



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2023-102

A by-law to regulate the demolition and conversion of residential rental properties in the Town of Oakville

WHEREAS Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

AND WHEREAS Subsection 11(2) of the *Municipal Act, 2001* provides that a local municipality may adopt by-laws for the economic, social and environmental wellbeing of the municipality and for the health, safety and well-being of persons;

AND WHEREAS under Sections 20 to 24 of the *Municipal Act, 2001* the Council of the Corporation of the Town of Oakville ("Council") may delegate its powers and duties under the Act to an officer or employee of the Town;

AND WHEREAS the Town wishes to exercise its powers under Section 99.1 of the *Municipal Act, 2001* respecting residential rental properties in the Town

AND WHEREAS, without limiting the broad municipal powers, Section 99.1 of the *Municipal Act, 2001* provides municipalities with the authority to prohibit and regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

AND WHEREAS the Town in enacting a By-Law under Section 99.1 of the *Municipal Act, 2001* wishes to regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property by requiring applications for a Section 99.1 Permit to do so and in considering any such applications to apply the following 6 principles:

1. The preservation of the existing rental housing supply;
2. the preservation of the affordable rental housing supply;

3. the increase of purpose- built rental housing;
4. the improvement of the existing rental housing stock;
5. the obtaining of an enhanced Tenant Protection Package beyond the requirements of the Residential Tenancies Act 2006 as amended for existing tenants; and
6. a formalized consistent process in processing such applications which achieves an appropriate Rental Housing Protection Package in the particular circumstances of an application by way of issuance of a Section 99.1 Permit with conditions, which conditions are secured by an executed registered agreement binding on the existing owner and future owners of the subject site;

AND WHEREAS under sections 425 and 429 of the *Municipal Act, 2001*, the Town may pass by-laws to create offences for contraventions of a Town By-Law and a system of fines for such offences;

AND WHEREAS Section 436 of the *Municipal Act, 2001* authorizes a municipality to pass bylaws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

AND WHEREAS Sections 390 to 400 of the *Municipal Act, 2001* provides that the Town may pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

NOW THEREFORE the Council of The Corporation of the Town of Oakville ENACTS as follows:

SECTION I – GENERAL

PART 1 – DEFINITIONS

- (A) For the purposes of this By-law, the following definitions and interpretations shall govern:
- (1) **“Affordable Rent”** in respect of a **Rental Unit** means rent that is 80 % or less than the **“Average Market Rent”**.

- (2) **“Average Market Rent” or “AMR”**, in respect of a **Rental Unit**, means rent that is at or below the average market rent by type of unit in the Town of Oakville as established annually by the Canada Mortgage Housing Corporation (CMHC) and published in the Region of Halton’s Annual Housing Report for the calendar year concerned.
- (3) **Building Code Act, 1992** means the *Building Code Act*, 1992 S.O. 1992, c. 23 as may be amended.
- (4) **Chief Building Official** means the person appointed under subsection 3(2) of the *Building Code Act, 1992*, as the Chief Building Official for the Town of Oakville.
- (5) **Commissioner** means the Commissioner of Community Development for the Town or his or her designate.
- (6) **Condominium Act, 1998** means the *Condominium Act*, 1998, S.O. 1998, c. 19 as may be amended.
- (7) **Conversion** or **Convert** means converting a **Residential Rental Property** to a purpose other than a **Residential Rental Property** and includes:
- (a) Conversion as a result of a consent to sever land under section 53 of the *Planning Act*.
- (b) Conversion to:
- (i) A non-residential use.
- (ii) Living accommodation other than **Dwelling Units**.
- (iii) A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**.
- (iv) Freehold or other forms of ownership of **Dwelling Units**.
- (c) Conversion to **Co-ownership** occurs when the first lease or sale of an interest in **Residential Rental Property** or of a share in a corporation owning or leasing any interest in **Residential Rental Property** takes place that carries with it the right to occupy a specific unit in the **Residential Rental Property**.

(8) **Co-ownership** means:

- (a) An equity co-operative or other co-ownership form of housing where the residential property is:
 - (i) Ultimately owned or leased or otherwise held, directly or indirectly, by more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property;
 - (ii) For greater certainty and without restricting the generality of subparagraph (a)(i):
 - (1) Owned or leased or otherwise held in trust or owned or leased or otherwise held by a partnership or limited partnership as partnership property, where any trustee, beneficiary, partner, general partner or limited partner, or other person claiming under such trustee, beneficiary, partner, general partner or limited partner, has the right to present or future exclusive possession of a dwelling unit in the residential property; or
 - (2) Ultimately owned or leased or otherwise held, directly or indirectly, by a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the residential property.
- (b) Does not include:
 - (i) A condominium.
 - (ii) A residential building that is organized as a **Life Lease Project**.
 - (iii) A non-profit housing co-operative under the *Co-operative Corporations Act*, R.S.O, 1990, c. C. 35.

- (9) **Demolition** or **Demolish** means to do anything in the removal of a building or any material part thereof and includes (but is not limited to) interior renovations or alterations that will result in a change to the number of:
- (a) **Dwelling units**; or
 - (b) **Dwelling units** by bedroom type.
- (10) **Director** means the Director of Planning Services for the Town or his or her designate.
- (11) **Dwelling unit** means one (1) or more habitable rooms designed, occupied or intended to be occupied as living quarters as a self-contained unit or set of rooms located in a building or structure that:
- (a) Is operated as a single housekeeping unit, used or intended to be used as residential premises for one or more persons; and
 - (b) Contains at a minimum, sanitary facilities, accommodation for sleeping, and one (1) kitchen that are intended for the use of the unit only.
- (12) **Guidelines** means guidelines for applications to permit **Demolition** or **Conversion** approval under this By-law.
- (13) **Heritage Act** means *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 as may be amended.
- (14) **Life Lease Project** means a life lease project as described in paragraph 1 of subsection 3(1) of Ontario Regulation 282/98, under the *Assessment Act*, R.S.O. 1990, c. A. 31.
- (15) **Planning Act** means the *Planning Act*, R.S.O. 1990, c. P.13, as may be amended.
- (16) **Preliminary Approval** means the preliminary planning approval by the **Director, Commissioner** or **Council**, as the case may be, of a **Related Application**.
- (17) **“Rates and Fees Schedule”** means the Town’s current Annual Rates and Fees Schedule approved as part of the annual budget approval process.

- (18) **Related Application** means:
- (a) An application that provides for the **Demolition of Residential Rental Property** or the **Conversion of Residential Rental Property** to a purpose other than a **Residential Rental Property**, expressly or by necessary implication.
 - (b) For greater certainty, paragraph (a) includes, but is not limited to, an application for the following:
 - (i) A permit under section 8 or 10 of the **Building Code Act, 1992**.
 - (ii) A demolition control permit under section 33 of the **Planning Act**.
 - (iii) A consent or permit to alter part of a property or to demolish or remove a building or structure under section 33, 34, 34.5 or 42 of the **Ontario Heritage Act**.
 - (iv) Approval or registration of a description for a proposed condominium or exemption from approval for a condominium, under section 9 of the **Condominium Act, 1998**.
 - (v) An amendment to the Official Plan under section 22 of the **Planning Act**.
 - (vi) A zoning by-law amendment under section 34 of the **Planning Act**.
 - (vii) A minor variance under section 45 of the **Planning Act**.
 - (viii) Approval of plans and drawings under subsection 41(4) of the **Planning Act**.
 - (ix) Approval of a plan of subdivision under section 51 of the **Planning Act**.
 - (x) A consent under section 53 of the **Planning Act**.

- (c) Despite subparagraph (b)(vi), paragraph (a) does not include a Town initiated general zoning by-law amendment to implement area land use studies and other general policies (for example, to implement the designation of a growth area of the Town), except for any site specific exemptions or other site specific provisions at the request of a land owner.
- (19) **Related Group of Buildings** means:
- (a) Buildings that are under the same ownership and on the same parcel of land as defined in section 46 of the **Planning Act**, or
 - (b) Buildings that form part of the same application under this By-Law or under a **Related Application**.
- (20) **Rental Unit** means:
- (a) A **Dwelling Unit** used, or intended for use, for residential rental purposes, including:
 - (i) A **Dwelling Unit** that has been used for residential rental purposes and is vacant.
 - (ii) A **Dwelling Unit** in a **Co-ownership** that is or was last used for residential rental purposes.
 - (b) Does not include a **Dwelling Unit** that is:
 - (i) In a condominium registered under section 2 of the **Condominium Act, 1998** or a predecessor of that section.
 - (ii) In a building organized as a **Life Lease Project** where the right to occupy the **Dwelling Unit** is based on a life lease interest.
- (21) **Residential Rental Property/ies** means a building, or **Related Group of Buildings** containing one or more **Rental Units**, and includes all common areas and services and facilities available for the use of its residents.
- (22) **Residential Tenancies Act, 2006** means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17 as may be amended.

- (23) **Section 99.1 Permit** means the permit issued by the Commissioner after the final approval of an application under this By-law as described in **Part 16**.
- (24) **Town** means the geographical area of the Town of Oakville or The Corporation of the Town of Oakville, as the context requires.
- (25) **Town Official** means a person who is an employee of the Town, and who has been appointed by Council to administer and/or enforce all or part of this By-law on behalf of the Town, and shall include any and all municipal enforcement officers.

PART 2 – SCOPE

- (A) This By-law shall apply to all **Residential Rental Properties** in the Town containing six or more **Dwelling Units** and all **Related Applications**.
- (B) Notwithstanding Subsection A, this By-Law does not apply to a **Residential Rental Property** that:
 - (1) Contains less than six **Dwelling Units**; or
 - (2) Is a condominium governed by the **Condominium Act, 1998**; or
 - (3) Is organized as a **Life Lease Project**; or
 - (4) Is described in section 5 (Exemptions from Act) of the **Residential Tenancies Act, 2006** other than subsection 5(c) (a member unit of a non-profit housing co-operative); or
 - (5) Is described in Section 7 (Exemptions related to social housing) of the **Residential Tenancies Act, 2006**.

PART 3 – DEMOLITION PROHIBITED

- (A) No person shall **Demolish**, or cause to be demolished, the whole or any part of a **Residential Rental Property** unless the person has received a **Section 99.1 Permit** and except in accordance with the terms and conditions of the **Section 99.1 Permit** and any **Preliminary Approval**.

PART 4 – CONVERSION PROHIBITED

- (A) No person shall **Convert a Residential Rental Property**, or cause a **Residential Rental Property** to be converted, to a purpose other than a **Residential Rental Property** unless the person has received a **Section 99.1 Permit** and except in accordance with the terms and conditions of the **Section 99.1 Permit** and any **Preliminary Approval**.
- (B) For greater certainty and without limiting Subsection A, **Conversion** of a **Residential Rental Property** to a purpose other than a **Residential Rental Property** includes:
- (1) **Conversion** as a result of a consent to sever land under section 53 of the *Planning Act*.
 - (2) **Conversion** to:
 - (a) A non-residential use.
 - (b) Living accommodation other than **Dwelling Units**.
 - (c) A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**.
 - (d) Freehold or other forms of ownership of **Dwelling Units**.
- (C) **Conversion to Co-ownership**:
- (1) For the purposes of this section, the **Conversion** from **Residential Rental Property** to a **Co-ownership** occurs:
 - (a) When the first lease or sale of an interest in **Residential Rental Property** or of a share in a corporation owning or leasing any interest in **Residential Rental Property** takes place that carries with it the right to occupy a specific unit in the **Residential Rental Property**; or

- (b) When a **Residential Rental Property** is transferred or leased to a corporation of the type mentioned in subparagraph A(8)(b) of the definition of **Co-ownership** in Part 1.
- (2) For the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into.
- (3) For the purposes of this subsection, "lease or sale" means any arrangement or transaction that has the effect of transferring an interest in a **Co-ownership** or in a corporation owning or leasing any interest in a **Co-ownership**.

PART 5 – EXEMPTIONS

- (A) Notwithstanding **Parts 3 and 4**, a **Section 99.1 Permit** is not required if only a part of a **Residential Rental Property** is proposed for **Demolition** or **Conversion** and that part does not contain any part of a **Dwelling Unit**.
- (B) Notwithstanding Part 4, a **Section 99.1 Permit** is not required if a **Residential Rental Property** is subject to an application for a consent to sever under section 53 of the **Planning Act** and if after the proposed conveyance:
 - (1) Each parcel of land resulting from the severance will have six or more **Rental Units**; or
 - (2) One or more parcels of land resulting from the consent will have six or more **Rental Units** and all the other parcels of land at the time of the application for consent contained no **Dwelling Units**.

