

PROPERTY MAINTENANCE

Chapter 853 HEAT - ADEQUATE - RENTAL DWELLING

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Article 1 INTERPRETATION

853.1.1 Adequate and suitable heat - defined

“adequate and suitable heat” means the maintenance of all parts of rented or leased dwelling or living accommodation at a minimum temperature of 20 degrees Celsius, at one and half (1.5) metres above floor level and one (1) metre from exterior walls.

853.1.2 Landlord - defined

"landlord" means the registered property owner, or property manager, or any person designated by the property owner as the person responsible for maintaining adequate and suitable heat in the dwelling to living accommodation.

853.1.3 Officer - defined

"officer" means a Municipal By-law Enforcement Officer.

**Article 2
GENERAL PROVISIONS****853.2.1 Heat - adequate - maintained - by landlord**

Where, by the terms of the lease or tenancy as between the lessee or tenant and the landlord, the landlord covenants or agrees to heat the leased or rented dwelling or living accommodation or where such accommodation is normally heated by or at the expense of the landlord, the landlord shall maintain or cause to be maintained adequate and suitable heat between the 1st day of September of each year and the 15th day of June of the following year.

**Article 3
ENFORCEMENT****853.3.1 Enforcement**

A Municipal By-law Enforcement Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

853.3.2 Entry and inspection

An Officer may, at all reasonable times, enter a building or part of a building to which the Chapter applies, for the purpose of carrying out an inspection to determine compliance with this Chapter.

853.3.3 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of "hinder" or "obstruct", a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

853.3.4 Penalties

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence for each day or part of a day on which the offence occurs or continues and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, 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.

853.3.5 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

**Article 4
ENACTMENT****853.4.1 Effective date**

This Chapter shall come into force and have effect upon the final passing of the enabling by-law.

Adoption By-law: By-law 1975-25, 3 March 1975.

By-law Amendments: By-law 1994-21, 10 January 1994; By-law 1994-24, 10 January 1994; By-law 2011-11, 14 February, 2011; By-law 2017-14; 13 February 2017.