

The Corporation of the City of North Bay

By-law 2022-29

Being a By-law to Regulate Vacant Buildings

WHEREAS sections 8, 9, and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provide municipalities with broad powers, including the ability to pass by-laws that the municipality considers necessary or desirable for the public and, in particular, paragraphs 5, 6, 8 and 10 of subsection 10(2) of that Act authorize municipalities to pass by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and properties; and structures;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 provides that the council of a municipality may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS section 15.4 of the *Building Code Act, 1992* provides authority for a municipality to cause repairs or demolition of a property where an order of a property standards officer made under section 15.2(2) of the Act is not complied with and the order has been deemed confirmed or has been confirmed or modified by a property standards committee or judge of the Superior Court of Justice, and further provides that the municipality shall have a lien on the land for the amount of the repair or demolition, which shall have priority lien status under the *Municipal Act, 2001*;

AND WHEREAS section 15.9(4) of the *Building Code Act, 1992* provides authority for a building inspector who finds that a building is unsafe to order remedial work to render the building safe;

AND WHEREAS section 15.9(6) of the *Building Code Act, 1992* provides that where an order of a building inspector under s. 15.9(4) of that Act is not complied with within the time specified in the order, the chief building official may cause the building to be renovated, repaired or demolished to remove the unsafe condition or take such other action as the chief building official considers necessary for the protection of the public; and section 15.9(10) provides that in such a case the municipality shall have a lien on the land for the amount spent on the renovation, repair, demolition, or other action taken, and that the amount shall have priority lien status under the *Municipal Act, 2001*;

AND WHEREAS section 15.10 of the *Building Code Act, 1992* provides that, where a building inspector is satisfied that a building poses an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger; and further that the costs of the work done by the municipality, in an amount determined by a judge of the Superior Court of Justice to be recoverable, shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001*;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides authority, if a municipality is satisfied that a contravention of a by-law passed under that Act has occurred, for the municipality to 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 WHEREAS section 446 of the *Municipal Act, 2001* provides that where a municipality has the authority by any Act or by-law to direct or require a person to do a matter or thing, the

municipality may also provide that, in default of it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the matter or thing from the person directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons (a) for services and activities provided or done by or on behalf of it, and (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

AND WHEREAS offence and penalty provisions for contraventions are as set out in section 36 of the *Building Code Act, 1992* and sections 425, 429 and 431 of the *Municipal Act, 2001*;

AND WHEREAS this By-law is one of several City of North Bay by-laws that ensure buildings and properties are maintained to minimum standards including the Property Standards By-law and the Clean Yards By-law;

AND WHEREAS it is the opinion of the Council of The Corporation of the City of North Bay that vacant buildings that are not secured against unauthorized entry constitute public nuisances by attracting vandals and creating fire and safety hazards, and it is the desire of the Council of The Corporation of the City of North Bay to regulate vacant buildings;

AND WHEREAS the Council of The Corporation of the City of North Bay passed Resolution 2022-____ at its Regular Meeting held on the ____ day of _____, 2022 with respect to the regulation of vacant buildings in the City of North Bay.

Now Therefore Be It Resolved That the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

1.1.1 This By-law may be referred to as “The Vacant Buildings By-law”.

1.2 Application – All Buildings

1.2.1 This By-law shall apply to all buildings in the City.

1.3 Reference Aids

1.3.1 The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

1.4 Severability

1.4.1 If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.5 Compliance with Legislation

1.5.1 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the City of North Bay and, without limiting the generality of the foregoing, this includes the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4; and the *Municipal Act, 2001*.

1.6 Conflict

- 1.6.1 If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

1.7 Delegation

- 1.7.1 The administration of this By-law is hereby delegated to the Chief Building Official or their designate.

1.8 Definitions

- 1.8.1 The following definitions shall apply in this By-law. In addition, the definitions in the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended and the Building Code shall apply with respect to matters pertaining to buildings unless otherwise defined in this By-law.

"Building damaged by fire" means a building partially or completely damaged by fire to the extent that it requires repairs to permit use or occupancy, or requires demolition because it is unsafe.

"Building Code Act, 1992" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and any successor legislation.

"Building Code" means O. Reg.332/12 made under the *Building Code Act, 1992*, and any successor regulation.

"Building Services" means the Building Department of the City of North Bay.

"Chief Building Official" means the chief building official for the City of North Bay, as appointed by Council under section 3 of the *Building Code Act, 1992*, or their designate.

"City" means The Corporation of the City of North Bay or the area within the geographical limits of the City of North Bay, as the context requires.

"Council" means the Council for The Corporation of the City of North Bay.

"Demolish" means to tear down and remove from the subject land building(s) and/or structure(s), and 'demolition' has a corresponding meaning.

"Graffiti" means one or more letters, symbols or marks, howsoever made, that disfigure or deface a property or object, but does not include a sign pursuant to the City's sign by-laws or a mural which has been authorized by the City.

"Officer" means a Property Standards Officer appointed by the City to administer and enforce this By-law and the City's Property Standards By-law or, where specified, the Chief Building Official or a Building Inspector appointed by Council pursuant to s. 3(2) of the *Building Code Act, 1992*.

"Owner" means:

- a) the registered owner of the land on which a building is situated;
- b) the owner of a building;
- c) the person managing or receiving the rent of land or a building, or who would receive the rent if the land and building were let, whether on the person's own account or as agent or trustee or receiver of any other person;
- d) a vendor of a building under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement;
- e) the person for the time being receiving installments of the purchase price if a building were sold under an agreement for sale;

- f) a lessee or occupant of a property who, under the terms of a lease, is required to repair and maintain the building; and
- g) an owner as defined by the *Condominium Act 1998*, S.O. 1998, c. 19, as amended and any successor legislation.

“Property” means the land on which a building is situated and includes the building.

“Property Standards Committee” means a committee established by Council pursuant to s. 15.6 of the *Building Code Act, 1992* and the City’s Property Standards By-Law.

“Register” means to comply with the requirements of this By-law concerning registration of vacant buildings.

“Secure” means to maintain a building in a condition that reasonably prevents access to the interior of the building, or to the exterior of the building, if deemed unsafe by an Officer, and may include locking, infilling, sealing, or boarding of doors, windows, or other openings in a wall or roof of a building, or the installation of security measures or warning signage, and may also include demolition.

“Undesirable Material” includes:

- a) rubbish, garbage, brush, waste, litter and debris;
- b) injurious insects, termites, rodents, vermin and other pests;
- c) growth of grass or weeds in excess of 8”;
- d) ground cover, hedges, and bushes which overhang the sidewalk, impede pedestrian or vehicular traffic or cause a site obstruction;
- e) dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which create an unsafe condition;
- f) wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers, except in an establishment licensed or authorized to conduct or operate a wrecking business;
- g) stagnant water which provides a breeding place for mosquitos or other health hazards;
- h) machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an adverse condition;
- i) dilapidated or collapsed structures or erections;
- j) furniture used for exterior use that becomes dilapidated;
- k) furniture designed for indoor use; and
- l) animal or human excrement.

“User Fees By-law” means the City’s User Fees By-law No. 2019-07 or any successor by-law thereto.

“Vacant building” means a building that is not being used or occupied for a period exceeding 30 consecutive days, including days vacant prior to the passage of this By-law, but does not include:

- a) a dwelling unit occupied by the Owner on a seasonal basis but otherwise maintained throughout the year;

- b) a building, except a dwelling unit, on property used as a farm; or
- c) a building that is owned by the City.

“Vacant Building Registry” means the City list of vacant buildings maintained by Building Services.

Part 2 – Vacant Buildings

2.1 Owner Responsibilities – All Vacant Buildings

2.1.1 Every owner of a vacant building shall:

- a) register the vacant building in accordance with Part 3 of this By-law;
- b) ensure that the property complies with all applicable statutes, regulations and by-laws, including, but not limited to, the *Building Code Act, 1992* and the *Fire Protection and Prevention Act, 1997*;
- c) protect the property against the risk of fire, accident or other danger;
- d) effectively prevent the entrance of any unauthorized persons, including but not limited to effectively boarding up the vacant building;
- e) use materials for boarding up the vacant building that are covered and maintained with preservative compatible with the surrounding exterior finish of the building;
- f) where openings that were previously boarded or secured, become unsecured, re-secure such openings, using materials and fasteners of greater strength, installed in such a manner to deter their destruction or removal;
- g) ensure that water, electrical and gas services are turned off with the exception of those services that are required for the security and maintenance of the property;
- h) maintain a minimum of two million dollars of general liability insurance per occurrence on the vacant building;
- i) ensure the vacant building is inspected on a regular basis by a person or company familiar and qualified with the matters pertaining to this By-law, maintain a written record of all inspections, including the date and time of the inspection, and produce the records upon the request of an Officer;
- j) keep the property clear of all garbage, refuse, debris and undesirable material;
- k) exterior walls of a building and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements; and
- l) ensure the property does not remain vacant for a period exceeding one year.

Part 3 – Registration of Vacant Buildings

3.1 Registration

3.1.1 Every owner of a vacant building which has been vacant for at least 30 consecutive days, including days vacant prior to the passage of this By-law, shall register the building within the subsequent 30 days, in accordance with this Part.

3.1.2 Where there is more than one vacant building on a property, the owner shall register each vacant building individually.

3.1.3 Where an owner fails to register a vacant building within the time required by s. 3.1.1 of this By-law, an Officer who reasonably believes that the vacant building poses a risk to safety or is a public nuisance or could become a public nuisance may add such building to a Vacant Building Registry for information and tracking purposes.

3.1.4 Where an Officer has added a vacant building to the Vacant Building Registry the Officer shall provide notice to the owner that they are required to complete the registration under s. 3.1.1 and the owner shall comply. Nothing in this section relieves from the owner's responsibility to register the vacant building under s. 3.1.1.

3.2 Registration – Application Requirements

3.2.1 To register a vacant building, the owner shall complete and submit to the City a completed and signed application form, which form shall be developed and maintained by the City, along with a set of floor plans showing the current floor configuration of the vacant building, a current certificate of insurance demonstrating compliance with the insurance requirements of s. 2.1.1(h) of this By-law, and the applicable fee as required by Part 6 of this By-law and the City's User Fees By-law.

3.2.2 Every owner shall ensure the information provided on the application form is complete and correct, and is maintained current, after registration. The owner shall immediately notify Building Services of any change in circumstances in connection with information given during registration or when there is a signed agreement for sale of the property or building.

3.2.3 The City will not accept an application for registration that is incomplete or is known to be incorrect or inaccurate.

3.3 Registration – Expires

3.3.1 A registration expires:

- a) when the City is satisfied that the building is no longer vacant;
- b) when the vacant building is sold or otherwise transferred to a new owner;
- c) when the registration is revoked by the City for false, incomplete, or misleading information;
- d) when the building is demolished; or
- e) where none of the foregoing circumstances occur, on the one-year anniversary date of the date on which the registry permit was issued.

Part 4 – Buildings Damaged by Fire

4.1 Additional Provisions

4.1.1 In addition to all other provisions of this By-law, the provisions of this Part also apply to buildings damaged by fire.

4.2 Building Secured

4.2.1 Subject to the provisions of s. 5.3 of this By-law, every owner shall ensure that a building damaged by fire is secured against unauthorized entry:

- a) within 24 hours after the release of the property by the authority having jurisdiction; or

- b) if the Chief Building Official has granted an extension in writing, by the deadline given by the Chief Building Official.

Part 5 – Orders Relating to Vacant Buildings

5.1 Order – Unauthorized Entry

- 5.1.1 Where an Officer finds that a vacant building is not secure from unauthorized entry, the provisions of this section shall apply.
- 5.1.2 The Officer may make an Order to discontinue the contravention pursuant to s. 444 of the *Municipal Act, 2001*, requiring the building to be secured against unauthorized entry.
- 5.1.3 An Order issued under this section shall set out reasonable particulars of the contravention adequate to identify the contravention, the location, and the date by which there must be compliance with the Order.
- 5.1.4 In addition to the requirements of s. 5.1.3, an Order issued under this section may include particulars on the acceptable method(s) of securing the vacant building by way of security measures and/or devices to the satisfaction of the City, and such measures may include boarding of windows, doors and other openings. Where, in the sole discretion of the Officer, a specific method of securing the property, such as boarding in part or in whole, is required to ensure that the vacant property remains secured against unauthorized entry, the Order shall state this requirement.
- 5.1.5 An Order to secure a vacant building against unauthorized entry may be served on the owner personally, by registered mail, or by posting the Order at the site of the vacant building.
- 5.1.6 Where the circumstances do not reasonably allow the property owner to secure the building forthwith, the owner shall ensure that the property is monitored by a responsible person at all times until the building is adequately secured and, in any event, the owner shall ensure compliance with the Order by the deadline to comply.

5.2 Emergency Order – Unauthorized Entry

- 5.2.1 Where, in the opinion of an Officer, it would pose an immediate danger to the health or safety of any person to allow a vacant building to remain unsecured for even a short period of time, the Officer may issue an Order under section 15.7 of the *Building Code Act, 1992*, requiring that the building be secured immediately and, in such circumstances, the provisions of this section shall apply.
- 5.2.2 An Order issued under this section shall contain particulars of the contravention and the work required to be carried out, and the requirement to do the work immediately.
- 5.2.3 Upon making the Order, the Officer may, either before or after the Order is served, take any measures necessary to secure the building in order to terminate the danger and, for this purpose, the City may, through its employees and agents, at any time enter upon the property without a warrant.
- 5.2.4 The Order shall be served on the owner and any such other persons affected thereby as the Officer determines, and a copy shall be posted on the property, either before the City takes measures to secure the building, or as soon as practicable after the measures have been taken.
- 5.2.5 The Officer shall ensure that all other provisions of s. 15.7 of the *Building Code Act, 1992* are complied with.

5.3 Emergency Order – Building Damaged by Fire

5.3.1 Notwithstanding the provisions of s. 4.2 of this By-law, where, in the opinion of the Chief Building Official, a building damaged by fire presents an immediate public safety hazard due to a state of being insecure, the Chief Building Official may issue an Order to the owner to secure the building against unauthorized entry forthwith upon release of the property by the authority having jurisdiction. In such circumstances, the Chief Building Official shall ensure that all provisions of s. 15.10 of the *Building Code Act, 1992*, relating to Emergency Orders for unsafe buildings, are complied with.

5.4 Order – Demolition

5.4.1 An Officer may issue an Order directing the owner to demolish a vacant building in accordance with the provisions of this section.

5.4.2 An Officer who is a Building Inspector may issue an Order to demolish a vacant building where the vacant building is insecure from unauthorized entry to the extent that it cannot, in the opinion of the Officer, be reasonably or effectively secured by boarding or other means of repair. In such circumstances, the provisions of section 15.9 of the *Building Code Act, 1992* relating to unsafe buildings shall apply.

5.4.3 An Officer who is a Building Inspector may issue an Order to demolish a vacant building where the security measures of the vacant building are frequently breached, in spite of repeated attempts to re-secure as described above. In such circumstances, the provisions of section 15.9 of the *Building Code Act, 1992* relating to unsafe buildings shall apply.

5.4.4 An Officer may issue an Order to demolish a vacant building where the vacant building has remained on the Vacant Building Registry for a period of one year. In such circumstances, the provision of sections 15.2, 15.3 and 15.4 of the *Building Code Act, 1992* relating to property standards by-laws shall apply.

5.4.5 Where a vacant building has been demolished pursuant to an Order to demolish, the owner shall further ensure compliance with the following provisions:

- a) the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and leveled condition;
- b) unless new construction is to commence immediately on the same footings and/or foundation walls, the footings and foundations shall be removed unless authorized and described on the demolition permit by Building Services;
- c) only clean, inert, native material or granular material approved by Building Services shall be used as backfill;
- d) building rubble including but not limited to, broken bricks and concrete, shall not be acceptable backfill material; and
- e) the site shall be properly graded, grass seeded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site, or drain into adjoining properties.

5.5 Compliance with Order

5.5.1 Every owner to whom an Order is issued under this By-law shall comply with the Order by the date indicated for compliance in the Order.

5.6 Remedial Measures by the City

- 5.6.1 If an Order issued under this By-law is not complied with, the City may cause the property to be secured or demolished, or may cause the safety or security measures to be taken, as the case may be, in accordance with the following time lines:
- a) where an Order to secure a building is issued under s. 5.1 of this By-law, at any time after expiry of the deadline to comply set out in the Order;
 - b) where an Emergency Order to secure a building is issued under s. 5.2 of this By-law, at any time after the Emergency Order is issued;
 - c) where an Emergency Order to secure a building damaged by fire is issued by the Chief Building Official under s. 5.3.1 of this By-law, at any time after the Emergency Order is issued;
 - d) where an Order to demolish an unsafe vacant building is issued by a Building Inspector under s. 5.4.2 or s. 5.4.3 of this By-law, at any time after expiry of the deadline to comply set out in the Order; and
 - e) where an Order to demolish a vacant building due to passage of time is issued under s. 5.4.4 of this By-law:
 - (i) immediately upon the Order being deemed confirmed under s. 15.3(2) of the *Building Code Act, 1992*;
 - (ii) where the Order is appealed to the Property Standards Committee and is subsequently confirmed or modified by the Committee, but is not appealed to the Superior Court of Justice, upon the expiration of both the 14-day appeal period and the deadline for compliance in the confirmed or modified Order; or
 - (iii) where the Order is further appealed to the Superior Court of Justice and is subsequently confirmed or modified by a judge of the Superior Court of Justice, upon expiration of the deadline for compliance in the confirmed or modified Order.
- 5.6.2 For the purpose of subsection 5.6.1 of this By-law, employees or agents of the City may enter the property at any reasonable time, without a warrant, in order to secure or demolish the property, or to take the safety or security measures required as set out in the Order.
- 5.6.3 The City or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under subsection 5.6.1 of this By-law.
- 5.6.4 Where the City takes remedial action under s. 5.6.1 of this By-law, the cost recovery provisions of this By-law shall apply.

