

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 124-2022

A By-law to provide for administrative monetary penalties in Property Standards By-law 231-2011, as amended and to make it an offence to obstruct legal access to an Officer onto lands, for the purpose of inspection.

WHEREAS section 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (“Building Code Act”) gives a municipality authority to pass a by-law to prescribe standards for the maintenance and occupancy of property within the municipality, and to further require that property that does not conform with the standards to be repaired and maintained to conform with the standards or that the site to be otherwise cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS section 15.4.1(1) of the Building Code Act provides for a municipality to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under section 15.1, or an order of an officer under subsection 15.2(2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3;

AND WHEREAS section 15.4.1(2) of the Building Code Act established the purpose of a system of administrative penalties established by a municipality to assist the municipality in promoting compliance with a by-law under section 15.1 or an order under subsection 15.2 (2);

AND WHEREAS section 15.4.1(3) of the Building Code Act limits the amount of an administrative penalty established by a municipality so that it shall not be punitive in nature, and it shall not exceed the amount reasonably required to promote compliance with a by-law under section 15.1 or an order under subsection 15.2 (2).

AND WHEREAS section 15.4.1(4) of the Building Code Act requires that if a person is required by a municipality to pay an administrative penalty in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention;

AND WHEREAS section 15.4.2(1) of the Building Code Act established that an administrative penalty imposed by a municipality on a person under section 15.4.1 constitutes a debt of the person to the municipality;

AND WHEREAS section 15.4.2(2) of the Building Code Act provides that an administrative penalty imposed under section 15.4.1 not paid within 15 days after the day that it becomes due and payable, be added to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying the administrative penalty, and that such amount be collected in the same manner as municipal taxes;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. The following section be added to By-law 231-2011, as amended:

SECTION 14 ADMINISTRATIVE MONETARY PENALTIES

- (1) Instead of laying a charge under the Building Code Act, 1992, SO 1992, c 23, and subject to due process under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law or for failure to comply with an Order under this By-law, an Officer may issue an administrative monetary penalty to the contravener.
- (2) If a Person is required to pay an administrative monetary penalty under section 14(1), no charge shall be laid against that same Person for the same contravention.
- (3) The amounts of the administrative monetary penalties for breaching this By-law are as follows:

For obstructing access under section 4.3(1)	\$ 750.00
For failing to comply with an Order under this By-law	\$ 500.00
- (4) A Person who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended or its successor by-law.
- (5) An administrative monetary penalty imposed on a Person that becomes a debt to the City under the Administrative Monetary Penalties By-law, as amended or its successor by-law, may be added to the municipal tax roll

and collected in the same manner as municipal taxes.

2. The following section be added to By-law 231-2011, as amended:

SECTION 15 DESIGNATION

- (1) Schedule 1 of the Administrative Monetary Penalties By-law, as amended,
is hereby amended by including this By-law as a Designated By-law.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk