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Bill Pr21

*(Chapter Pr18
Statutes of Ontario, 2001)*

An Act respecting the City of Ottawa

Mr. Guzzo

1st Reading	November 28, 2001
2nd Reading	December 13, 2001
3rd Reading	December 13, 2001
Royal Assent	December 14, 2001

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An Act respecting the City of Ottawa

Preamble

The council of the City of Ottawa has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I DEFINITIONS

Definitions

1. In this Act,

“city” means the municipal corporation known as the City of Ottawa or the geographic area of the City of Ottawa, as the context requires;

“city council” means the council of the City of Ottawa.

PART II GARBAGE REMOVAL, GRASS AND WEEDS ON BOULEVARDS

By-laws respecting garbage removal, grass and weeds on boulevards

2. (1) City council may pass by-laws,

- (a) requiring the owners of land to clear away and remove garbage or other debris at their own expense from the highways abutting their land, except the portions of the highways used for motor vehicle traffic;
- (b) prescribing standards for the cutting of grass or weeds on highways, except the portions of the highways used for motor vehicle traffic;
- (c) requiring the owners of land to cut the grass and weeds at their own expense on the highways abutting their land, except the portions of the highways used for motor vehicle traffic, in accordance with the standards prescribed under clause (b), whenever the growth of grass or weeds exceeds 10 centimetres in height or such greater height as the by-law may provide, and to remove the cuttings at their own expense;
- (d) exempting one or more classes of owners from doing the things described in clauses (a) and (c); and
- (e) authorizing the city to direct an owner of land to do the things described in clauses (a) and (c).

Different standards and requirements may apply

(2) A by-law passed under subsection (1) may provide that different standards and requirements apply to different areas of the city or to different highways or parts of highways or that any provision of the by-law does not apply to any area of the city or to any highway or part of a highway.

Notice

(3) Before passing a by-law under subsection (1), city council shall give public notice of its intention to do so in a form and in the manner and at the times that city council considers adequate to give reasonable notice.

Notice

3. (1) No step shall be taken to enforce a by-law passed under section 2 until the owner of the land has been given a written notice requiring compliance with the by-law within the time specified in the notice but no sooner than 72 hours after the giving of the notice.

Service

(2) The notice may be given by personal service upon the person to whom it is directed or by sending it by certified mail to that person.

Same

(3) A notice sent by certified mail shall be sent to the last known address of the person to whom it is directed and it shall be deemed to have been given on the day it is delivered to that address.

Default

4. If an owner of land fails to comply with a by-law passed under section 2 within the time specified in the notice given under section 3, the city may do the work or arrange for the work to be done and the city may recover all expenses, including administrative fees, from the owner by action or it may collect them in like manner as municipal taxes.

Highway right of way

5. Nothing in this Part affects any right or duty of the city with respect to any highway right of way.

PART III GENERAL ENFORCEMENT OF BY-LAWS

General enforcement of by-laws

6. (1) Any police officer, police cadet, municipal law enforcement officer or any person authorized by by-law to enforce a by-law passed by city council who has reason to believe that any object or vehicle has been placed or abandoned on the property of the city, including a

highway, in contravention of the by-law may cause the object or vehicle to be moved and stored in a suitable place.

Removal and storage

(2) Before causing the object or vehicle to be moved and stored in a suitable place, the police officer, police cadet, municipal law enforcement officer or any person authorized by by-law to enforce the by-law may, after producing appropriate identification and informing the person, if any, in charge of the object or vehicle that it is placed or abandoned contrary to the by-law and upon giving a receipt for it to that person, cause the object or vehicle to be moved and stored in a suitable place.

Lien

(3) Subject to subsections (4) and (5), all costs and charges for the removal, care and storage of any object or vehicle under the by-law are a lien upon it that may be enforced by the city in the manner provided by the *Repair and Storage Liens Act*.

Objects or vehicles not claimed

(4) An object or vehicle moved and stored in accordance with subsection (1) and not claimed by the owner within 60 days is the property of the city and may be sold and the proceeds shall form part of the general funds of the city.