PART 6 – HARASSMENT OF TENANT

- (A) No owner of **Residential Rental Property** or person acting on the owner's behalf shall interfere with a tenant's reasonable enjoyment of a **Rental Unit** in the **Residential Rental Property** with the intent of discouraging the participation of the tenant in the application or approval process described in **Section II-Application** and **Section III-Approval of Application** or with the intent of otherwise facilitating the obtaining of the approval of **Council** or the **Commissioner** on an application made under this By-Law.

SECTION II – APPLICATION

PART 7 – APPLICATION FOR APPROVAL

- (A) A person who wishes to **Demolish** or **Convert** a **Residential Rental Property** shall submit an application for approval in writing on a form prescribed by the **Commissioner**, and shall supply any additional information relating to the application as required by the **Commissioner**.
- (B) The **Commissioner** is hereby delegated authority to develop **Guidelines** to assist applicants with the application process and requirements under this by-law.
- (C) The information provided under Subsection A shall be in a form approved by the **Commissioner** and shall include any information required by the Guidelines and without limiting the generality of the foregoing shall also include any other information the **Commissioner** may require including the following:
- 1) Description of the proposed **Demolition** or **Conversion**;
 - 2) the number of existing **Dwelling Units**;
 - 3) the number of existing and proposed **Rental Units** by unit type, including number of bedrooms, unit gross floor area, unit locations, unit amenities, unit rents;
 - 4) the rents roll(s) including utilities for the **Residential Rental Property**, categorized by unit type;
 - 5) a list containing the names and mailing addresses of the tenants of the **Residential Rental Property**;

- 6) identification of any **Related Applications**;
 - 7) a proposal for the replacement or retention of the **Rental Units** proposed for **Demolition** or **Conversion**;
 - 8) a proposal for the replacement or retention of the affordable **Rental Units** proposed for **Demolition** or **Conversion**
 - 9) a proposal for tenant engagement by the owner or applicant, including consultation, education and assistance with finding alternative accommodation on vacating the **Rental Unit** at the time of **Demolition** or **Conversion**;
 - 10) a proposal for assistance that is enhanced over that required by the **Residential Tenancies Act, 2006** for displaced tenants on vacating the **Rental Unit** at the time of **Demolition** or **Conversion** including a right-of-return to a similar unit type, of similar size, of similar rent , of similar location ,with similar amenities, as may be applicable in the circumstances;
 - 11) any additional information or documentation required to evaluate the application, as specified by the **Commissioner**; and
 - 12) the applicable fees.
- (D) The **Commissioner** may require that a person, who in the opinion of the Commissioner is qualified to do so, provide or verify the information to the satisfaction of the **Commissioner**.
- (E) No person shall knowingly furnish false or misleading information in any Application under this By-law.

PART 8 – FEES AND CHARGES

- (A) The processing fee for the application for approval set out in the **Guidelines** or the **Rates and Fees Schedule** shall be paid at the time the application is submitted to the Town.

PART 9 – RELATED APPLICATION; NOTICE OF PROHIBITION

- (A) If a person makes a **Related Application** with respect to a **Residential Rental Property**, the person shall also file an application under this By-law without delay.
- (B) If a **Related Application** is made with respect to a **Residential Rental Property** for which a **Section 99.1 Permit** is required, the applicant shall provide written notice to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Land Tribunal or court.
- (C) The notice required under Subsection B shall include a statement that the **Demolition** or **Conversion** is not permitted unless a Section 99.1 Permit has been given for the **Demolition** or **Conversion** under this By-law
- (D) The notice required under Subsection B shall be filed at the time the application for a **Section 99.1 Permit** is filed with the **Commissioner** or at the same time the referral or appeal of a **Related Application** is filed with the Ontario Land Tribunal or the court.

PART 10 – WITHDRAWAL OF APPLICATION

- (A) If an applicant for a **Section 99.1 Permit** does not provide all the required documentation to the **Commissioner** within two years from the date the application is received by the **Town**, the applicant shall be deemed to withdraw the application and shall not be entitled to any refunds of any payments made.
- (B) Despite Subsection A, the **Commissioner** may extend the timeframe for an application where the **Commissioner** determines that the applicant is actively taking steps to move the application forward.
- (C) If the application is withdrawn or deemed to have been withdrawn under Subsection A before the **Commissioner or Council** makes a decision, no further application under this By-law to approve the **Demolition** or **Conversion** of the **Residential Rental Property** may be made within two years after the withdrawal, unless **Council** gives its consent.

