental Housing Licensing By-Law be made effective January 1, 2012 for the first licenses to be issued from May 1, 2012 to May 1, 2014;
 - c) Traffic & Parking By-Law No. 2002-001, Schedule 18 (No Parking Areas At Any Times) Section 28, be amended as follows:

<u>Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
<u>SECTION N</u>			
Nancy Drive	south & east	Champlain Street	Oakdale Road
<u>SECTION O</u>			
Oakdale Road	north	Champlain Street	Cartier Street
<u>SECTION P</u>			
Paul Street	north	Nancy Drive	Champlain Street
<u>SECTION S</u>			
Sherryl Crescent	even	McNamara Street	McNamara Street

- d) the Set Fines and Short Form Wording attached to Report to Council CSBU 2011-74 as Appendix B, for front yard parking and other Zoning By-Law parking offences be adopted to enhance enforcement.”

City of North Bay

Report to Council



Report No.: CSBU 2011 - 74

Originator: Jerry D. Knox, Managing Director, Community Services
Peter E.G. Leckie, City Solicitor

Subject: Supplementary Rental Housing Licensing Report No. 2

File No.: C00/2011/BY-LA/RENTHOUS

RECOMMENDATIONS

1. That the Residential Rental Housing Licensing By-law as described in Report to Council CSBU 2011-74 and attached as Appendix A, be approved; and
2. That the Residential Rental Housing By-law be made effective January 1, 2012 for the first licenses to be issued from May 1, 2012 to May 1, 2014
3. Traffic and Parking By-law 2002-001, Schedule 18 (No Parking Areas At Any Times) Section 28, be amended as follows:

<u>Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
<u>Section N</u> Nancy Drive	south & east	Champlain Street	Oakdale Road
<u>Section O</u> Oakdale Road	north	Champlain Street	Cartier Street
<u>Section P</u> Paul Street	north	Nancy Drive	Champlain Street
<u>Section S</u> Sherry Crescent	even	McNamara Street	McNamara Street

4. the Set Fines and Short Form Wording attached to Report to Council 2011-74 as Appendix B, for front yard parking and other Zoning By-law parking offenses be adopted to enhance enforcement.

BACKGROUND

North Bay City Council held a Public Meeting on June 29, 2011 to discuss the Residential Rental Housing Licensing By-law. Eleven members of the public made presentations to Council which raised several new points and items that should be clarified. In addition, correspondence was received from the Ontario Human Rights Commission (OHRC).

The purpose of this Supplementary Report is to provide additional explanation into some of the items raised at the June 29, 2011 meeting and should be considered an addendum to Report to Council No. CSBU 2011-36 and Report to Council No. CORP 2011- 48 previously submitted for Council's consideration, both attached as Appendices C & D.

ANALYSIS/OPTIONS

Community Presentations

With respect to the presentations from the Community, the primary theme of most speakers was that Council should not increase the number of rental bedrooms in a dwelling unit from the previously proposed maximum of four to the current proposed maximum of five. Most residents felt this would take away from the residential character of the neighbourhood and the increased number of tenants would place additional burden on property owners that reside in the neighbourhood. This is in contrast to the recommendation of the landlord association, which had previously requested that the City consider granting some flexibility regarding the maximum number of bedrooms.

Taking into consideration the 40% limitation on floor space for bedrooms, the need for rental accommodations in the community, as well as landlord, tenant and neighbourhood concerns, staff remains comfortable in recommending up to 5 rental bedrooms per property.

Many residents expressed concerns about their lack of ability to contact someone when there is a disturbance in the neighbourhood, particularly noise concerns in the overnight hours when City Police are often responding to higher priority calls.

It was asked if landlords' phone numbers would be made publicly available so residents would be able to directly address concerns about problems, such as tenant behaviour and property maintenance, with the owner of the offending property.

Although it is considered a best practice adopted by a number of landlords, without the specific consent of each individual property owner, the City of North Bay cannot release personal information about its residents (as per Section XIV of the Municipal Freedom of Information and Protection of Privacy Act). The information collected through the application process is for licensing purposes only and for internal use by the City of North Bay.

Should Council pass this by-law, the City of North Bay will recommend to applicants they should provide their name and contact number to the property owners that neighbour their rental property as a best practice and as a way to head off concerns. However, any exchange of contact information will be done strictly on a voluntary basis only. The City of North Bay cannot compel landlords to provide their contact information to any party other than the City of North Bay as part of the licensing process. As per its obligation under Section XIV of the Municipal Freedom of Information and Protection of Privacy Act, the City of North Bay not provide owner information or contact numbers to the public.

Another question that arose at the June 29, 2011 Public Meeting was the possibility of including a Minor Variance process as part of the proposed by-law. Council is within their purview under the Municipal Act to create such a process. If such a process was put in place, it could elect to hear requests for relief from the proposed Residential Rental Housing Licensing By-law at a Council level. Alternatively, it could delegate such authority to a Council appointed Committee, such as the Committee of Adjustment or the Property Standards Committee. It is recommended that Council be the body to hear variance requests from the By-law.

Staff is supportive of this suggestion and including it as part of the new By-law, attached as Appendix A. It is recommended that the only variance that may be considered is if a home was originally and legally constructed with six or more bedrooms and can accommodate a greater number of tenants without negatively impacting the character of the neighbourhood. This scenario is most likely to occur in older

neighbourhoods that have homes that were built to accommodate larger families that were common in years past.

It is recommended that applications for a variance from the proposed Residential Rental Housing Licensing By-law should be heard at City Council. Staff recommends an application fee of \$300 in order to help offset the costs of processing such an application. Staff further suggests that owners of neighbouring properties within 20 metres of the subject property be notified of the requested variance. Finally, staff suggests that when an application for a variance is received, that Council direct Planning Services staff to prepare a report considering the impact of the request.

Several individuals, including one landlord, questioned the level of involvement Nipissing University and Canadore College has had throughout the process of drafting this by-law and suggested these institutions should play a larger role in these proceedings. The purpose of the proposed Rental Housing Licensing By-law is not to target any particular group of individuals, such as Nipissing University and Canadore College students. Rather, this by-law is an attempt to regulate the manner in which residential properties are operated as a rental income property throughout the community. However, both postsecondary institutions are key stakeholders in the community and their students make up a significant proportion of the City's population.

The City of North Bay has very positive relationships with both postsecondary institutions and, at this juncture, it is Staff's opinion that Nipissing University and Canadore College are as involved in this process as any community stakeholder can be. The City has taken great steps to consult with both Nipissing University and Canadore College throughout the development of this by-law, as outlined below.

The City of North Bay has met with representatives from Canadore College and/or Nipissing University on a minimum of 12 separate occasions since October 2008 to discuss housing related issues. Multiple levels of administration from all three organizations have been involved in these meetings. The specific date and participants in these meetings were outlined in Report to Council CORP 2011-48, which is attached as appendix to this report.

The City has also attended various forms of student outreach events. Several municipal departments have attended Town and Gown activities on an annual basis.

Multiple members of City Staff attended a total of nine (9) orientation sessions at Nipissing University over a two week period in July 2011, as well as the main Orientation Day held by Canadore College. The purpose of these sessions is to welcome students to the community, as well as to make new students aware of some of the relevant by-laws that are in place in North Bay.

The City has also developed a "Good Neighbour Handbook". The 18-page document provides information on some of the common complaints that City Staff regularly receives from residents who has problems with their neighbours. The document provides a list of municipal contacts to file complaints on specific topics and also recommends strategies and actions that would help avoid these complaints. It also provides a summary of the relevant by-laws that are in place, such as the noise by-law and property standards.

Ontario Human Rights Commission

The Ontario Human Rights Commission (OHRC) provided correspondence for Council's consideration that outlined a number of their concerns with respect to the proposed By-law. The concerns related to applying licensing city wide; bedroom cap; alleviating the impact on tenants; regulating housing or tenants; gross floor area requirements.

With respect to applying the proposed licensing by-law city wide, the OHRC is concerned that the By-law is only being applied in the area nearest the University and College. It recommends that the by-law should be applied consistently across the community. The letter goes on to state that this focus on only one area opens the by-law to criticism that it violates human rights. While staff acknowledges this apprehension, the concern remains that it would not be feasible to implement such a sweeping change City-wide. It is anticipated that the greatest challenges in implementing the new by-law will come in the early days of the new by-law. The proposed implementation schedule will allow staff to accept and review applications gradually over time, allowing a smoother transition.

In regards to the Bedroom Cap, the OHRC suggests that there should be no cap at all. This is in contrast to the residents of the neighbourhood who are requesting that council decrease the cap from 5 to 4. The OHRC is concerned about how this might impact large families and multigenerational households. Staff believes these concerns can be addressed in several manners. Firstly, a large family that rents an entire home and resides as one family unit (regardless of the familial relationship that may or may not exist) would not be subject to the provisions of this by-law. Secondly, staff is recommending that a minor variance process be included as part of the new by-law to allow owners of homes that were legally constructed with more than 5 bedrooms to apply for relief from the maximum number of bedrooms.

In terms of alleviating the impact on tenants, the City has consulted with the DNSSAB, we understand that in their view, there would be little or no impact on rent or numbers of accommodations from the By-law. Indeed, if prices do settle as a result of not having the artificial income boost from excessive rental housing within one house, then lease prices may in fact settle as well.

Based on recent inspections, it appears that a bedroom cap of 5 would have the least amount of impact on displacing tenants. In addition, the landlords and tenants are both protected under the Residential Tenancies Act. This means that if a landlord is charged for operating without a license and fails to achieve a license; all obligations for evicting tenants from the space will follow the standards under this Act.

The OHRC also expressed concern that the proposed By-law was attempting to regulate tenants vs. regulating housing. The letter from the Ontario Human Rights Commission also stated that human rights are a component of housing decisions. The letter states that "*neither the report nor the bylaw outlines or refers to human rights protections in housing*".

Staff assumes that the OHRC is referring to protecting the rights of students or large families, as these have been recurring themes at public meetings. Staff strongly objects to any characterization that the by-law targets or harms these or any other segments of citizenry. The by-law does not and will not limit housing for any particular group or segment of the population. The intent of the proposed by-law is to regulate the number of bedrooms that can be rented in a property. Through this regulation, it will create a positive right to a mechanism for landowners to rent out rooms in their home in a manner that would exempt a property from being subject to the rooming and boarding house provisions of the City's Zoning By-law No. 28-80. The new regulations will be applied community-wide over the coming years, meaning all residents will be subject to the provisions of the by-law.

The proposed by-law does not offer any comment on large families that rent a property and live as a single family unit, nor does it comment on the nature of the relationship that exists between individuals living in a rental unit. As such, the proposed by-law does not in any way compromise large families' ability to rent a property.

The Ontario Human Rights Commission's letter also stated that when such a by-law is enacted, a municipality must demonstrate that a by-law is "*established in good faith, was reasonable, and that real and substantial efforts were made to accommodate the needs or persons who were adversely affected. It is not apparent from the bylaw or the accompanying report that North Bay has done such assessments or*

analysis". As part of the development of this by-law, the City of North Bay staff consulted extensively with stakeholders throughout the community. This includes discussions with residents, landlords, District of Nipissing Social Services Administration Board, Legal Clinic and both major post-secondary institutions.

With respect to gross floor area requirements, limiting the percentage of floor area on the main floor and basement floor to 40% bedroom space, the OHRC's concern was that there was no regard given to this percentage, as it may relate to the Ontario Building Code (OBC). Building Services addressed the concern and commented indeed there is a direct correlation to the 40% maximum. Although the proposed 40% limitation is not specifically prescribed in the OBC, this limitation is intended to ensure the remaining amenities (living, dining, kitchen, bathrooms, hallways, etc.) do meet the minimum floor area requirements of the OBC.

Building Services has no concerns with the proposed increase in the number of bedrooms from four to five, provided the bedroom areas do not exceed the 40% limit and the remaining amenities meet the minimum requirements of the OBC.