Part 6 – Fees

6.1 Fees

- 6.1.1 Fees for registration of a vacant building shall be levied in accordance with the City's User Fees By-law, and the owner of the building shall be responsible for payment of any registration fees arising under this By-law, as set out in the City's User Fees By-law 2019-07 as amended, whether the building was registered by the owner or by an Officer pursuant to s. 3.1.3 of this By-law.

- 6.1.2 Every owner shall pay the fees imposed pursuant to the City's User Fees By-law 2019-07 which become due and payable upon written notification by an Officer, or upon issuance of an invoice by the City.
- 6.1.3 Where an owner is in default of payment of fees for more than 30 calendar days after due, the City may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

Part 7 – Cost Recovery

7.1 Work done by City – Owner's Expense

- 7.1.1 Where the City does work or causes work to be done on a vacant building or a building damaged by fire to comply with this By-law, such work shall be done at the expense of the owner.
- 7.1.2 If the City undertakes the work to correct the contraventions, the owner will be charged 100% of the cost of any third party invoices plus any costs as defined in the User-fee bylaw.
- 7.1.3 The City shall have a lien on the land for the amount spent on the securing or demolition or other work done under the provisions of this By-law in accordance with the following:
- a) where the remedial work is done pursuant to s. 5.6.1(a) of this By-law (in relation to an Order to secure a building under s. 5.1), the City shall have a lien on the land in the amount of the costs, including interest in the amount of 15%, upon the registration of a notice of lien in the proper land registry office;
 - b) where the remedial work is done pursuant to s. 5.6.1(b) of this By-law (in relation to an Emergency Order to secure a building under s. 5.2), the City shall have a lien on the land in the amount of the costs, as determined by a judge of the Superior Court of Justice under s. 15.7(8)(b) of the *Building Code Act, 1992* and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001*;
 - c) where the remedial work is done pursuant to s. 5.6.1(c) of this By-law (in relation to an Emergency Order to secure an unsafe building damaged by fire made by the Chief Building Official under s. 5.3 of this By-law), the City shall have a lien on the land in the amount determined by a judge of the Superior Court of Justice to be recoverable under s. 15.10(10) of the *Building Code Act, 1992* and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001*;
 - d) where the remedial work is done pursuant to s. 5.6.1(d) of this By-law (in relation to an Order to demolish an unsafe building under s. 5.4.2 or s. 5.4.3), the City shall have a lien on the land in the amount of the costs, and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001*; and
 - e) where the remedial work is done pursuant to s. 5.6.1(e) of this By-law (in relation to an Order to demolish due to passage of time under s. 5.4.4), the City shall have a lien on the land in the amount of the costs and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001*.

7.2 Non-payment by Owner – Collected as Property Tax

- 7.2.1 If the owner fails to pay the cost of work completed under this By-law within 30 days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

Part 8 – Inspection and Enforcement

8.1 Authority to Enforce

8.1.1 The provisions of this By-law relating to public nuisance may be enforced by a Property Standards Officer.

8.1.2 The provisions of the By-law relating to unsafe buildings may be enforced by the Chief Building Official or a Building Inspector.

8.2 Inspection – at Any Reasonable Time

8.2.1 Every Officer may enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine compliance with the provisions of this By-law or an Order made pursuant to this By-law.

8.2.2 In addition to the provisions of s. 8.2.1, an Officer who is the Chief Building Official or a Building Inspector may enter upon any land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site to determine compliance with the provisions of this By-Law relating to unsafe buildings, and the provisions of the *Building Code Act, 1992* and the Building Code.

8.3 Obstruction

8.3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.

8.3.2 Any person who is alleged to have contravened any provision of this By-law shall identify himself or herself to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the Officer in the execution the Officer's duties.

8.4 Offence and Penalty

8.4.1 Any person who fails to comply with any provision of this By-Law is guilty of an offence.

8.4.2 Any person who fails to comply with an Order issued under this By-Law is guilty of an offence.

8.4.3 A person who is convicted of an offence under this By-law is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.

8.4.4 Notwithstanding subsection 8.4.3, if a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.

8.4.5 If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction is 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 9 – Coming Into Force

9.1 Coming Into Force

9.1.1 This By-law shall come into force and effect upon passing.

Read a First Time in Open Council this 22nd day of March, 2022.

Read a Second Time in Open Council this 22nd day of March, 2022.

Read a Third Time in Open Council and Enacted and Passed this 22nd day of March, 2022.

Mayor Allan McDonald

City Clerk Karen Mclsaac