PART 11 – NOTICE OF APPLICATION

- (A) The applicant for a **Section 99.1 Permit** shall provide proof of notice of the application to the tenants of the **Residential Rental Property** to the satisfaction of the **Commissioner** 14 days after the **Commissioner** has advised that the application is complete or within such other time period as determined by the **Commissioner**.
- (B) If the approval of the application is delegated to the **Commissioner** under Part 12, the notice under Subsection A shall include a statement on the Town's policy where there are less than six rental units and relevant information on the application of the ***Residential Tenancies Act, 2006***.

SECTION III – APPROVAL OF APPLICATION

PART 12 – APPROVAL BY COMMISSIONER UNDER DELEGATED AUTHORITY

- (A) The **Commissioner** is authorized to approve an application for a **Section 99.1 Permit** when:
 - (1) The **Residential Rental Property** at the time of the application has six or more **Dwelling Units**, but less than six **Rental Units**; or
 - (2) The **Residential Rental Property** at the time of the application has six or more **Rental Units**, and:
 - (a) The combined number of existing **Rental Units** affected by the proposed **Demolition** or **Conversion** and any previous **Demolition** or **Conversion** activities within the preceding five-year period is less than six; and
 - (b) The proposed **Demolition** or **Conversion** will not reduce the number of **Rental Units** to less than six.
- (B) For the purposes of Subparagraph A(2)(a), the “preceding five-year period” is calculated as follows:
 - (1) The five year period is the period of five years preceding the date of an application.

- (2) For the purposes of Subsection B(1), the date of an application is deemed to be the earlier of:
- (a) The date a **Section 99.1 Permit** Application under this By-law has been filed with the **Commissioner** and is considered complete for the purposes of the Application, as determined by the **Commissioner**; and
 - (b) The date a **Related Application** has been made or, if applicable, accepted as complete by the applicable authority.
- (C) The **Commissioner** shall consider the application not earlier than 14 days after the notice has been given to the tenants under Part 11.
- (D) The **Commissioner** may impose conditions to the approval that relate to the following matters:
- (1) A requirement that the owner of the **Residential Rental Property** notify any tenants, who reside in the **Rental Units** affected by the changes permitted under the approval, of the relevant provisions in the ***Residential Tenancies Act, 2006***.
 - (2) A requirement that the notification required under Subsection D(1) be given in a form and at a time satisfactory to the **Commissioner**.
 - (3) A requirement that a condition to the approval shall be secured by an agreement with the Town, that the agreement may include restrictions on the transfer, charge or other dealings with the lands unless the transferee, chargee or other party enters into a direct agreement with the Town to assume all obligations of the original owner, and that all restrictions and agreements shall be to the satisfaction of the **Commissioner** and Town Solicitor.
 - (4) A requirement that the applicant and successive owners of the **Residential Rental Property** shall provide information from time to time sufficient to provide verification that the terms of the agreement are being met.
 - (5) The lapsing of the approval by the **Commissioner** in accordance with any **Guidelines**.

- (6) Subject to D7 for **Rental Units** with **Affordable Rent**, requirements to replace all the **Rental Units** otherwise proposed for Demolition, or a retention of all proposed converted **Rental Units** as **Rental Units**, at similar rents and for a defined term;
- (7) Requirements to replace the Rental Units with **Affordable Rent**, proposed for **Demolition**, or a retention of proposed converted affordable rental units as affordable **Rental Units** for a defined term and then as **Rental Units** at **Average Market Rents** as so defined for the defined term under D6 should that defined term be longer than the defined term under this D7;
- (8) Requirements for an enhanced Tenant Assistance Package beyond that required by the **Residential Tenancies Act 2006** including for tenant relocation costs, tenant rent gap payments and other assistance, including the right to return to the replacement or retained rental housing to a similar rental unit type in terms of bedrooms, of similar unit size in terms of gross floor area, similar rent, similar location, similar amenities, and in the case of a **Conversion** to a condominium, requirements relating to the cost impacts on tenants.
- (9) Requirements that the owner of the **Residential Rental Property** notify any tenants who reside in **Rental Units** affected by the approval, of the relevant provisions in the **Residential Tenancies Act, 2006**;
- (10) Requirements securing tenants' right to return to replaced or retained rental units in a similar location, of a similar unit type in terms of bedrooms, similar unit size in terms of gross floor area and similar rents, similar amenities and associated notification requirements;
- (11) Provisions concerning the applicant's entitlement to claim or act under any of the following until the conditions imposed have been satisfied or secured, to the satisfaction of the **Commissioner**
 - (a) A permit under subsection 8(1) or section 10 of the **Building Code Act, 1992** for construction, **Demolition** or **Conversion** of a building.
 - (b) A Demolition Permit under s.33 of the **Planning Act**.