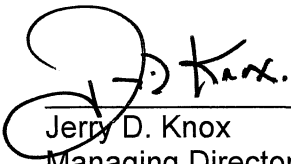
Option 1 – that Council not support the proposed Residential Rental Housing Licensing By-law. This option is not recommended. This By-law would provide an additional tool to assist in regulating rental housing within the Community.

Option 2 – to support the proposed Residential Rental Housing Licensing By-law as contained in the appendix to this Report. In addition, it is recommended that the recommendations contained in Report to Council CORP 2011-48 also be approved.

RECOMMENDED OPTION/FINANCIAL IMPLICATION

Option 2 is the recommended option. The proposed Residential Rental Housing By-law will provide an additional tool in regulating rental housing within the Community. It will provide an additional mechanism to help maintain the established residential character of neighbourhoods and also provide assurance that tenants are living in safe, inspected rental accommodation. It is expected that the By-law will apply City wide by 2016.

Respectfully submitted,



Jerry D. Knox
Managing Director Community Services



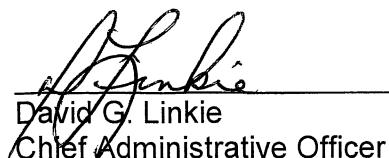
Peter E. G. Leckie
City Solicitor

JDK/dlb

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attach.

We concur with this report and recommendations.



David G. Linkie
Chief Administrative Officer

Appendix A
Proposed Residential Rental Housing Licensing By-law

THE CORPORATION OF THE CITY OF NORTH BAY
By-law No. 2011-_____

RENTAL HOUSING LICENSING BY-LAW

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THE CORPORATION OF THE CITY OF NORTH BAY
By-law No. 2011-__

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF
RENTAL UNITS IN THE CITY OF NORTH BAY**

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by by-law;

AND 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 this or any other Act;

AND WHEREAS subsection 10(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 10(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); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001*, provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

AND WHEREAS subsection 151(5) of the *Municipal Act, 2001*, provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for The Corporation of the City of North Bay 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;

AND WHEREAS section 34(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits a municipality to regulate the minimum and maximum density of development in the municipality or in the area or areas defined in a Zoning By-law;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate certain legislative and quasi-judicial powers;

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 section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that sufficient information has been made available to the public and has held at least one public meeting after due notice of the purpose of informing the public of this By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay passed a resolution on _____, 2011, to approve the adoption of a by-law to provide for the licensing and regulation of Rental Units in the City of North Bay;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Council of The Corporation of the City of North Bay enacts as follows:

1 INTERPRETATION

1.1 For the purposes of this By-law:

“Apartment Building” means a building consisting of four or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above;

“Applicant” means a person applying for a licence under this By-law;

“Bedroom” means a room or area within a Rental Unit used, designed, equipped or intended for sleeping;

“Building” means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, loading dock, staging gallery, wall, excavation, storage tank, gasoline pump, pump island, bleacher, fence, swimming pool, grandstand, tent, awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes is deemed a building;

“By-law Enforcement Coordinator” means the By-law Enforcement Coordinator of the City or a person delegated by him or her for the purposes of this By-law;

“Chief Building Official” means the Chief Building Official as appointed by Council pursuant to the Building Code Act;

“City” means The Corporation of the City of North Bay;

“City Clerk” means the Clerk of The Corporation of the City of North Bay or a person delegated by him or her for the purposes of this By-law.

“Converted Dwelling” means a building which has been altered by the creation of more dwelling units than existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities;

“Council” means the Municipal Council of The Corporation of the City of North Bay;

“Dwelling Unit” means a suite of habitable rooms which:

- i) is in a building;
- ii) is used or intended to be used by one or more persons as a single, independent and separate household unit;
- iii) contains food preparation and sanitary facilities for the exclusive common use of the occupants, and;
- iv) has a means of egress directly to the outside of the building or structure in which it is located, which may be a means of shared egress with another residential unit.

“Fire Chief” means the Chief of North Bay Fire & Emergency Services of the City or a person delegated by him or her for the purposes of this By-law;

“Gross Floor Area” means the sum of all floor areas above grade, except in the case of an apartment building where part of the area of the basement is used for a dwelling unit(s), in which case the said area constitutes part of the gross floor area measured between the internal faces of the exterior walls of the building at the level of each floor, including any part of the building above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building used for mechanical purposes which are an integral part of the building;

“Hearings Officer” means a person or body that has been delegated the power or duty to hold a hearing or provide an opportunity to be heard for the purpose of this Bylaw;

“Inspectors” means:

- i) a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief;
- ii) Chief Building Official;
- iii) Building Inspectors;
- iv) Property Standards Inspectors;
- v) Zoning Administrator; or
- vi) By-law Enforcement Coordinator and any By-law Enforcement Officers designated by the By-law Enforcement Coordinator.

“Issuer of Licences” means a person appointed by the Council to issue the licences as set out in this By-law;

“Landlord” includes:

- i) each owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

“Licensee” means any person, corporation or partnership licensed under this By-law;

“Lot” means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a registered Plan of Subdivision, including any part of which is subject to an easement or right-of-way. (Section 44, By-law No. 165-80);

“Medical Officer of Health” means the Medical Officer of Health for the North Bay Parry Sound District Health Unit or a person delegated by him or her for the purposes of this By-law;

“Municipality” means the land within the geographic limit of the City of North Bay;

“Owner” includes:

- i) each person owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

“Person” includes:

- i) individuals;
- ii) corporations; and
- iii) partnerships.

“Rent” includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord’s agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;

“Rental Area” means each Lot as depicted in Schedule “B” of this By-law;

“Rental Property” includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situated.

“Rental Unit” means a Building or part of a Building:

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities;
- iii) designed for use as a single housekeeping establishment; and
- (iv) used or intended for use as a rented residential premises.

“Tenant” includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit.

“Zoning Administrator” means the Zoning Administrator of the City or a person delegated by him or her for the purposes of this By-law;

2 PROHIBITIONS

- 2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-law.
- 2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.
- 2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.
- 2.4 No person shall operate a Rental Unit while the licence issued under this By-law is under suspension.

3 SCOPE

- 3.1 This By-law applies to the specified geographical area as depicted in Schedule “B” of this By-law for those properties that are zoned for low density residential use, which, for the purpose of this By-law, are: “Residential First Density (R1)”, “Residential Second Density (R2)”, “Residential Third Density (R3)”, “Residential Multiple First Density (RM1)”, “Residential Multiple Second Density (RM2)”, or have a legal non-conforming R1, R2, R3, RM1 or RM2 property according to the City’s Comprehensive Zoning By-law No. 28-80, as amended.
- 3.2 This By-law does not apply to:
 - 3.2.1 a “Housing project” as that term is defined in the *Social Housing Reform Act, 2000*, S.O. 2000, c.27;
 - 3.2.2 an Apartment Building;
 - 3.2.3 a Rental Unit that is occupied by one (1) Tenant, in which no more than one (1) other Bedroom is occupied by a Tenant; or to
 - 3.2.4 a Rental Unit that is occupied by the owner of the Rental Unit as their sole residence and in which no more than two (2) bedrooms are occupied by Tenants.

4 ADMINISTRATION

- 4.1 The administration of this By-law is assigned to the City Clerk who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:
 - 4.1.1 receive and process all applications for all licences and renewals of licences under this By-law;
 - 4.1.2 issue licences in accordance with the provisions of this By-law;

- 4.1.3 impose terms and conditions on licences in accordance with this By-law; and,
- 4.1.4 refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

5 APPLICATION FOR AND RENEWAL OF A LICENCE

- 5.1 Every application for a licence and renewal licence shall be made to the Issuer of Licences on the forms provided by the Issuer of Licences.
- 5.2 Without limitation, every application for a licence or a renewal shall include the following information:
 - 5.2.1 the name, municipal address and telephone number of each Landlord;
 - 5.2.2 the municipal address and legal description of the Rental Unit;
 - 5.2.3 if a Landlord is a corporation, the name, address and telephone number of each director and officer; and shareholder;
 - 5.2.4 if a Landlord is a partnership, the name address and telephone number of each partner;
 - 5.2.5 the number of bedrooms;
 - 5.2.6 a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
 - 5.2.7 each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.
- 5.3 Every person applying for a licence or renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:
 - 5.3.1 payment of the prescribed fee as set out in Schedule "A" of this By-law;
 - 5.3.2 a copy of the transfer/deed evidencing a Landlord's ownership;
 - 5.3.3 if a Landlord is a corporation, a copy of:
 - 5.3.3.1 the Landlord's articles of incorporation; and
 - 5.3.3.2 a corporate profile report issued by the Ontario Ministry of Consumer and Business Services;
 - 5.3.4 a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use;
 - 5.3.5 a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Waste Management and Property Standards By-laws;
 - 5.3.6 a parking plan that complies with the City's Zoning By-law, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;
 - 5.3.7 proof of Placement of insurance that:

- 5.3.7.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
- 5.3.7.2 identifies the proposed use as residential rental; and that
- 5.3.7.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- 5.3.8 a statement from or on behalf of the City's Fire Chief confirming that the Rental Property and its proposed use comply with the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations;
- 5.3.9 an initial certificate issued by the Electrical Safety Authority (ESA) confirming that the Rental Property and its proposed use comply with the *Electrical Safety Code, O. Reg. 164/99*, and such further certificates as may be required by an Inspector;
- 5.3.10 a statement from or on behalf of the City's Chief Building Official confirming that the Rental Property and its proposed use comply with the *Building Code Act, 1992* (Ontario) and its regulations;
- 5.3.11 a statement from or on behalf of the City's Zoning Administrator confirming that the subject property is in conformity and compliance with the City's Zoning By-law, no. 28-80, as amended;
- 5.3.12 a statement from or on behalf of the By-law Enforcement Coordinator as to any noise by-law convictions during the previous year at this location and comments thereon; and
- 5.3.13 proof of payment of any fine, fee or property taxes owed to the City by any Landlord respecting any Rental Property; and
- 5.4 All documents and information required by sections 5.2 and 5.3 must be submitted at the time of the application for or renewal of a licence under this By-law.
- 5.5 The Issuer of Licences may refuse an application for a licence or its renewal where any of the documents required by sections 5.2 and 5.3 of this By-law are incomplete or lacking in any way.
- 5.6 The Issuer of Licences may also refuse to accept an application for a licence where any of the documents required by clause 5.3.3 and by paragraphs 5.3.7, 5.3.8, 5.3.9 and 5.3.10 of this By-law was issued prior to the sixtieth (60th) day preceding the date on which the application is submitted.

6 LICENCE ISSUANCE

- 6.1 Each licence shall include the following:
 - 6.1.1 The licence number;
 - 6.1.2 Date the licence was issued and the date it expires;
 - 6.1.3 The municipal address of the Rental Unit;
 - 6.1.4 The name, address and telephone number of each Landlord;

- 6.1.5 Where a Landlord is a corporation, the name address and telephone number of each director and each officer of the Landlord or of their duly authorized agent; and
- 6.1.6 Where a Landlord is a partnership, the name, address and telephone number of each partner.
- 6.2 A licence issued under this By-law shall be valid only for the period of time for which it was issued.
- 6.3 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.
- 6.4 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Property.
- 6.5 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
- 6.6 The Licensee shall notify the City Clerk of any change in ownership of the Rental Unit or Rental Property within seventy-two (72) hours of the completion of such change in ownership.
- 6.7 Within seventy-two (72) hours of a change in ownership for a Dwelling Unit, the new owner shall provide the following information and documentation to the City Clerk in order to have a licence reissued:
 - 6.7.1 the name, municipal address and telephone number of each Landlord;
 - 6.7.2 a copy of the transfer/deed evidencing the new ownership;
 - 6.7.3 proof of Placement of insurance according to section 5.3.7 of this By-law;
 - 6.7.4 a statement by each Landlord certifying no changes have been made to documents submitted according to sections 5.3.4, 5.3.5 and 5.3.6 of this By-law;
 - 6.7.5 a statement by each Landlord certifying the Rental Unit conforms with section 7 of this By-law; and
 - 6.7.6 each Landlord's signature or of any duly authorized Landlord's agent that would bind the Landlord.
- 6.8 Following a change in ownership, a reissued licence under this By-law shall be valid only for the period of time for which it was originally issued.
- 6.9 Following a change in ownership of a Dwelling Unit, no fee shall be required to reissue a licence under this By-law.
- 6.10 All licence fees paid under this By-law are non-refundable.