Perishable objects

(5) Despite subsection (4), any perishable object is the property of the city upon being moved in accordance with subsection (1) and may be destroyed or given to a charitable institution.

Limitation

(6) Subsection (1) does not apply to motor vehicles displaying valid number plates issued under the authority of the *Highway Traffic Act* or the law of another jurisdiction.

PART IV HERITAGE PROPERTIES

Definitions

7. In this Part,

“building permit” means a building permit issued under section 8 of the *Building Code Act, 1992*;

“designated property” means designated property as defined in section 26 of the *Ontario Heritage Act*;

“heritage conservation district” means an area designated as a heritage conservation district under section 41 of the *Ontario Heritage Act*;

“owner” means, with respect to property, the person registered on title in the proper land registry office as owner.

Application to demolish, etc., on designated properties

8. (1) City council may refuse an application made under subsection 34 (1) of the *Ontario Heritage Act* to demolish or remove a building or structure on a designated property and may prohibit any work being done to

demolish or remove the building or structure, and may do so despite section 34 of the *Ontario Heritage Act*.

Notice of decision

(2) Within 90 days after receiving the completed application or within such longer period as the applicant and city council may agree upon, city council shall,

- (a) give notice of its decision under subsection (1) to the owner and to the Ontario Heritage Foundation; and
- (b) publish its decision in a newspaper having general circulation in the city.

Deemed consent

(3) If city council does not give the owner notice of its decision in accordance with clause (2) (a), city council shall be deemed to have consented to the application.

Requirements for demolition

(4) If city council refuses the application, the owner shall not demolish or remove the building or structure or do any work or permit any work to be done to demolish or remove it unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of city council’s decision under subsection (1) to refuse the application.

Same, transition

(5) If, before this Part comes into force, city council has refused an application under subsection 34 (1) of the *Ontario Heritage Act* and has prohibited any work to be done to demolish or remove any building or structure on a property for the period of time specified under clause 34 (2) (b) of that Act, the owner shall not do any work or permit any work to be done after this Part comes into force to demolish or remove the building or structure unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of city council’s decision under clause 34 (2) (b) of that Act to refuse the application.

Same, work has commenced

(6) Subsection (5) applies even if work has begun on the demolition or removal of a building or structure before this Part comes into force.

Same

(7) Subsections (4), (5) and (6) apply despite subsection 34 (4) of the *Ontario Heritage Act*.

Requirement re new building

(8) An owner who demolishes or removes a building or structure under the authority of subsection (4) or (5) or who permits it to be demolished or removed under that authority shall substantially complete the required

new building on the site within two years after the demolition or removal has begun.

Application to demolish, etc., in heritage conservation districts

9. (1) City council may refuse an application made under section 43 of the *Ontario Heritage Act* to demolish or remove a building or structure within a heritage conservation district and may prohibit any work from being done to demolish or remove the building or structure, and may do so despite sections 42 and 43 and subsection 44 (2) of the *Ontario Heritage Act*.

Notice of decision

(2) Within 90 days after receiving the completed application or within such longer period as the applicant and city council may agree upon, city council shall give notice of its decision under subsection (1) to the owner.

Deemed consent

(3) If city council does not give the owner notice of its decision in accordance with subsection (2), city council shall be deemed to have consented to the application.

Requirements for demolition

(4) If city council refuses the application, no person shall demolish or remove the building or structure or do any work or permit any work to be done to demolish or remove it unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of the decision of city council under subsection (1) to refuse the application.

Same, transition

(5) If, before this Part comes into force, city council has refused an application under subsection 43 (2) of the *Ontario Heritage Act*, no person shall do any work or cause any work to be done after this Part comes into force to demolish or remove the building or structure unless,

- (a) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed; and
- (b) 180 days have elapsed from the date of city council's decision under subsection 43 (2) of that Act to refuse the application.

Same, work has commenced

(6) Subsection (5) applies even if work has begun on the demolition or removal of a building or structure before this Part comes into force.

Same

(7) Subsections (4), (5) and (6) apply despite section 42 and subsection 44 (2) of the *Ontario Heritage Act*.

Requirement re new building

(8) A person who demolishes or removes a building or structure under the authority of subsection (4) or (5) or permits it to be demolished or removed under that

authority shall substantially complete the required new building on the site within two years after the demolition or removal has begun.

Application for relief re new building

10. (1) If, under subsection 8 (8) or 9 (8), a person is required to substantially complete a new building within two years after beginning the demolition or removal of a building or structure, the person may apply to city council for relief from that requirement,

- (a) if the applicant considers that it is not possible to complete the new building within the two-year period; or
- (b) if the applicant considers that it is no longer feasible to construct the new building because of economic or other grounds.

Notice to the city clerk

(2) The applicant shall give notice of the application under subsection (1) to the city clerk by registered mail sent not less than 45 days before the expiry of the two-year period within which the new building is otherwise required to be substantially completed.

Power of city council

(3) Upon receiving the application, city council may extend the time for substantially completing the new building or relieve the applicant from the requirement to construct it.

Duty of applicant

(4) If city council extends the time for substantially completing the new building, the applicant shall substantially complete it within the extended time.

Application for further relief

(5) If city council extends the time for substantially completing the new building, the applicant may apply to city council for further relief from the requirement to substantially complete the new building within the extended time,

- (a) if the applicant considers that it is not possible to substantially complete the new building within that time; or
- (b) if the applicant considers that it is no longer feasible to construct the new building because of economic or other grounds.

Notice to the city clerk

(6) The applicant shall give notice of the application under subsection (5) for further relief to the city clerk by registered mail sent not less than 90 days before the expiry of the extended time for substantially completing the new building.

Powers and duties

(7) Subsections (3) and (4) apply, with necessary modifications, with respect to the application under subsection (5).

Application to O.M.B.

11. (1) Any person who has made an application under section 10 may appeal to the Ontario Municipal Board,

- (a) from the decision of city council under that section; or
- (b) from the refusal or neglect of city council to make a decision under that section within 45 days after the city clerk received notice of the application.

Same

(2) Notice of the appeal must be filed with the Board within 30 days after city council mails notice of its decision on the application or within 30 days after the expiry of the 45-day period described in clause (1) (b).

Powers of the Board

(3) The Board shall hear the appeal and, on the appeal, the Board has the same powers as city council has under section 10.

Effect of decision

- (4) The decision of the Board is final.

Extension of time

(5) If an appeal is filed in accordance with subsection (2), the period within which the new building is to be substantially completed shall be deemed to be extended to the date of the Board's decision.

Dismissal of appeal

(6) If the Board dismisses an appeal from a decision of city council, the Board may extend the time for substantially completing the new building for such further period as the Board considers reasonable and the decision of the Board is final.

Effect of extension

(7) If the Board has extended the time for substantial completion of the new building, the applicant shall substantially complete the new building within the extended time.

Method of giving notice

12. (1) Any notice required to be given under this Part is sufficiently given if it is delivered personally or sent by registered mail addressed to the person to whom delivery is required to be made at that person's last known address.

Notice given by mail

(2) If notice is given by mail, it shall be deemed to be given on the seventh day after the day of mailing unless the person to whom the notice is being given establishes that the notice was not received until a later date through absence, accident, illness or other cause beyond that person's control.

Publication

(3) Any notice required to be published in a newspaper having general circulation in the city must be published in that newspaper once for each of three consecutive weeks.

Offence, false information

13. (1) Every person who knowingly furnishes false information in an application under this Part is guilty of an offence.

Same, directors and officers

(2) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) is guilty of an offence.

Penalty

(3) Subject to subsection (4), a person convicted of an offence under subsection (1) or (2) is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Penalty, corporation

(4) If a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$50,000 and not as provided in subsection (3).

Offence, demolition, etc.

14. (1) Every person who, on designated property or within a heritage conservation district, demolishes or removes all or part of any building or structure or who does any work or permits any work to be done to demolish or remove all or part of any building or structure without that person first obtaining the consent of city council is guilty of an offence.

Same, officers and directors

(2) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) is guilty of an offence.

Penalty

(3) A person convicted of an offence under subsection (1) or (2) is liable to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than one year, or to both.

Offence, designated property

15. (1) Every owner who contravenes subsection 8 (4) or (5) is guilty of an offence.

Same

(2) Every owner who has a duty under subsection 8 (8) to construct a new building and who fails to substantially complete the new building within the required two-year time period or within the time period as extended under section 10 or 11 is guilty of an offence.

Same, directors and officers

(3) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) or (2) is guilty of an offence.

Penalty

(4) A person convicted of an offence under subsection (1), (2) or (3) is liable to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than one year, or to both.

Offence, heritage conservation district

16. (1) Every person who contravenes subsection 9 (4) or (5) is guilty of an offence.

Same

(2) Every person who has a duty under subsection 9 (8) to construct a new building and who fails to substantially complete the new building within the required two-year time period or within the time period extended under section 10 or 11 is guilty of an offence.

Same, directors and officers

(3) Every director or officer of a corporation who knowingly concurs in the commission of an offence described in subsection (1) or (2) is guilty of an offence.

Penalty

(4) A person convicted of an offence under subsection (1), (2) or (3) is liable to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than one year, or to both.

PART V LICENSING MATTERS

Definition

17. In this Part, “business” means business as defined in section 257.1 of the *Municipal Act*.

Licence committee

18. Despite any general or special Act, where city council is authorized to pass by-laws for licensing, regulating or governing any business or the person carrying on or engaged in the business, the licence committee of city council is authorized, subject to the *Statutory Powers Procedure Act*, to suspend or revoke any such licence or to impose conditions as a requirement of obtaining, continuing to hold or renewing such licence, including special conditions.

Temporary suspension of licences

19. (1) Despite any general or special Act, where city council is authorized to pass by-laws for licensing, regulating or governing any business or the person carrying on or engaged in the business, city council may by by-law,

- (a) authorize the chief licence inspector of the city or other municipal official identified by name or position in the by-law to suspend any such licence in an emergency situation for the time and subject to the conditions that the by-law may provide; and
- (b) for the purpose of the by-law, describe the situations that are emergency situations or establish the criteria for a situation to be considered an emergency situation.

Reasons

(2) Prior to suspending a licence under subsection (1), the chief licence inspector or other municipal official shall provide the licensee with the reasons for the sus-

pension either orally or in writing and an opportunity to respond to them.

Suspension lifted

(3) The suspension of a licence pursuant to a by-law made under subsection (1) is lifted after the expiration of two weeks from the date of suspension or after the first meeting of the licence committee after the suspension, whichever occurs first.

By-laws requiring surrender of the driver’s licence and vehicle permit

20. (1) City council may pass by-laws requiring the driver of any class of motor vehicle that is regulated under a by-law for licensing, regulating or governing any business to surrender for reasonable inspection, upon the demand of the chief licence inspector of the city, other municipal official identified by name or position in the by-law or an inspector appointed by by-law to enforce the by-law, his or her driver’s licence issued under the *Highway Traffic Act* or the law of another jurisdiction and the permit for the vehicle issued under section 7 of the *Highway Traffic Act* or the law of another jurisdiction.

Restriction

(2) A by-law passed under subsection (1) does not empower the chief licence inspector, municipal official or inspector to stop a moving vehicle or to retain the driver’s licence or permit for the vehicle after reasonable inspection of it.

Limitations or itinerant seller and refreshment vehicle licences

21. City council may, in a by-law passed for licensing, regulating and governing itinerant sellers or owners and operators of refreshment vehicles, limit the number of licences issued to itinerant sellers or owners and operators of refreshment vehicles or limit the number of licences issued to any class of itinerant sellers or owners and operators of refreshment vehicles.

PART VI PRIVATE ROADWAYS

By-laws respecting private roadways

22. (1) City council may pass by-laws,

- (a) for numbering the buildings and lots or units along private roadways and for affixing numbers to the buildings, and for charging the owner or occupant of the building, lot or unit with the expense incident to the numbering of the building, lot or unit;
- (b) for keeping, and the city shall keep, a record of the private roadways and of the numbers of the buildings and lots or units, for public inspection;
- (c) for naming and renaming private roadways and for affixing the names at the corners of them, and for charging the owner or, in the case of a condominium, the condominium corporation, with the expense incident to the naming and renaming of the private roadway;

- (d) for requiring that the owner of a private roadway or a condominium corporation enter into one or more agreements with the city on such terms and conditions as city council considers expedient, including the provision and maintenance by the owner or the condominium corporation at their sole risk and expense and to the satisfaction of the city, respecting any of the matters referred to in clauses (a), (b) and (c);
- (e) for terminating the agreement referred to in clause (d) on such terms and conditions as the city considers expedient; and
- (f) for delegating to either a committee of city council or to a municipal official identified by name or position in the by-law, any of city council's power or authority under clause (c).

Notice

(2) Before passing a by-law to name or rename a private roadway under clause (1) (c), city council shall give public notice of its intention to do so in a form and in the manner and at the times that city council considers adequate to give reasonable notice.

Recovery of expenses

(3) The expense referred to in clause (1) (a) may be recovered in like manner as municipal taxes, and, if paid by the occupant, subject to any agreement between the occupant and the owner, may be deducted from the rent payable to the owner.

Same

(4) The expense referred to in clause (1) (c) may be recovered in like manner as municipal taxes.

Entry of inspectors

(5) Any person appointed by the city to enforce a by-law passed under subsection (1) may enter and inspect the property and affix the numbers and erect the signs, but shall not enter a room or place actually used as a dwelling.

Registration of agreement

(6) Any agreement referred to in clause (1) (d) may be registered against the land to which it applies, and the city is entitled to enforce the provisions of the agreement against the owner or the condominium corporation and, subject to the *Registry Act* and *Land Titles Act*, any and all subsequent owners of the land.

Certificate of the city clerk on termination

(7) Upon termination of the agreement referred to in clause (1) (d), a certificate signed by the city clerk stating that the agreement has been terminated may be similarly registered.

Assessment of condominium units

(8) For the purposes of clause (1) (c), where a condominium corporation is charged with an expense incident to the naming or renaming of a private roadway and such expense is collected in like manner as municipal

taxes, the expense shall be apportioned and levied on each unit and common interest on the basis of the assessment of the individual units and the common interest appurtenant to the individual units.

PART VII AMENDMENT TO THE CITY OF OTTAWA ACT, 1996

23. Section 5 of the *City of Ottawa Act, 1996* is repealed and the following substituted:

Application of by-laws to roads in old City of Ottawa

5. (1) A by-law passed under this Act shall apply to any highway located within the municipal area of The Corporation of the City of Ottawa, as it existed on December 31, 2000.

Saving

(2) No person shall be found guilty of contravening a by-law referred to in this section, as it read on June 26, 2001, if the contravention occurred on or after June 27, 2001 and before the day the *City of Ottawa Act (Consolidation of Special Acts), 2001* receives Royal Assent.

PART VIII REPEALS

24. The following are repealed:

1. *City of Gloucester Act, 1993.*
2. *City of Nepean Act, 1984.*
3. *City of Nepean Act, 1995.*
4. *City of Nepean Act, 1995 (No. 2).*
5. **Sections 2 and 3 of *The City of Ottawa Act, 1977.***
6. **Section 3 of *The City of Ottawa Act, 1978.***
7. **Section 2 of the *City of Ottawa Act, 1988.***
8. *City of Ottawa Act, 1992 (No. 3).*
9. *City of Ottawa Act, 1993.*
10. *City of Ottawa Act, 1996 (No. 2).*
11. *City of Ottawa Act, 1996 (No. 3).*
12. ***City of Ottawa Act, 1999, being chapter Pr1.***

PART IX COMMENCEMENT AND SHORT TITLE

Commencement

25. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Same

(2) Section 23 shall be deemed to have come into force on June 27, 2001.

Short title

26. The short title of this Act is the *City of Ottawa Act (Consolidation of Special Acts), 2001.*