- (c) A consent or permit to alter part of a property or to demolish or remove a building or structure under section 34, 34.5 or 42 of the **Heritage Act**.
 - (d) Approval or registration of a description for a proposed condominium under section 51 of the **Planning Act**, or an exemption from approval for a condominium, under section 9 of the **Condominium Act, 1998**.
 - (e) A consent under section 53 of the **Planning Act**, except for provisional consent that is conditioned on receiving a **Section 99.1 Permit** under this By-law.
- (12) Any other requirements or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the Town's rental housing supply and the Tenants being initially displaced by the demolition or conversion.
- (13) Where conditions are imposed under this Part, the owner of the **Residential Rental Property** to which the application for **Section 99.1 Permit** relates shall, as a condition of obtaining a **Section 99.1 Permit**, enter into an agreement with the Town securing conditions to the approval of the **Section 99.1 Permit** as per Condition 3.
- (14) Conditions imposed under this Part may require the **Rental Units** proposed for **Demolition** or **Conversion** to be replaced on-site or in a comparable off-site location to the **Residential Rental Property**. Comparable, for the purposes of this Condition includes but is not limited to consideration of the following factors:
- (a) Type of residential rental property (apartment or townhouse);
 - (b) Proximity to existing and proposed transportation options including transit service;
 - (c) Proximity to community infrastructure such as recreational facilities, libraries, police stations, schools and places of religion assembly; and
 - (d) Proximity to commercial services and amenities.

- (15) Requirements specifying the timeframe for the **Replacement Rental Units** to be constructed and in place whether on-site or off-site within a certain timeframe with a financial consequence should that not occur.
- (16) Conditions with respect to the applicant's entitlement to claim or act under any of the following until the conditions imposed have been satisfied or secured by an agreement registered on title to each property to which the agreement relates, to the satisfaction of the **Commissioner**:
 - (a) A permit under subsection 8(1) or section 10 of the **Building Code Act, 1992** for construction, demolition or conversion of a building.
 - (b) A demolition permit under section 33 of the **Planning Act**.
 - (c) A consent or permit to alter part of a property or to demolish or remove a building or structure under section 34, 34.5 or 42 of the **Ontario Heritage Act**.
 - (d) Approval or registration of a description for a proposed condominium under section 5 of the **Planning Act**, or an exemption from approval for a condominium, under section 9 of the **Condominium Act, 1998**.
 - (e) A consent under section 53 of the **Planning Act**, except for provisional consent that is conditional on receiving a **Section 99.1 Permit** under this By-law.
- (E) Where the provisions of this Part have been met, the **Commissioner** shall issue a **Section 99.1 Permit** and/may give **Preliminary Approval** for the Related Application under Part 16, if appropriate.

PART 13 – REFERRAL TO COUNCIL BY COMMISSIONER;

- (A) Despite Part 12, Subsection A:
 - (1) The **Commissioner** may refer an application to Council for Council's approval as set out in Part 14, if, in the **Commissioner** 's opinion, the application should be considered by the Council with a **Related Application**,

- (2) The Mayor or a Ward Councillor for the Ward(s) in which the **Residential Rental Property** is located may, in writing, request the **Commissioner** to submit the application to Council for Council's approval as set out in Part 14.

PART 14 – APPROVAL BY COUNCIL

- (A) If the approval of an application is not delegated to the **Commissioner** under Part 12, the **Commissioner** shall submit a report respecting the application to the Council for consideration.
- (B) Before submitting the report required under Subsection A, the **Director** shall hold a community consultation meeting to review the impact of the proposal on the tenants of the **Residential Rental Property** and matters under section 99.1 of the *Municipal Act, 2001*.
- (C) The Town Clerk shall provide notice of the council meeting, at which the report will be considered, to the following:
 - (1) The tenants of the residential rental property;
 - (2) Every owner of land within 120 metres of the subject **Residential Rental Property**, and sections 6(3), (4) and (5) of Ontario Regulation 545/06 under the *Planning Act* apply with necessary modification;
 - (3) To any other party who has given the Town Clerk a written request for the notice of the council meeting; and
 - (4) Where no **Related Application** has been made under the *Planning Act*, to other occupants within 120 metres of the subject **Residential Rental Property** as determined by the **Commissioner**.
- (D) The Council shall determine whether to refuse or approve the application, including any conditions including conditions of a similar nature to those set out in Part 12 D.

