

The Corporation of the City of Burlington

City of Burlington By-Law 88-2020

A by-law to amend By-law Number 28-2009, being a by-law to prescribe standards for the maintenance and occupancy of properties in the City of Burlington
File: 110-04-1 (BB-07-20)

Whereas under subsection 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, authorizes The Corporation of the City of Burlington (“City of Burlington”) to prescribe standards for the maintenance and occupancy of property; and

Whereas on April 14, 2009, Council of the City of Burlington passed By-Law Number 28-2009, being a by-law to prescribe standards for the maintenance and occupancy of properties in the City of Burlington (the “Property Standards By-law”); and

Whereas on May 25, 2009, Council of the City of Burlington, passed an amendment to the Property Standards By-law, By-law 40-2009, amending the definition of officer; and

Whereas the Council of the City of Burlington deems it appropriate to amend By-law 28-2009 to to change the date on which heat is required in rental buildings under the by-law, to require building owners to provide alternative refuse disposal options in writing and to clarify that the obligation is imposed on the owners of the buildings as defined in the by-law, and to clarify the location of applicable fees;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Section 1.2 of By-law 28-2009 is amended by adding the following new definition immediately after the definition of “Property Standards Committee”:

“Rates and Fees By-law” means City of Burlington By-law 52-2019, as amended or replaced from time to time.

2. Section 3.2.1 a) of By-law 28-2009 is amended by deleting the word “1st” and replacing it with the word “15th”.
3. Section 4.7.1-4.7.5 of By-law 2009 are removed and replaced with the following new sections:

4.7.1 Every owner of an apartment building or a condominium corporation responsible for a condominium building having common access corridors to individual apartments shall ensure that the building is equipped with a garbage or refuse room accessible to all tenants on the floor, and shall ensure that all doors to these rooms are not equipped with locking devices.

4.7.2 Every owner of an apartment building or a condominium corporation responsible for a condominium building exceeding two storeys in height shall have a garbage chute with a self-closing door connecting the garbage or refuse rooms to a common room at or near grade.

4.7.3 In all other apartment buildings, every owner of an apartment building or a condominium corporation responsible for a condominium building, shall ensure that sufficient rooms with containers and receptacles are provided to safely contain all garbage, rubbish, ashes, waste and other refuse, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with the applicable waste collection bylaws.

4.7.4 Every owner of an apartment building or a condominium corporation responsible for a condominium building shall ensure that the facilities required by subsections 4.7.1 and 4.7.2 are designed and installed in accordance with the Ontario Building Code.

4.7.5 In the event that strict application of subsections 4.7.1, 4.7.2 and 4.7.3 are not possible or practical, the Property Standards Officer may require, and every owner of an apartment building or a condominium corporation responsible for a condominium building shall submit, in writing, alternative measures to those required by sections 4.7.1, 4.7.2 and 4.7.3 for the review of the Property Standards Officer. The Property Standards Officer, at their sole discretion, may approve or reject such alternative measures having consideration to whether such alternative measures are best alternative to the standard required by section 4.7.1, 4.7.2 and 4.7.3, and that such alternative measures are in accordance with all applicable law.

4.7.6 Every owner of an apartment building or a condominium corporation responsible for a condominium building shall ensure that all exterior refuse storage and collection areas, including containers and receptacles, are maintained in a safe, clean, sanitary, odour free and tidy condition.

4. Section 7.4.1 of By-law 28-2009 is amended by deleting the words “and the fee set out in Schedule “B”” and replacing it with the words “and pay the fee set out in the City of Burlington Rates and Fees By-law”.
5. Section 9.2 of By-law 2009 is amended by deleting the words “as outlined in Schedule “A”” and replacing it with the words “as outlined in the City of Burlington Rates and Fees By-law”.
6. Schedule “A” of By-law 28-2009 is deleted in its entirety.
7. Schedule “B” of By-law 28-2009 is deleted in its entirety.
8. That in all other aspects, By-law 28-2009 be and is hereby confirmed.

9. This by-law comes into force and effect on the day it is passed.

Enacted and passed this 23rd day of November 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____