7 LICENCE CONDITIONS

7.1 No Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence.

7.1.1 Subject to paragraph 7.1.2, 7.1.3 and 7.1.4 of this By-law, the number of Bedrooms occupied by Tenants in the Rental Unit does not exceed five (5);

7.1.2 No more than 40% of the Rental Unit's Gross Floor Area – Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;

7.1.3 No room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;

7.1.4 No more than 40% of the Gross Floor Area – Residential of the Rental Unit's ground floor may be comprised of Bedrooms;

7.1.5 Each Tenant is a party to a written tenancy agreement with a Landlord;

7.1.6 A Landlord does not directly or indirectly require or cause a Tenant to refuse or consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-law;

7.1.7 A Landlord notifies the Issuer of Licences in writing within two (2) days of any change to any information provided pursuant to section 5 and 6 of this By-law;

7.1.8 A legible copy of the licence is posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door;

7.1.9 A Landlord maintains insurance respecting the Rental Unit that:

7.1.9.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;

7.1.9.2 identifies the use as residential rental; and that

7.1.9.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;

7.1.10 The Landlord and the Rental Property comply with all applicable law including:

7.1.10.1 the *Health Protection and Promotion Act* (Ontario) and its regulations, as amended;

7.1.10.2 the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations, as amended;

- 7.1.10.3 the *Electrical Safety Code*, O. Reg. 164/99, as amended;
 - 7.1.10.4 the *Building Code Act*, 1992 (Ontario) and its regulations, as amended;
 - 7.1.10.5 the City's *Carbon Monoxide Alarm By-law*, as amended;
 - 7.1.10.6 the City's *Zoning By-law*, as amended;
 - 7.1.10.7 the City's *Property Standards By-law*, as amended; and
 - 7.1.10.8 the City's *Waste Management By-law*, as amended.
- 7.1.11 No fine, administrative penalty or fee is owed to the City by any Landlord;
- 7.1.12 The Landlord and the Rental Property comply with the maintenance plan submitted pursuant to section 5.3.5 of this By-law; and
- 7.1.13 No vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan pursuant to section 5.3.6 of this By-law.

8 POWERS OF THE ISSUER OF LICENCES

- 8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the City Clerk.
- 8.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 8.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:
 - 8.3.1 the conduct of the Applicant or Licencee, or any partner, officer, director, employee or agent of the Applicant or Licencee, affords reasonable cause to believe that the Applicant or Licencee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
 - 8.3.2 there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licencee contains a false statement;
 - 8.3.3 an Applicant or Licencee is carrying on activities that are in contravention of this By-law; or,
 - 8.3.4 an Applicant or Licencee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-law.
- 8.4 Notwithstanding any other provision of this By-law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-law.

- 8.5 Where the City Clerk is of the opinion that:
- 8.5.1 an application for a licence or renewal of a licence should be refused;
 - 8.5.2
 - 8.5.3 a reinstatement should not be made;
 - 8.5.4 a licence should be revoked;
 - 8.5.5 a licence should be suspended, or,
 - 8.5.6 a term or condition of a licence should be imposed; the City Clerk shall make that decision.
- 8.6 Where the City Clerk has made a decision under subsection 8.5, the City Clerk's written notice of that decision shall be given to the Applicant or the Licencee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the address of the corporation's registered head office.
- 8.7 The written notice to be given under subsection 8.6 shall:
- 8.7.1 set out the grounds for the decision;
 - 8.7.2 give reasonable particulars of the grounds;
 - 8.7.3 be signed by the City Clerk; and,
 - 8.7.4 state that the Applicant or Licencee is entitled to a hearing by the Hearings Officer if the Applicant or Licencee delivers to the City Clerk, within ten (10) days after the notice in subsection 8.6 is served, and the appeal fee as set out in Schedule "A" of this By-law.
- 8.8 Where no appeal is registered within the required time period, the decision of the City Clerk shall be final.
- 8.9 Despite subsection 8.7 where a licence is voluntarily surrendered by the Licencee for revocation, the City Clerk may revoke the licence without notice to the Licencee.

9 VARIANCE

- 9.1 The City of North Bay may authorize variances from this By-law with respect to the number of Bedrooms if:
- 9.1.1
 - 9.1.2 in the opinion of the City the general intent and purpose of this By-law are maintained; and
 - 9.1.3 the single detached dwelling was originally constructed to contain more than the maximum number of bedrooms as permitted by this By-law
- 9.2 Applications for variances shall be submitted to the Planning Department and shall be made by completing and submitting:
- 9.2.1 A written request to vary the By-law with respect to the number of bedrooms
 - 9.2.2 Documented proof of the original construction of the single detached dwelling, showing the original number of bedrooms

- 9.2.3 A completed License Application including such information as the applicant is required to provide under Section 5
- 9.2.4 The full variance fees and application fees as set out on Schedule A
- 9.3 Where an application under Section 9.2 is incomplete, the Planning Department may refuse to accept the application. For the purpose of this section, an application is incomplete where it does not contain the information as set out in Section 9.2
- 9.4 All Variance requests shall be heard and determined by Council, unless Council delegates such approval. All decisions of Council or its delegate shall be considered final and binding.
 - 9.4.1 Section 10, Hearings before the Hearings Officer does not apply for the purpose of a request for variance from the By-law.
- 9.5 In considering the application for variance, the City shall have regard for:
 - 9.5.1 special circumstances or conditions applying to the land, building or use referred to in the variance application;
 - 9.5.2 whether such special circumstance or conditions are pre-existing and not created by the Owner or applicant;
 - 9.5.3 whether the property that is subject of the variance application will negatively alter the character of the general area in which the property is located; and
 - 9.5.4 that all applicable requirements under the Ontario Building Code and Ontario Fire Code are being met.
 - 9.5.5 Whether the Owner has submitted all other information and plans required under this by-law to show strict compliance with this by-law in all other respects.

10 HEARINGS BEFORE THE HEARINGS OFFICER

- 10.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.
- 10.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearings Officer under this By-law.
- 10.3 When the Applicant or Licencee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Officer may proceed with the hearing in his or her absence and the Applicant or Licencee shall not be entitled to any further notice of the proceeding.
- 10.4 At the conclusion of the hearing, the Hearings Officer may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licencee and the Issuer of Licences.
- 10.5 The Hearings Officer may uphold or vary the decision of the Issuer of Licences or make any decision that the Issuer of Licences was entitled to make in the first instance.
- 10.6 The decision of the Hearings Officer is final.

- 10.7 Notwithstanding anything in this By-law to the contrary, where an Applicant or Licencee appeals against or requests a review of a decision concerning a Rental Housing licence, no decision in the appeal or review shall be made unless each Owner of a Lot situated within thirty (30) meters of the Rental Property subject of the appeal or review has been given no fewer than seven (7) days notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

11 ENFORCEMENT

- 11.1 Inspectors, acting under the Fire Chief's, Chief Building Official's, Zoning Administrator's or By-law Enforcement Coordinator's instructions, may enforce this By-law.
- 11.2 Subject to section 437 of the *Municipal Act, 2001*, as to entry of dwelling units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- 11.2.1 this By-law is being complied with;
 - 11.2.2 a direction or order of the City made pursuant to the *Municipal Act, 2001*, or any successor thereof or made pursuant to a By-law of the City is being complied with;
 - 11.2.3 a condition of a licence issued under a by-law of the City is being complied with; or
 - 11.2.4 an order made pursuant to Section 431 of the *Municipal Act, 2001*, which prohibits the continuation or repetition of an offence is being complied with.
- 11.3 An Inspector may for the purpose of an inspection:
- 11.3.1 require the production for inspection of documents or things relevant to the inspection;
 - 11.3.2 inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 11.3.3 acquire information from any person concerning a matter related to the inspection ; and
 - 11.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test samples or photographs necessary for the purpose of the inspection.
- 11.4 The Inspector may undertake inspections pursuant to orders which are made pursuant to section 438(2) of the *Municipal Act, 2001*.
- 11.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

12 PENALTIES

- 12.1 Any person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

- 12.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.
- 12.3 A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.
- 12.4 Despite section 11.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.
- 12.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,
 - 12.5.1 prohibiting the continuation or repetition of the offence by the person convicted; and,
 - 12.5.2 requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

13 ADMINISTRATIVE PENALTIES

- 13.1 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with this section 12, be liable to pay to the City an administrative penalty in the amount of \$250.
- 13.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.
- 13.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - 13.3.1 Particulars of the contravention;
 - 13.3.2 The amount of the administrative penalty;
 - 13.3.3 Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - 13.3.4 A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.
- 13.4 No Officer may accept payment of an administrative penalty.
- 13.5 A person who receives a penalty notice may request a review of the administrative penalty by the Hearings Officer in accordance with this paragraph 12.5.
 - 13.5.1 The person's right to request a review expires on the tenth (10th) day after the penalty notice is given to the person.
 - 13.5.2 The person's right to request that the Hearings Officer extend the time to request a review expires on the twentieth (20th) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.

- 13.5.3 The person shall be given seven (7) days notice of the date, time and place of the hearing of a review request under clause 12.5.1 or an extension request under clause 12.5.2.
- 13.5.4 The Hearings Officer shall not make a determination with respect to a review request under clause 12.5.1 or an extension request under clause 12.5.2 unless the Hearings Officer has given to the Licencee, the Issuer of Licences and the Officer who issued the penalty notice an opportunity to be heard.
- 13.5.5 The Hearings Officer may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
- 13.5.6 The Hearings Officer may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearings Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that
- 13.5.6.1 there is reason to doubt that the person contravened this By-law;
 - 13.5.6.2 the person took all reasonable steps to prevent the contravention; or that
 - 13.5.6.3 the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 13.5.7 The decision of a Hearings Officer is final and not subject to review including review by any Court.
- 13.5.8 The Issuer of Licences may at any time cancel, reduce or extend the time for payment of an administrative penalty, including any late payment fee imposed pursuant to Schedule "A" of this By-law..
- 13.5.9 An administrative penalty that is deemed to be affirmed pursuant to clause 12.5.2 or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 12.5.5 or paragraph 12.6 constitutes a debt to the City of each person to whom or to which the penalty notice was given.
- 13.5.10 Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 12.5.5 or paragraph 12.6, the City shall refund the amount cancelled or reduced.
- 13.5.11 Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.
- 13.5.12 Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person to whom the penalty notice was given shall pay to the City a late payment administrative fee pursuant to Schedule "A" of this By-law.

14 MISCELLANEOUS

- 14.1 This by-law may be referred to as the "Residential Rental Housing Licensing By-law".

- 14.2 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 14.3 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard shall apply.
- 14.4 This by-law shall come into force and effect on January 1, 2012.

READ A FIRST TIME IN OPEN COUNCIL THE _____ DAY OF _____, 2011.

READ A SECOND TIME IN OPEN COUNCIL THE ___ DAY OF _____, 2011.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS ___ DAY OF _____, 2011.

Mayor, Allan McDonald

City Clerk, Catherine Conrad

SCHEDULE "A"
FEES

Licence Fee for a licence for each Rental Property	\$ 300.00
Licence Renewal Fee for each licence renewed under this By-law	\$ 300.00
Late Payment Fee	\$ 25.00
Appeal Fee	\$ 50.00
Variance Application Fee	\$300.00

Schedule B to By-law 2011-

APPLICATION FOR VARIANCE
RESIDENTIAL RENTAL HOUSING LICENSING BY-LAW

Property Owner:

Name: _____ Mailing Address: _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Applicant:

Name: _____ Mailing Address: _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Property Address: _____

Explain in detail your reasons why it is not possible to comply with the provisions of the Residential Rental Housing Licensing By-law (please attach further information if required):

Please provide a detailed explanation of all sections of the Residential Rental Housing Licensing By-law that you are requesting to vary: _____

What is the Zoning of the subject property: _____

Has the owner previously applied for variances in respect of the subject land?
YES ___ NO ___

If Yes, describe briefly: _____

Is an application form for a License under the Residential Rental Housing Licensing By-law attached, including all required information?

YES ___ NO ___

Please note that if all applicable information is not provided, your application may be deemed to be incomplete and will be returned to you.

Is the required application fee included?

YES ___ NO ___

The undersigned hereby requests the City of North Bay to consider this application for a variance to the provisions of the Residential Rental Housing By-law. I certify the information, on which this application is based, to be true and the owner is aware of this exemption request.

Signature of applicant or agent

Date

THE CORPORATION OF THE CITY OF NORTH BAY
By-law No. 2011-_____

RENTAL HOUSING LICENSING BY-LAW

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Appendix B
Proposed Set Fine for Short Form Wording

THE CORPORATION OF THE CITY OF NORTH BAY - SET FINES
PART II – PLANNING ACT

Planning Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Early Voluntary Payment Payable Within 7 Days	COLUMN 4 Set Fine
1.	Park vehicle without valid licence plate, contrary to Section 3.2(8)	Section 67(1)	\$65.00	\$75.00
2.	Park vehicle in front yard, contrary to Section 5.1.5.1	Section 67(1)	\$65.00	\$75.00
3.	Park commercial motor vehicle in residential zone, contrary to Section 5.1.6	Section 67(1)	\$65.00	\$75.00
4.	Park motor home with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
5.	Park travel trailer with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
6.	Park boat with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
7.	Park recreational vehicle with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
8.	Park accessory trailer with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
9.	Park snowmobile contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00

Note: The penalty provision for the offence indicated above is Section 67(1) of the Planning Act for charges pursuant to the Zoning By-Law No. 28-80, as amended a certified copy of which has been filed

Appendix C
Report to Council CORP 2011-48

**CITY OF NORTH BAY
REPORT TO COUNCIL**

Report No: CORP 2011-48

Date: May 5th, 2011

Originator: MICHAEL B. BURKE

Subject: Supplementary Rental Housing Licensing Report

RECOMMENDATION

1. That the maximum number of rental bedrooms in a dwelling unit under the Rental Housing Licensing By-law be increased from 4 to 5.
 2. That the By-law be made effective January 1, 2012 for the first Licences to be issued from May 1, 2012 to May 1, 2014.
 3. That an advertised public meeting be arranged to consider the recommended By-law.
 4. That one side only parking be implemented on Paul Street, Oakdale Road, Nancy Street and Sherryl Crescent.
 5. That the short form wording schedule, for front yard parking and other zoning by-law parking offences, be adopted to enhance enforcement.
-

ZONING, FIRE AND BUILDING CODES:
Dwelling Units vs. Boarding House

The attached opinion outlines some of the legal history concerning the regulation of rental accommodations.

A fundamental issue is whether a property is being used as a dwelling unit or a boarding house. If it is used as a dwelling unit, it enjoys significant exemptions from Zoning, Fire and Building Code standards. Often the line between a dwelling unit and a boarding house is blurred or confused, sometimes deliberately in order to avoid the more rigid standards.

By introducing a licensing component, the municipality is able to apply a middle ground of regulation to avoid the all or nothing scenario of the dwelling unit/boarding house issue.

CONSULTATION – See Schedule

A staff team has met with the landlords, residents, and student representatives from the College and University. In addition, we have met with the Legal Clinic, DNSSAB Housing Officers and the Nipissing Housing Corporation Executive Director. This report incorporates the results of all of those meetings. Please see the attached Consultation Schedule. Notice of the formal public meeting will be advertised in the local paper and provided to all who have asked.

Staff has had discussions with municipalities that have or are considering a similar licensing approach to Rental Housing. Municipalities including Oshawa, London and Waterloo have or are in the process of implementing Rental Housing Licensing By-laws. In general, North Bay's experience with respect to the By-law preparation and consultation mirror those of the other communities. It has been identified that although there is a measure of increased enforcement required these communities believe their By-laws are effective and serve an important purpose in maintaining the integrity and character of well established residential neighbourhoods. Most recently, Sudbury has indicated a desire to establish a Rental Housing Licensing By-law.

PARKING

The residents identified several specific parking issues which are being addressed by the Engineering and Public Works Department as to emergency vehicle access and one side only parking restrictions. 1,206 tickets have been issued this season which is comparable to the number last year with similar concentrations of efforts in similar areas.

Overnight parking stats:

2010 - 2011 – 1206 tickets
2009 - 2010 – 719
2008 - 2009 – 707
2007 - 2008 – 1198
2006 - 2007 – 553
2005 - 2006 – 471
2004 - 2005 – 545

As part of the licensing criteria, the applicant will be required to provide a parking plan which will outline the number of parking spaces available and define the specific parking area. As a measure of increased enforcement, Staff are preparing short form wording to issue tickets for parking outside of designated parking areas (i.e. on the front lawn).

Southview and Belleview Crescents were identified by the residents, as problem parking areas, but upon review by Engineering and Public Works, these areas do not appear to have significant parking concerns. However, serious congestion was noted on Paul Street, Oakdale, Nancy and Sherryl Crescent. One side only parking restrictions would be desirable for emergency vehicles, school bus and snow plow access.

POLICE ENFORCEMENT

The Police received 98 noise complaints from September 1, 2010 to March 19, 2011. 7 charges were laid, 48 warnings were issued. On the rest of the complaints, the noise had stopped or there was no sufficient noise to justify a charge.

The Police note that for the broad range of their calls, while there has been an increase in this area, it is not the area of the City which generates the most calls. Police calls are dealt with in a priority sequence and they encourage residents to call police when a noise issue arises.

The Police have recently appointed a Community Relations Officer, Alain Bedard. He has been reviewing strategies from other communities.

The Council does not have the jurisdiction to direct police priorities. The neighbours and landlords have been advised to direct these concerns to the Police Services Board.

FIRE CODE

While the Fire Code notes that rental accommodations for more than 4 persons require the additional precautions, it also provides that these restrictions do not apply to a property being used as a "dwelling unit". The City is proposing to cap the number of rental bedrooms under the Licensing By-law at 5. Each bedroom will be required to meet the building code requirements for a bedroom (size, egress etc.).

The Fire Prevention Office will not make an assessment without a complete inspection of the building. While a building may fit under the retrofit requirements in the Fire Code for boarding, lodging and rooming, it takes a considerable amount of information to be collected to make this determination and this determination would not be made without the input of the City Prosecutor. At part of this process, Fire Prevention would provide best fire safety practices and will not make a determination on the use of the property unless called in for a complaint or request.

DENSITY

Neighbourhoods within the City of North Bay have been designed over time to accommodate a certain level of density. A majority of the area that will be covered by the first phase of the Licensing By-law was designed for low density residential uses. Currently, the dwelling units that would be subject to this Licensing By-law house a varying number of tenants.

Staff are attempting to balance the needs of tenants in finding appropriate and safe rental accommodations, concerns and issues raised by neighbourhood residents and the concerns regarding the By-law by landlords. Based on this balance and a need to control density in this area, Staff is recommending that the maximum number of rental bedrooms allowed be increased from 4 to 5. This will allow transition and ensure control of the density.

ECONOMICS AND THE POTENTIAL FOR DISPLACED TENANTS

The City has no reliable information on whether tenants will be displaced. 7 of the 8 properties inspected recently had only 5 tenants each.

In consultation with the DNSSAB, we understand that in their view, there would be little or no impact on rent or numbers of accommodations from the By-law. Indeed, if prices do settle as a result of not having the artificial income boost from excessive rental housing within one house, then lease prices may in fact settle as well.

BY-LAWS OF GENERAL APPLICATION

The Waste Management By-Law recently saw set fines approved for it. These have been applied over the past winter season with generally favorable results.

A Yard Waste & Grass Cutting By-Law report will be coming forward for tightening the requirements to cut grass and for yard cleanup in order to complement the existing Property Standards By-law provisions.

HUMAN RIGHTS CODE

The Human Rights Commission takes an active interest in housing. It has issued a white paper and unsuccessfully applied to be an intervener in the Oshawa Supreme Court of Canada application. The Commission's position appears to be contrary to the fundamental principles of zoning based on progressive levels of density, wherein the commission would prefer lodging houses to be permitted in all zones.

RESTRICTED AREA PHASE-IN

This By-law is seen as being necessary not just in the short term, but also in the long term. As a result, we would like to ensure maximum time for compliance. We would propose that the By-law be effective as of January 1, 2012, that Licences be issued for a two (2) year period, the first set of Licences being effective from May 1, 2012.

The Council should eventually license the whole City. The restricted area is based on where the most serious density issues already exist given the limited resources available to the City. The phase in program is as follows and as shown on the attached schedule:

Remainder Pinewood/ Cedar Heights: January, 2013

West Ferris: January, 2013

Laurentian/Airport Heights: January, 2014

CBD/Old City:

January, 2015

Circle Lake:

January, 2016

SELF REGULATION

Another option was raised of registration only. This does not allow the Council to impose conditions such as the number of bedrooms, parking plans or inspections and is not recommended.

There have been discussions concerning facilitating after hours landlord contact. Other private security is not recommended as there is no enforcement mechanism beyond one's own property.

THE INTERIM ENFORCEMENT AND COMPLAINTS

The Building and Fire Department will continue to carry out their inspections. If complaint investigations indicate a boarding house, rather than a dwelling unit, in a residential, low density zone, then charges will proceed if supported by the evidence.

The Zoning By-Law prohibits parking on front lawns. However, in order to effectively enforce such offences, additional short form wordings and set fines are required. Please see the attached short form wording for a number of parking offences under the Zoning By-Law.

Administrative steps are being taken to ease the complaint process to discontinue the need for a complainant to physically attend at City Hall. Complaints will still be verified by enforcement staff.


Municipal By-Law enforcement will be expanded to recognize the additional set fine offences using existing resources. Any enforcement beyond those set fine offences is more properly left to the police.

RECOMMENDED OPTION

1. That the maximum number of rental bedrooms in the Licensing By-law be increased from 4 to 5.
2. That the By-law be made effective January 1, 2012 for the first Licences to be issued from May 1, 2012 to May 1, 2014.
3. That an advertised public meeting be arranged to consider the recommended By-law.
4. That one side only parking be implemented on Paul Street, Oakdale Road, Nancy Street and Sherryl Crescent.

5. That the short form wording schedule, for front yard parking and other zoning by-law parking offences, be adopted to enhance enforcement.

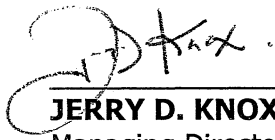
Respectfully submitted,



MICHAEL B. BURKE
City Solicitor, and Managing
Director, Corporate Services

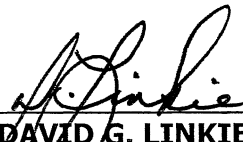
per 

ALAN KORELL
Managing Director Engineering &
Environmental Services & Works



JERRY D. KNOX
Managing Director Community Services

I concur in this report and recommendation



DAVID G. LINKIE
Chief Administrative Officer

Personnel designated for continuance: Michael B. Burke, City Solicitor

Attachments: Schedule "A" – Fire Code Application Opinion Re: Housekeeping Unit v. Lodging
Short form wording Schedule
Good Neighbourhood Housing Consultation Schedule
Phase In Schedule

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SCHEDULE "A"

Subject: Fire code Application opinion re: housekeeping unit vs lodging

We have been asked for our opinion as to whether the exemption for a "dwelling unit" from Part 9 of the Fire Code applies to the requirements for "boarding houses" in Section 9.3.

The first issue to be addressed is whether the premises constitute a dwelling unit. If the exemption applies then there is no need to look at Section 9.3, since it simply does not apply.

A "dwelling unit" is a defined term under the Fire Code:

Dwelling unit means a **suite** operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

The courts have established multi-purpose tests as to what constitutes a "housekeeping unit ... used as a domicile ... usually containing cooking, eating, living, sleeping and sanitary facilities"

This includes looking at how the rent is paid, locks on bedroom doors and whether the residents live as a single cohesive unit, that is whether they eat together, share household duties together or do other things together.

At a civil level, municipalities have had mixed success. Successful decisions have occurred in the following cases: *Windfield Farms v. Death*, the case from Oshawa that went all the way up to the Supreme Court of Canada and *Scozzafava v. St. Catherines (City)*, this case did not deal directly with the issue of rooming, boarding and lodging houses but the municipality was successful in passing an interim control by-law to control increased residential development in an area where single family homes were being turned into multiple unit homes to accommodate tenants. In other cases however, the municipalities were unsuccessful in proving a rooming, boarding and lodging house such as in the cases of *2161907 Ontario Inc. v. The Corporation of the City of St. Catherines* and *Jim Sommerville*; and *Good v. the Corporation of the City of Waterloo*. At a quasi-criminal level where the burden of proof is proof beyond a reasonable doubt, municipalities have again met with mixed success in proving rooming, boarding and lodging houses. There are not a lot of reported decisions in this area but we are aware of two successful cases, namely *Ottawa (City) v. Bentolila* and a case in Sudbury against a Kingston numbered company which was found to be operating a rooming, boarding and lodging house contrary to the Zoning By-Law. An example of an unsuccessful case would be the case of *R. v. Parks* in the City of North Bay. These cases are very "fact specific" and turn on the specific facts and evidence adduced in each particular case.

The legal difficulty is that the first inquiry is whether the individual renters live as a household unit. If they do, it does not matter that "lodging is provided for more than 4 in return for remuneration", since the household unit finding shields by the over-riding exemption of the premises from the boarding houses requirement in section 9.3.

The proposed Rental Housing Licencing By-law avoids this issue by focusing on the issue of how many bedrooms here are in the dwelling unit. This assumes that the premises constitute a dwelling unit. However, the application of the tests of a dwelling unit are still required, since if in fact the premises are not used as a household unit, then both the Fire Code and the Zoning by-law will apply to either prohibit the use under the Zoning By-law, or, if it is a permitted use, impose retrofit requirements.

Exemptions

9.1.2.2

(3) This Part does not apply to a **building** that contains not more than one **dwelling unit** and no other **major occupancy**.

SECTION 9.3 BOARDING, LODGING AND ROOMING HOUSES

9.3.1.1. (1) This Section applies to boarding houses, lodging houses, rooming houses and private rest homes in which residents do not require care or treatment because of age, mental or physical limitations, where

- (a) the **building height** does not exceed 3 **storey's** and the **building area** does not exceed 600 m²,
- (b) lodging is provided for more than four persons in return for remuneration or the provision of services or both, and
- (c) lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

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THE CORPORATION OF THE CITY OF NORTH BAY - SET FINES
PART II – PLANNING ACT

Planning Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Early Voluntary Payment Payable Within 7 Days	COLUMN 4 Set Fine
1.	Park vehicle without valid licence plate, contrary to Section 3.2(8)	Section 67(1)	\$65.00	\$75.00
2.	Park vehicle in front yard, contrary to Section 5.1.5.1	Section 67(1)	\$65.00	\$75.00
3.	Park commercial motor vehicle in residential zone, contrary to Section 5.1.6	Section 67(1)	\$65.00	\$75.00
4.	Park motor home with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
5.	Park travel trailer with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
6.	Park boat with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
7.	Park recreational vehicle with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
8.	Park accessory trailer with height greater than 1.8 metres in front yard in residential zone, contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00
9.	Park snowmobile contrary to Section 5.1.7	Section 67(1)	\$65.00	\$75.00

Note: The penalty provision for the offence indicated above is Section 67(1) of the Planning Act for charges pursuant to the Zoning By-Law No. 28-80, as amended a certified copy of which has been filed

GOOD NEIGHBOURHOOD HOUSING CONSULTATION SCHEDULE

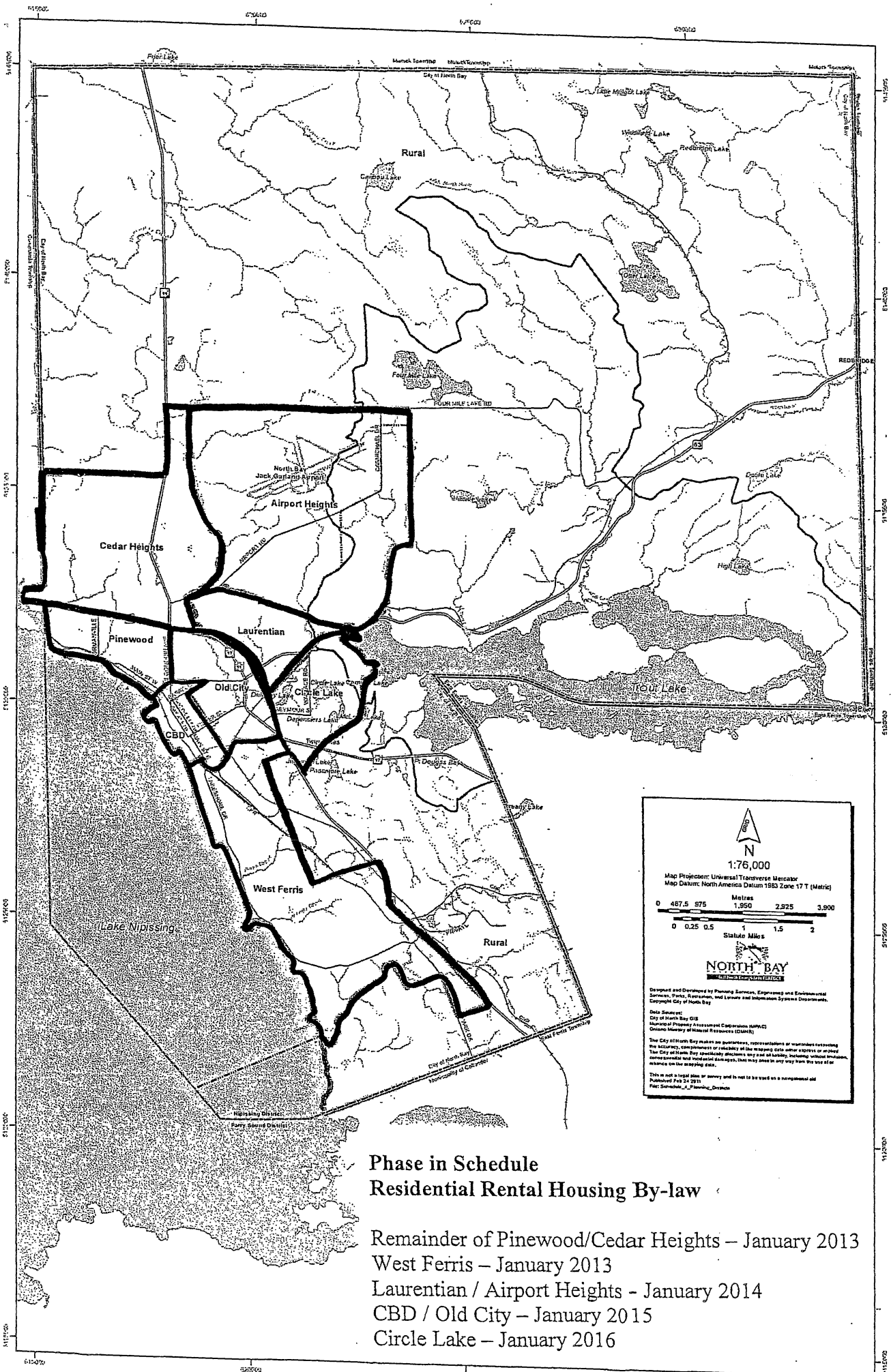
October 9, 2008	Meeting with staff, police and Nipissing University reps (Interdepartmental Committee formed)
October 28, 2008	Interdepartmental Committee Meeting
November 25, 2008	Interdepartmental Committee Meeting (minutes available)
January 6, 2009	Interdepartmental Committee Meeting (minutes available)
May 14, 2009	Information sharing session/public presentation at West Ferris Arena – Dave Linkie, staff, police, fire, legal etc.
July 9, 2009:	Good Neighbourhood Handbook developed and Forwarded to University and College (Handbook available)
August 8, 2009	Interdepartmental Committee Meeting – off campus accommodation registration process developed (available)
September 15, 2009	Town and Gown meeting: Shawn Killins, Bev Hillier, Anthony Koziol, Nipissing University and Canadore College representatives (minutes available)
February 1, 2010	Interdepartmental Committee Meeting
February 10, 2010	Interdepartmental Committee Meeting (minutes available)
February 11, 2010	Fire Prevention flyer developed (available)
August 10, 2010	Dave Linkie meets with new Canadore College President regarding student housing
August 19, 2010	Dave Linkie, members of Council and Senior City Staff meet with the President of Nipissing University and the appointed Chair of the Board of Governors
September 22, 2010	Follow-up meeting with Senior Nipissing University Staff and Senior City Staff identifying housing as a number 1 priority


Good Neighbourhood Housing – Consultation Schedule

November 30, 2010	Meeting with Thibeault Terrace neighbours (8), Dave Linkie and Committee members (minutes available)
December 8, 2010	Interdepartmental Committee Meeting (minutes available)
January 14, 2011	Jerry Knox meets with Casey Phillips, Director Residence and Conference Services to discuss and provide a presentation to students regarding off campus housing
January 17, 2011	Interdepartmental Committee Meeting with representatives from Nipissing University and Canadore College
January 26, 2011	Meeting/information sharing session with landlords (8) from Thibeault Terrace. Note: these 8 landlords identified as a result of complaints received from neighbours this month
January 28, 2011	Shawn Killins and Bev Hillier meet with Martin Holmes, Off Campus Housing Coordinator with Nipissing University to discuss updating handbooks etc. and hold student presentations regarding off campus housing
February 1, 2011	Meeting with Dave Linkie, Committee Members, Shawn Chorney – Canadore, Linda Turcotte – Canadore, Casey Phillips – Nipissing University and Thibeault Terrace home owners (7) (minutes available)
February 8, 2011	Interdepartmental Committee Meeting
February 13, 2011 February 15, 2011 March 1, 2011 March 2, 2011	Off-Campus Housing information presentations (4) conducted on-campus by Shawn Killins, Bev Hillier and Genevieve de Bruyn Residence Life Supervisor, Nipissing University
February 15, 2011	Interdepartmental Committee Meeting
February 22, 2011	Interdepartmental Committee Meeting
February 28, 2011	Report to Council, CSBU #2011-36, Rental Housing Licensing By-law proposal

Good Neighbourhood Housing – Consultation Schedule


March 2, 2011	Interdepartmental Committee Meeting
March 8, 2011	Interdepartmental Committee Meeting
March 9, 2011	Evening meeting with landlords, real estate members in Council Chambers
March 11, 2011	Interdepartmental Committee Meeting
March 14, 2011	CSBU Committee Meeting in Council Chambers regarding Rental Housing Licensing By-Law
March 15, 2011	Interdepartmental Committee Meeting
March 16, 2011	Interdepartmental Committee presentation to neighbours from Thibeault Terrace in Council Chambers
March 18, 2011	Shawn Killins and Bev Hillier meet with DNSSAB
March 21, 2011	Interdepartmental Committee Meeting
March 29, 2011	Interdepartmental Committee Meeting
March 30, 2011	City facilitates neighbourhood and landlords evening meeting in Council Chambers
April 5, 2011	Interdepartmental Committee Meeting
April 19, 2011	Jerry Knox facilitates meeting with landlords and neighbours




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Map Projection: Universal Transverse Mercator
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Metres					
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Statute Miles					


NORTH BAY
 MUNICIPAL CORPORATION

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Date: Summer 2011
 City of North Bay GIS
 Municipal Planning Assessment Corporation (MAPAC)
 Ontario Ministry of Natural Resources (OMNR)

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This is not a professional survey and is not to be used as a replacement of a Professional Survey.
 Published Feb 24 2011
 File: Services_M_Planning_Drains

**Phase in Schedule
Residential Rental Housing By-law**

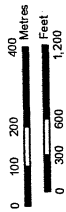
- Remainder of Pinewood/Cedar Heights – January 2013
- West Ferris – January 2013
- Laurentian / Airport Heights - January 2014
- CBD / Old City – January 2015
- Circle Lake – January 2016

City of North Bay Rental Housing By-law 2011



Map Projection: Universal Transverse Mercator
Map Datum: North America Datum 1983 Zone 17 (Metric)

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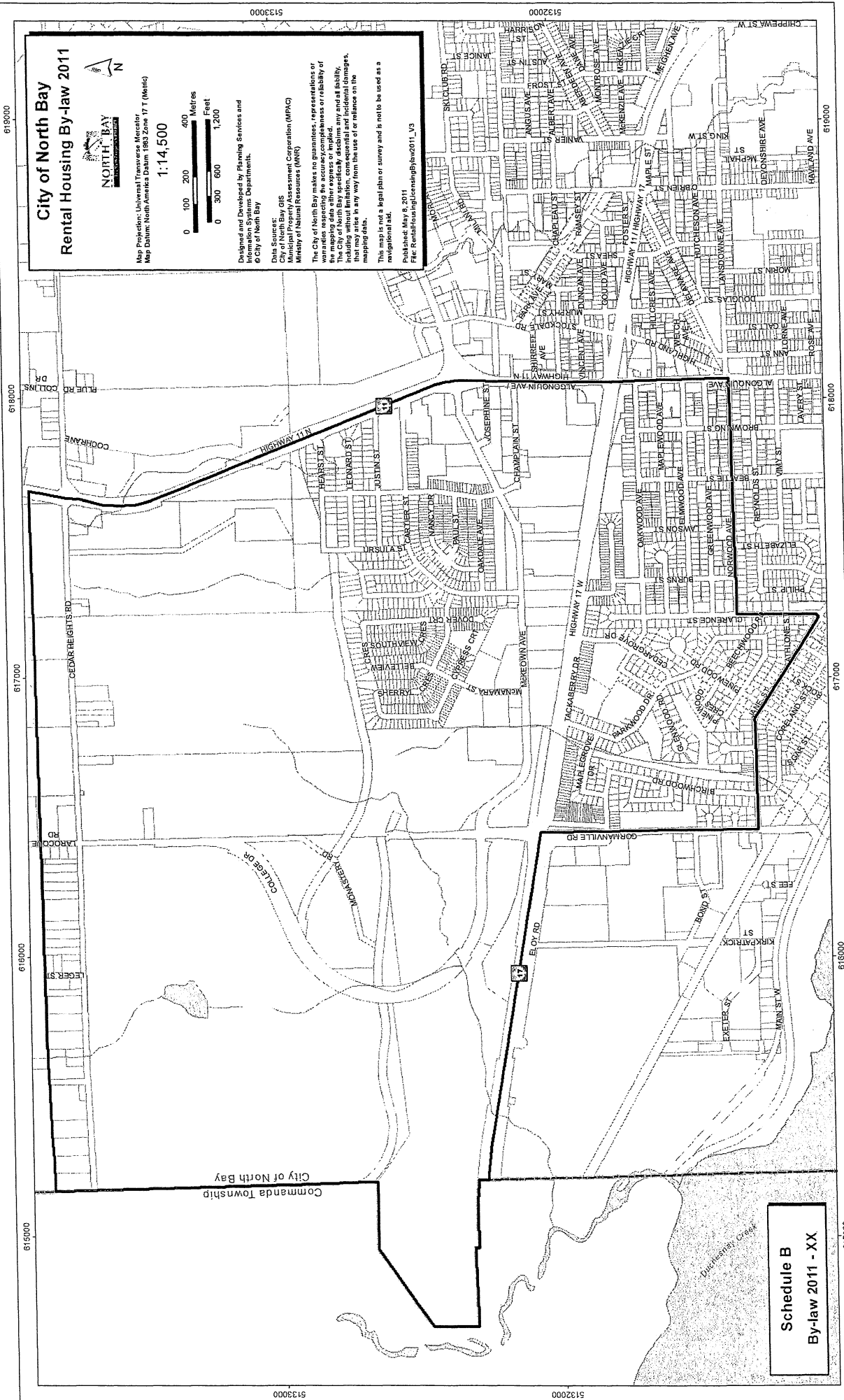
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Municipal Property Assessment Corporation (MPAC)
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Published: May 8, 2011
File: RentalHousingBylaw2011_V3



**Schedule B
By-law 2011 - XX**

Appendix D
Report to Council CSBU 2011-36

Report No: CSBU 2011 - 36

Date: February 28, 2011

Originator: Michael B. Burke, City Solicitor
Beverley Hillier, Manager, Planning Services

Subject: Rental Housing Licensing By-law

RECOMMENDATION

1. That City Council receive Report to Council CSBU 2011- 36 for information purposes; and
2. That Staff prepare a supplemental report and final By-law for Council's consideration subsequent to public consultation as outlined in to Report to Council CSBU 2011 – 36.

BACKGROUND

The City of North Bay has recognized a need within the community to deal with various rental housing issues occurring within the City of North Bay. This comes from a variety of complaints that have been received over many years regarding conflict around, and resolutions to, students and non-student issues in residential neighbourhoods in the City.

Complaints regarding rental housing generally are with respect to neighbourhood nuisance issues such as property standards, noise, parking, waste management, and life safety issues such as the number of tenants, use of rental units and construction within rental units without a permit.

As a result of the complaints received, the City has had preliminary consultation with Nipissing University, Canadore College, staff, students, local residents and landlords. These meetings have set the stage for the development and implementation of a Rental Housing Licensing By-law which will license rental housing within the area shown on Schedule B. Staff has prepared a Draft Rental Housing Licensing By-law (attached as Schedule A).

In summary the By-law will:

- limit the number of tenants per rental unit to four (4);
- apply to single detached, semi-detached and duplex dwelling units;
- will not apply to owner occupied rental units where no more than two (2) bedrooms are rented to tenants;
- as part of the license renewal process annual inspections will be required to ensure the rental units comply with the Ontario Building Code, the Ontario Fire Code, the City's Property Standards By-law, the City's Zoning By-law, the City's Waste Management By-law and the Electrical Safety Code;
- require landlords/owners of rental properties to acquire and renew their license on a yearly basis
- impose an annual licensing fee of \$300 plus an initial ESA inspection fee.; and
- be presented for Council consideration by May 2, 2011 and proposed to be effective on September 1, 2011.

City Staff has done a significant amount of research regarding rental housing issues within other communities. We recognize the need for rental accommodation within the community and have attempted to develop a Rental Housing Licensing By-law that would license rental units, help to ensure safe living accommodations and also balance the character, enjoyment and amenities of existing residential neighbourhoods.

With the completion of the Draft By-law, Staff will be conducting consultation with Nipissing University, Canadore College, local residents and landlords in March 2011. Through this consultation Staff will receive input and comments on the Draft By-law. The By-law will be revised and brought back for Council's consideration together with a supplemental report outlining the comments received. In addition to consultation with stakeholders, a public meeting will be held in front of Council for broad community input on 20 days notice in mid-April 2011. It is anticipated the By-law would be passed by City Council on May 3, 2011 and come in to effect on September 1, 2011. Fire, Building and Planning Services will start conducting inspections in May 2011 for licenses to be issued under the By-law.

OPTIONS ANALYSIS

Option 1:

Do not proceed with the Draft Rental Housing Licensing By-law or associated public consultation.

Option 2:

Consult with the public regarding the Draft Rental Housing Licensing By-law and report back to Council.

RECOMMENDED OPTION


Option 2 is the recommended option.

The Draft Rental Housing Licensing By-law will attempt to regulate rental housing within the area shown on Schedule B. This is being completed based on concerns raised from local residents, landlords, Nipissing University and Canadore College.

Respectfully submitted,



Michael B. Burke
City Solicitor


Beverley Hillier, MCIP, RPP
Manager, Planning Services


MBB/BH/dlb

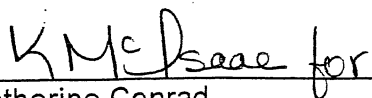
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Ron Melnyk
By-law Enforcement Coordinator

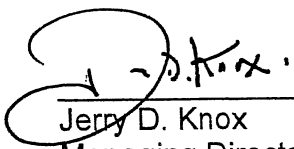

Elizabeth Courville, ACST
Zoning Administrator


Catherine Conrad
City Clerk


for Grant Love
Fire Chief


Shawn Killins
Chief Building Official

We concur in this report and recommendation.


Jerry D. Knox
Managing Director, Community Services


David G. Linkie
Chief Administrative Officer

Personnel designated for continuance: City Solicitor
Manager, Planning Services
Chief Building Official
Fire Chief
By-law Enforcement Coordinator

SCHEDULE A

THE CORPORATION OF THE CITY OF NORTH BAY

By-law No. 2011-_____

RENTAL HOUSING LICENCING BY-LAW

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THE CORPORATION OF THE CITY OF NORTH BAY

By-law No. 2011-__

BEING A BY-LAW A BY-LAW TO PROVIDE FOR THE LICENCING AND REGULATION OF RENTAL UNITS IN THE CITY OF NORTH BAY

WHEREAS subsection 5(3) of the Municipal Act, 2001 S.O. 2001, c.25 provides that a municipal power shall be exercised by by-law;

AND 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 this or any other Act;

AND WHEREAS subsection 10(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 10(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 wellbeing of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the Municipal Act, 2001 provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

AND WHEREAS subsection 151(5) of the Municipal Act, 2001 provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for the Corporation of the City of North Bay 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 the 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;

AND WHEREAS section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers;

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 section 444 of the Municipal Act, 2001 provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS the Council of the Corporation of the City of North Bay has ensured that sufficient information has been made available to the public and has held at least one public meeting after due notice of the purpose of informing the public of this By-law;

AND WHEREAS the Council of the Corporation of the City of North Bay passed a resolution on _____, 2011, to approve the adoption of a by-law to provide for the licencing and regulation of Rental Units in the city of North Bay;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Council of The Corporation of the City of North Bay enacts as follows:

1 INTERPRETATION

1.1 For the purposes of this By-law:

“Apartment Building” means a building consisting of four or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above;

“Applicant” means a person applying for a licence under this By-law;

“Bedroom” means a room or area within a Rental Unit used, designed, equipped or intended for sleeping;

“Building” means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, loading dock, staging gallery, wall, excavation, storage tank, gasoline pump, pump island, bleacher, fence, swimming pool, grandstand, tent, awning, bin, bunker or platform, vessel or vehicle used for any of the said purposes is deemed a building;

“By-law Enforcement Coordinator” means the By-law Enforcement Coordinator of the City or a person delegated by him for the purposes of this By-law;

“Chief Building Official” means the Chief Building Official as appointed by Council pursuant to the Building Code Act;

“City” means The Corporation of the City of North Bay;

“City Clerk” means the Clerk of The Corporation of the City of North Bay or a person delegated by him or her for the purposes of this By-law.

“Converted Dwelling” means a building which has been altered by the creation of more dwelling units than existed originally, with each dwelling unit having its own sanitary facilities and cooking facilities;

“Council” means the Municipal Council of The Corporation of the City of North Bay;

“Dwelling Unit” means a suite of habitable rooms which:

- i) is in a building;
- ii) is used or intended to be used by one or more persons as a single, independent and separate household unit;
- iii) contains food preparation and sanitary facilities for the exclusive common use of the occupants, and;
- iv) has a means of egress directly to the outside of the building or structure in which it is located, which may be a means of shared egress with another residential unit.

“Fire Chief” means the Chief of North Bay Fire & Emergency Services of the City or a person delegated by him or her for the purposes of this By-law;

“Gross Floor Area” means the sum of all floor areas above grade, except in the case of an apartment building where part of the area of the basement is used for a dwelling unit(s), in which case the said area constitutes part of the gross floor area measured between the internal faces of the exterior walls of the building at the level of each floor, including any part of the building above grade used for the storage or parking of motor

vehicles, locker storage and laundry facilities, but excluding any part of the building used for mechanical purposes which are an integral part of the building;

“Hearings Officer” means a person or body that has been delegated the power or duty to hold a hearing or provide an opportunity to be heard for the purpose of this Bylaw;

“Inspectors” means:

- i) a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief;
- ii) Chief Building Official;
- iii) Building Inspectors;
- iv) Property Standards Inspectors;
- v) Zoning Administrator; or
- vi) By-law Enforcement Coordinator and any By-law Enforcement Officers designated by the By-law Enforcement Coordinator.

“Issuer of Licences” means a person appointed by the Council to issue the licences as set out in this By-law;

“Landlord” includes:

- i) each owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

“Licencee” means any person, corporation or partnership licenced under this By-law;

“Lot” means any parcel of land with frontage on a road which is a separate parcel of record or is shown as a whole lot on a registered Plan of Subdivision, including any part of which is subject to an easement or right-of-way. (Section 44, By-law No. 165-80);

“Medical Officer of Health” means the Medical Officer of Health for the North Bay Parry Sound District Health Unit or a person delegated by him or her for the purposes of this By-law;

“Municipality” means the land within the geographic limit of the City of North Bay;

“Owner” includes:

- i) each person owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

“Person” includes:

- i) individuals;
- ii) corporations; and
- iii) partnerships.

“Rent” includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord’s agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;

“Rental Area” means each Lot as depicted in Schedule “B” of this By-law;

“Rental Property” includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate.

“Rental Unit” means a Building or part of a Building:

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities;

- iii) designed for use as a single housekeeping establishment; and
- (iv) used or intended for use as a rented residential premises.

“Townhouse” means a building that is divided vertically by common walls into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit;

“Tenant” includes a person who pays rent in return for the right to occupy a Rental Unit and includes the person’s heirs, assigns (including subtenants) and personal representatives.

2 PROHIBITIONS

- 2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-law.
- 2.2 No person shall hold himself, herself or itself out to be licenced under this By-law if they are not.
- 2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.
- 2.4 No person shall operate a Rental Unit while the licence issued under this By-law is under suspension.

3 SCOPE

- 3.1 This By-law applies to the specified geographical area as depicted in Schedule “B” of this By-law for those properties that are zoned “Residential First Density (R1)”, “Residential Second Density (R2)”, “Residential Third Density (R3), or have a legal non-conforming R1, R2 or R3 property according to the City’s Comprehensive Zoning By-law, as amended.
- 3.2 This By-law does not apply to:
 - 3.2.1 a “Housing project” as that term is defined in the *Social Housing Reform Act, 2000*, S.O. 2000, c.27;

3.2.2 an Apartment Building; or to

3.2.3 a Rental Unit that is occupied by the owner of the Rental Unit as their sole residence and in which no more than two (2) bedrooms are occupied by Tenants.

4 ADMINISTRATION

4.1 The administration of this By-law is assigned to the City Clerk who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:

4.1.1 receive and process all applications for all licences and renewals of licences under this By-law;

4.1.2 issue licences in accordance with the provisions of this By-law;

4.1.3 impose terms and conditions on licences in accordance with this By-law; and,

4.1.4 refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

5 APPLICATION FOR AND RENEWAL OF A LICENCE

5.1 Every application for a licence and renewal licence shall be made to the Issuer of Licences on the forms provided by the Issuer of Licences.

5.2 Without limitation, every application for a licence or a renewal shall include the following information:

5.2.1 the name, municipal address and telephone number of each Landlord;

5.2.2 the municipal address and legal description of the Rental Unit;

5.2.3 if a Landlord is a corporation, the name, address and telephone number of each director and officer; and shareholder;

5.2.4 if a Landlord is a partnership, the name address and telephone number of each partner;

5.2.5 the number of bedrooms;

- 5.2.6 a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
 - 5.2.7 each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord.
- 5.3 Every person applying for a licence or renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:
- 5.3.1 payment of the prescribed fee as set out in Schedule "A" of this By-law;
 - 5.3.2 a copy of the transfer/deed evidencing a Landlord's ownership;
 - 5.3.3 if a Landlord is a corporation, a copy of:
 - 5.3.3.1 the Landlord's articles of incorporation; and
 - 5.3.3.2 a corporate profile report issued by the Ontario Ministry of Consumer and Business Services;
 - 5.3.4 a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use;
 - 5.3.5 a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Waste Management and Property Standards By-laws;
 - 5.3.6 a parking plan that complies with the City's Zoning By-law, as amended, and that shows the location and dimensions of all parking spaces for vehicles on the Rental Property;
 - 5.3.7 proof of Placement of insurance that:
 - 5.3.7.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - 5.3.7.2 identifies the proposed use as residential rental; and that

- 5.3.7.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
 - 5.3.8 a statement from or on behalf of the City's Fire Chief confirming that the Rental Property and its proposed use comply with the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations;
 - 5.3.9 an initial certificate issued by the Electrical Safety Authority (ESA) confirming that the Rental Property and its proposed use comply with the *Electrical Safety Code, O. Reg. 164/99*, and such further certificates as may be required by an Inspector;
 - 5.3.10 a statement from or on behalf of the City's Chief Building Official confirming that the Rental Property and its proposed use comply with the *Building Code Act, 1992* (Ontario) and its regulations;
 - 5.3.11 a statement from or on behalf of the City's Zoning Administrator confirming that the subject property is in conformity and compliance with the City's Zoning By-law;
 - 5.3.12 a statement from or on behalf of the By-law Enforcement Coordinator as to any noise by-law convictions during the previous year at this location and comments thereon; and
 - 5.3.13 proof of payment of any fine, fee or property taxes owed to the City by any Landlord respecting any Rental Property; and
- 5.4 All documents and information required by sections 5.2 and 5.3 must be submitted at the time of the application for or renewal of a licence under this By-law.
 - 5.5 The Issuer of Licences may refuse an application for a licence or its renewal where any of the documents required by sections 5.2 and 5.3 of this By-law are incomplete or lacking in any way.
 - 5.6 The Issuer of Licences may also refuse to accept an application for a licence where any of the documents required by clause 5.3.3 and by paragraphs 5.3.7, 5.3.8, 5.3.9 and 5.3.10 of this By-law was issued prior to the sixtieth (60th) day preceding the date on which the application is submitted.

6 LICENCE ISSUANCE

- 6.1 Each licence shall include the following:

- 6.1.1 The licence number;
 - 6.1.2 Date the licence was issued and the date it expires;
 - 6.1.3 The municipal address of the Rental Unit;
 - 6.1.4 The name, address and telephone number of each Landlord;
 - 6.1.5 Where a Landlord is a corporation, the name address and telephone number of each Issuer of Licences and each officer of the Landlord or of their duly authorized agent; and
 - 6.1.6 Where a Landlord is a partnership, the name, address and telephone number of each partner.
- 6.2 A licence issued under this By-law shall be valid only for the period of time for which it was issued.
- 6.3 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licencee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.
- 6.4 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Property.
- 6.5 No licence issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.
- 6.6 The Licencee shall notify the City Clerk of any change in ownership of the Rental Unit or Rental Property within seventy-two (72) hours of the completion of such change in ownership.
- 6.7 Within seventy-two (72) hours of a change in ownership for a Dwelling Unit, the new owner shall provide the following information and documentation to the City Clerk in order to have a licence reissued:
- 6.7.1 the name, municipal address and telephone number of each Landlord;
 - 6.7.2 a copy of the transfer/deed evidencing the new ownership;

- 6.7.3 proof of Placement of insurance according to section 5.3.7 of this By-law;
 - 6.7.4 a statement by each Landlord certifying no changes have been made to documents submitted according to sections 5.3.4, 5.3.5 and 5.3.6 of this By-law;
 - 6.7.5 a statement by each Landlord certifying the Rental Unit conforms with section 7 of this By-law; and
 - 6.7.6 each Landlord's signature or of any duly authorized Landlord's agent that would bind the Landlord.
- 6.8 Following a change in ownership, a reissued licence under this By-law shall be valid only for the period of time for which it was originally issued.
- 6.9 Following a change in ownership of a Dwelling Unit, no fee shall be required to reissue a licence under this By-law.
- 6.10 All licence fees paid under this By-law are non-refundable.

7 LICENCE CONDITIONS

- 7.1 No Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence.
- 7.1.1 Subject to paragraph 7.1.2, 7.1.3 and 7.1.4 of this By-law, the number of Bedrooms in the Rental Unit does not exceed four (4);
 - 7.1.2 No more than 40% of the Rental Unit's Gross Floor Area – Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable law;
 - 7.1.3 No room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;
 - 7.1.4 No more than 40% of the Gross Floor Area – Residential of the Rental Unit's ground floor may be comprised of Bedrooms;

- 7.1.5 Each Tenant is a party to a written tenancy agreement with a Landlord;
- 7.1.6 A Landlord does not directly or indirectly require or cause a Tenant to refuse or consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-law;
- 7.1.7 A Landlord notifies the Issuer of Licences in writing within two (2) days of any change to any information provided pursuant to section 5 and 6 of this By-law;
- 7.1.8 A legible copy of the licence is posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door;
- 7.1.9 A Landlord maintains insurance respecting the Rental Unit that:
 - 7.1.9.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - 7.1.9.2 identifies the use as residential rental; and that
 - 7.1.9.3 requires that the Issuer of Licences be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
- 7.1.10 The Landlord and the Rental Property comply with all applicable law including:
 - 7.1.10.1 the *Health Protection and Promotion Act* (Ontario) and its regulations, as amended;
 - 7.1.10.2 the *Fire Protection and Prevention Act, 1997* (Ontario) and its regulations, as amended;
 - 7.1.10.3 the *Electrical Safety Code*, O. Reg. 164/99, as amended;

- 7.1.10.4 the *Building Code Act*, 1992 (Ontario) and its regulations, as amended;
- 7.1.10.5 the City's *Carbon Monoxide Alarm By-law*, as amended;
- 7.1.10.6 the City's *Zoning By-law*, as amended;
- 7.1.10.7 the City's *Property Standards By-law*, as amended; and
- 7.1.10.8 the City's *Waste Management By-law*, as amended.

7.1.11 No fine, administrative penalty or fee is owed to the City by any Landlord;

7.1.12 The Landlord and the Rental Property comply with the maintenance plan submitted pursuant to section 5.3.5 of this By-law; and

7.1.13 No vehicle may be stopped or parked on any part of the Rental Property except within a parking space identified on the parking plan shuttered pursuant to section 5.3.6 of this By-law.

8 POWERS OF THE ISSUER OF LICENCES

- 8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the City Clerk.
- 8.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 8.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:

- 8.3.1 the conduct of the Applicant or Licencee, or any partner, officer, director, employee or agent of the Applicant or Licencee, affords reasonable cause to believe that the Applicant or Licencee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
 - 8.3.2 there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licencee contains a false statement;
 - 8.3.3 an Applicant or Licencee is carrying on activities that are in contravention of this By-law; or,
 - 8.3.4 an Applicant or Licencee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-law.
- 8.4 Notwithstanding any other provision of this By-law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-law.
- 8.5 Where the City Clerk is of the opinion that:
- 8.5.1 an application for a licence or renewal of a licence should be refused;
 - 8.5.2 a reinstatement should not be made;
 - 8.5.3 a licence should be revoked;
 - 8.5.4 a licence should be suspended, or,
 - 8.5.5 a term or condition of a licence should be imposed; the City Clerk shall make that decision.
- 8.6 Where the City Clerk has made a decision under subsection 8.5, the City Clerk's written notice of that decision shall be given to the Applicant or the Licencee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the address of the corporation's registered head office.
- 8.7 The written notice to be given under subsection 8.6 shall:

- 8.7.1 set out the grounds for the decision;
 - 8.7.2 give reasonable particulars of the grounds;
 - 8.7.3 be signed by the City Clerk; and,
 - 8.7.4 state that the Applicant or Licencee is entitled to a hearing by the Hearings Officer if the Applicant or Licencee delivers to the City Clerk, within ten (10) days after the notice in subsection 8.6 is served, and the appeal fee as set out in Schedule "A" of this By-law.
- 8.8 Where no appeal is registered within the required time period, the decision of the City Clerk shall be final.
- 8.9 Despite subsection 8.7 where a licence is voluntarily surrendered by the Licencee for revocation, the City Clerk may revoke the licence without notice to the Licencee.

9 HEARINGS BEFORE THE HEARINGS OFFICER

- 9.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.
- 9.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearings Officer under this By-law.
- 9.3 When the Applicant or Licencee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Officer may proceed with the hearing in his or her absence and the Applicant or Licencee shall not be entitled to any further notice of the proceeding.
- 9.4 At the conclusion of the hearing, the Hearings Officer may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licencee and the Issuer of Licences.
- 9.5 The Hearings Officer may uphold or vary the decision of the Issuer of Licences or make any decision that the Issuer of Licences was entitled to make in the first instance.
- 9.6 The decision of the Hearings Officer is final.
- 9.7 Notwithstanding anything in this By-law to the contrary, where an Applicant or Licencee appeals against or requests a review of a decision concerning a

Rental Housing licence, no decision in the appeal or review shall be made unless each Owner of a Lot situated within thirty (30) meters of the Rental Property subject of the appeal or review has been given no fewer than seven (7) days notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

10 ENFORCEMENT

- 10.1 Inspectors, acting under the Fire Chief's, Chief Building Official's, Zoning Administrator's or By-law Enforcement Coordinator's instructions, may enforce this By-law.
- 10.2 Subject to section 437 of the *Municipal Act, 2001*, as to entry of dwelling units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
 - 10.2.1 this By-law is being complied with;
 - 10.2.2 a direction or order of the City made pursuant to the *Municipal Act, 2001*, or any successor thereof or made pursuant to a By-law of the City is being complied with;
 - 10.2.3 a condition of a licence issued under a by-law of the City is being complied with; or
 - 10.2.4 an order made pursuant to Section 431 of the *Municipal Act, 2001*, which prohibits the continuation or repetition of an offence is being complied with.
- 10.3 An Inspector may for the purpose of an inspection:
 - 10.3.1 require the production for inspection of documents or things relevant to the inspection;
 - 10.3.2 inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 10.3.3 acquire information from any person concerning a matter related to the inspection ; and
 - 10.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test samples or photographs necessary for the purpose of the inspection.

- 10.4 The Inspector may undertake inspections pursuant to orders which are made pursuant to section 438(2) of the *Municipal Act, 2001*.
- 10.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

11 PENALTIES

- 11.1 Any person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.
- 11.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.
- 11.3 A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.
- 11.4 Despite section 11.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.
- 11.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,
- 11.5.1 prohibiting the continuation or repetition of the offence by the person convicted; and,
 - 11.5.2 requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

12 ADMINISTRATIVE PENALTIES

- 12.1 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with this section 12, be liable to pay to the City an administrative penalty in the amount of \$250.

12.2 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.

12.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:

12.3.1 Particulars of the contravention;

12.3.2 The amount of the administrative penalty;

12.3.3 Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and

12.3.4 A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.

12.4 No Officer may accept payment of an administrative penalty.

12.5 A person who receives a penalty notice may request a review of the administrative penalty by the Hearings Officer in accordance with this paragraph 12.5.

12.5.1 The person's right to request a review expires on the tenth (10th) day after the penalty notice is given to the person.

12.5.2 The person's right to request that the Hearings Officer extend the time to request a review expires on the twentieth (20th) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.

12.5.3 The person shall be given seven (7) days notice of the date, time and place of the hearing of a review request under clause 12.5.1 or an extension request under clause 12.5.2.

12.5.4 The Hearings Officer shall not make a determination with respect to a review request under clause 12.5.1 or an extension request under clause 12.5.2 unless the Hearings Officer has given to the Licencee, the Issuer of Licences and the Officer who issued the penalty notice an opportunity to be heard.

- 12.5.5 The Hearings Officer may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
- 12.5.6 The Hearings Officer may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearings Officer is satisfied that doing so would maintain the general intent and purpose of this By-law and that
 - 12.5.6.1 there is reason to doubt that the person contravened this By-law;
 - 12.5.6.2 the person took all reasonable steps to prevent the contravention; or that
 - 12.5.6.3 the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 12.5.7 The decision of a Hearings Officer is final and not subject to review including review by any Court.
- 12.5.8 The Issuer of Licences may at any time cancel, reduce or extend the time for payment of an administrative penalty, including any late payment fee imposed pursuant to Schedule "A" of this By-law..
- 12.5.9 An administrative penalty that is deemed to be affirmed pursuant to clause 12.5.2 or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 12.5.5 or paragraph 12.6 constitutes a debt to the City of each person to whom or to which the penalty notice was given.
- 12.5.10 Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 12.5.5 or paragraph 12.6, the City shall refund the amount cancelled or reduced.
- 12.5.11 Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.
- 12.5.12 Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person

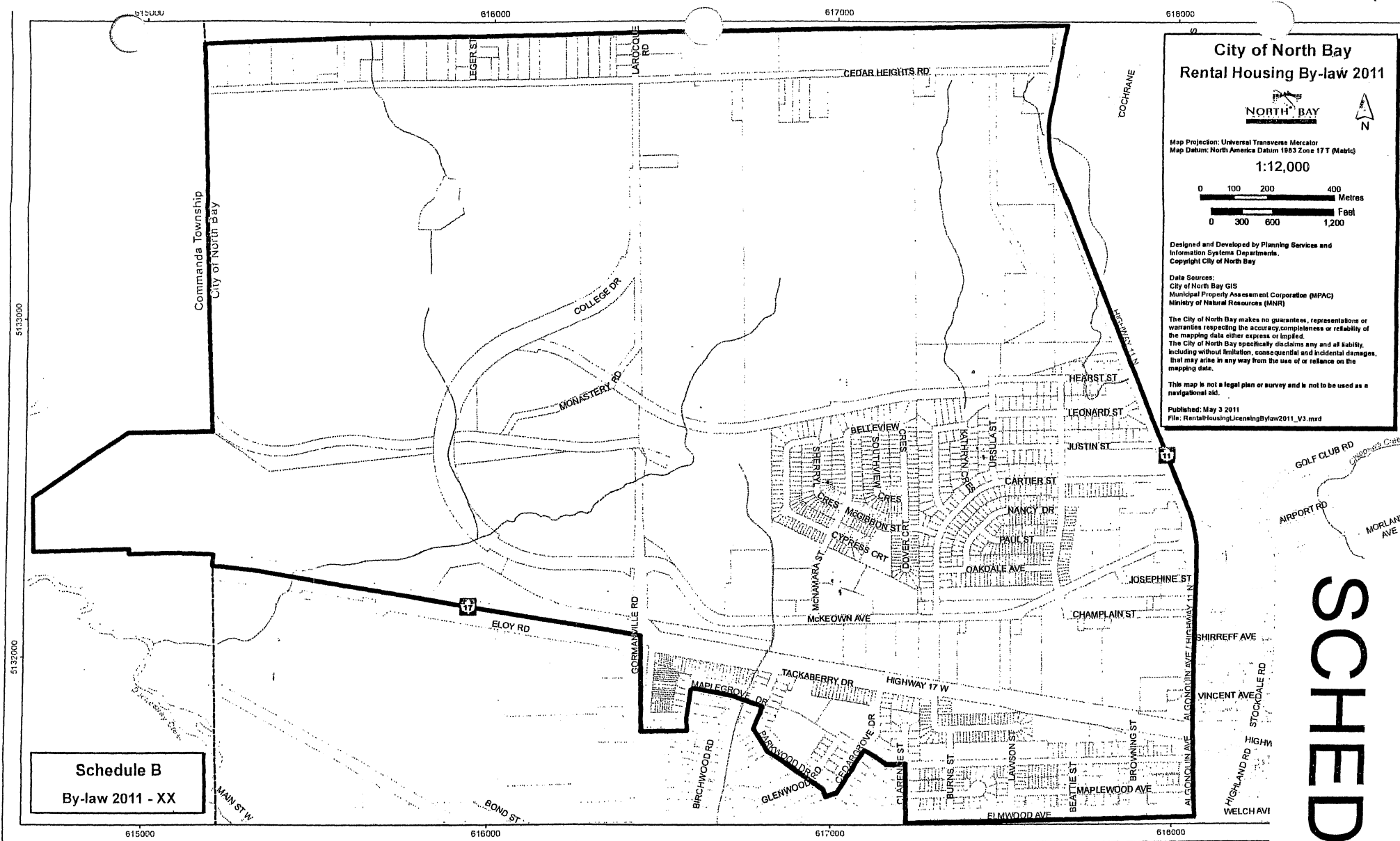
SCHEDULE "A"
FEES

Licence Fee for a licence for each Rental Property	\$ 300.00
Licence Renewal Fee for each licence renewed under this By-law	\$ 300.00
Late Payment Fee	\$ 25.00
Appeal Fee	\$50.00



to whom the penalty notice was given shall pay to the City a late payment administrative fee pursuant to Schedule "A" of this By-law.

13 MISCELLANEOUS

- 13.1 This by-law may be referred to as the "Residential Rental Housing Licensing Bylaw".
- 13.2 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 13.3 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard shall apply.
- 13.4 This by-law shall come into force and effect on September 1, 2011.



City of North Bay
Rental Housing By-law 2011

Map Projection: Universal Transverse Mercator
 Map Datum: North America Datum 1983 Zone 17 T (Metric)

1:12,000

0 100 200 400 Metres
 0 300 600 1,200 Feet

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Data Sources:
 City of North Bay GIS
 Municipal Property Assessment Corporation (MPAC)
 Ministry of Natural Resources (MNR)

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 File: RentalHousingLicensingBylaw2011_V3.mxd

Schedule B
 By-law 2011 - XX

SCHEDULE B

ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings (due September 2005) .
April 28, 2008	Ways to assist the hospitals with making further appeals to the Province for financial assistance with the infrastructure cost increases.
September 21, 2009	Review, update and consolidation of Noise By-Law (due June 30, 2010) .
March 8, 2010	Comprehensive Long-Term Financial Plan (due April 30, 2010) .
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
June 28, 2010	On completion of Tender 2010-74 (Lakeshore Drive Outdoor Sports Complex Phase V - Completion of fields and associated appurtenances), a summary of the total cost of the project and funding sources.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP (due July 2014) .
July 4, 2011	Restriction of election campaign signs on municipal property.