PART 15 – FINAL APPROVAL AND SECTION 99.1 PERMIT

If Council or the **Commissioner** under Part 12 approves an application under this by-law, and unless Council provides otherwise:

- (A) Except as provided in Subsection B, the **Commissioner** is authorized to issue a **Section 99.1 Permit** after all the conditions to Council's approval or imposed by the **Commissioner**, as the case may be, have been satisfied or secured to the satisfaction of the **Commissioner**.
- (B) In the case of a **Demolition** application or a **Conversion** application that is also subject to section 8 or 10 of the **Building Code Act, 1992, as the case may be**:
 - (1) The **Commissioner** is authorized to give **Preliminary Approval** to the application after all the conditions to Council's approval or imposed by the **Commissioner** under Part 12, Section D have been satisfied or secured to the satisfaction of the **Commissioner**.
 - (2) After the **Commissioner** has given **Preliminary Approval** under Subsection B(1), the **Commissioner** is authorized to issue a **Section 99.1 Permit** for the **Demolition** or **Conversion as the case may be**.

PART 16 – APPLICATION FOR REVISION TO CONDITIONS

- (A) If the owner of a **Residential Rental Property** applies for revisions to the conditions of approval, the **Commissioner** may treat the request as a new application under this By-law or may otherwise require the owner to comply with the notice and meeting requirements of this By-law.
- (B) The Council will consider and make a decision on the proposed revisions only after a report has been submitted to the Council by the **Commissioner**.

PART 17 – REVOCATION; DEEMED REVOCATION

- (A) If a **Section 99.1 Permit** was issued under Part 16, Subsection B, the **Commissioner** may revoke the **Section 99.1 Permit** and in all other cases, Council, or, if an application was approved by the **Commissioner** under Part 12, the **Commissioner** may revoke a **Section 99.1 Permit** if:

- (1) The **Section 99.1 Permit** was issued or any **Preliminary Approval** was given, on mistaken, false or incorrect information;
 - (2) The conditions to the **Section 99.1 Permit** or any **Preliminary Approval** are not complied with; or
 - (3) The owner of the **Residential Rental Property** or other holder of a **Section 99.1 Permit** or any **Preliminary Approval** has contravened this By-law.
- (B) Where a **Section 99.1 Permit** for **Demolition** has been issued under this By-law and the building permit for the new construction is revoked under the **Building Code Act, 1992**, the **Section 99.1 Permit** shall be deemed to be revoked and this By-law shall apply to any subsequent application for a **Demolition** of the **Residential Rental Property** for which the original **Section 99.1 Permit** was issued.
- (C) Subsection B does not apply if the **Residential Rental Property** has been **Demolished** under a **Section 99.1 Permit** before the building permit for the new construction was revoked.

SECTION IV – MISCELLANEOUS

PART 18 – OFFENCES

- (A) Every person who contravenes any section of this By-law, including an Order issued pursuant to this By-law or sections 444 or 445 of the **Municipal Act, 2001** is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the **Provincial Offences Act**, R.S.O. 1990, c. P.33, as amended and the **Municipal Act, 2001**.
- (B) Every director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence.
- (C) Every person who fails to comply with a term or condition of a **Preliminary Approval** or **Section 99.1 Permit** under this By-law is guilty of an offence.

- (D) All contraventions of this By-law or an Order issued pursuant to this By-law are designated multiple and continuing offences pursuant to subsection 429(2) of the ***Municipal Act, 2001***.

PART 19 – PENALTY

- (A) Every person who is charged with an offence under this By-law upon conviction is liable as follows:
- (1) the maximum fine for an offence is \$100,000;
 - (2) in the case of a continuing offence, in addition to the penalty mentioned in subsection A(1), for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
 - (3) in the case of a multiple offence, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and
 - (4) if a person is convicted of an offence under this By-law, the potential for monetary benefit acquired by or that accrued to the person as a result of the commission of the offence may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the ***Municipal Act, 2001***.
- (B) If any section of 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 prohibiting the continuation or repetition of the offence by the person convicted.

PART 20 – GENERAL

- (A) Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid;
- (B) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine

