



By-law No. 2026-110

Vital Services By-law

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Consolidated Version

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Consolidated for Convenience Only
This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2026-110

A By-law to require adequate and suitable vital services
for rental units and to repeal Heat By-law No. 2007-121

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Municipal Act”) as amended, provides that powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

WHEREAS subsection 11(1) of the Municipal Act provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS subsection 11(2) of the Municipal Act provides that a municipality may pass by-laws respecting health, safety and well-being of persons, and protection of persons and property, including consumer protection; and

WHEREAS section 446 of the Municipal Act provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and to recover the costs of doing so by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

WHEREAS on June 18, 2007, the Council of the Corporation of the City of Owen Sound (the “City”) passed By-law No. 2007-121 being a by-law to require adequate and suitable heat for rented or leased residential accommodations; and

WHEREAS on July 27, 2026, the Council of the City passed Resolution R-260727-018 to enact the subject by-law and repeal By-law No. 2007-121, in consideration of staff report CR-26-068, presented to the Corporate Services Committee on July 9, 2026;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. This by-law shall be known as the “Vital Services By-law”.

Purpose

2. This by-law has been enacted to:
 - a. Protect the health, safety, and well-being of tenants or occupants of rental units by ensuring access to vital services;
 - b. Establish clear standards and responsibilities for property owners and landlords regarding the provision of vital services; and
 - c. Ensure that the rental stock in the City maintains habitable conditions.

Scope

3. This by-law shall apply to all lands and premises within the City of Owen Sound.

Part II. Interpretation**Headings**

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

Gender and Number

5. In this by-law, unless the contrary intention is indicated, words used in the singular include the plural and words imparting a gender include all genders, where applicable.

References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended from time to time.

Severability

7. In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

Definitions

8. For the purposes of this by-law:

"Adequate and Suitable Heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is twenty (20) degrees Celsius at one and a half (1.5) meters above floor level and one (1) meter from exterior walls in all habitable space and in any area intended for normal use by tenants, but excludes locker rooms and garages;

"Adequate and Suitable Supply of Hot Water" means a supply of hot water at the ordinary temperature of at least forty-nine (49) degrees Celsius for a period of ten (10) minutes or more;

"Adequate and Suitable Supply of Water" means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry, and bathroom facilities;

"Central Air Conditioning System" shall mean a mechanical system designed to cool air from a central location and to distribute it to and from rooms by one or more fans and ductwork, and does not include any portable air conditioning units or any window air conditioners;

"Council" means the Council of the Town;

"City" means the City of Owen Sound and a reference to the City is a reference to the geographical area of the City of Owen Sound or to the Corporation of the City of Owen Sound as the context requires;

"Landlord" means and includes,

- a. the owner of a Rental Unit or any other person who permits occupancy of a Rental Unit, other than a tenant who occupies a Rental Unit in a residential complex and permits another person to also occupy the unit or any part of the unit,

- b. the heirs, assigns, personal representatives and successors in title of a person referred to in clause a., and
- c. a person, other than a tenant lawfully occupying a Rental Unit in a residential complex, who is entitled to possession of the Rental Unit and who attempts to enforce any of the rights of a landlord under a tenancy agreement or applicable legislation, including the right to collect rent.

"Municipal Act, 2001" means the *Municipal Act, 2001*, SO 2001, c. 25;

"Officer" means a person appointed by Council as a Municipal Law Enforcement Officer, or a Police Officer, or other individual duly appointed to enforce this by-law;

"Person" means an individual, corporation, partnership, association or other legal entity, and the related heirs, executors, assignees and administrators;

"Provincial Offences Act" means the *Provincial Offences Act*, RSO 1990, c. P.33.

"Rental Unit" means any living accommodation used or intended to be used as a rented residential premises and, without limiting the generality of the foregoing, includes: i) a site for a mobile home or site on which there is a land lease home used or intended for use as a rented residential premises, and ii) a room in a boarding house, rooming house, short term rental, or lodging house and a unit in a care home;

"Suitably Cooled Air" shall mean a maximum air temperature, in any part of an accommodation that is normally used, of no more than twenty-six (26) degrees Celsius that is achieved and maintained without the use of portable air conditioning units or window air conditioners;

"Tenant" includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs, assigns and personal representatives, but "tenant" does not include a person who has the right to occupy a rental unit by virtue of being,

- a. a co-owner of the residential complex in which the rental unit is located, or
- b. a shareholder of a corporation that owns the residential complex;

"Vital Services" means hot and cold water, fuel, electricity, gas, heat and air conditioning;

- 9. For clarity, a reference to Vital Services shall refer to all the services outlined in the aforementioned definition and a reference to a Vital Service shall refer to any of the services outlined in the aforementioned definition.

Part III. Requirements of Landlords

Landlord to provide Vital Services

- 10. Every Landlord shall provide Vital Services for Rental Units, as provided for in this By-law.
- 11. Every Landlord of a Rental Unit shall ensure that the Rental Unit:
 - a. is provided with Adequate and Suitable Heat between the 15th day of September in each year and the 31st day of May of the following year;

- b. is provided with a permanent heating equipment or system that is capable of maintaining Adequate and Suitable Heat at any time of the year without the use of any portable or auxiliary units;
- c. if required to be provided with an air conditioning system by a lease governing the Rental Unit between the tenant or lessee and the Landlord, is provided with a central air conditioning system that is normally serviced with power supplied by or at the expense of the Landlord that maintains Suitably Cooled Air between the 1st day of June and the 14th day of September in each year;
- d. is provided with an adequate and suitable supply of hot and cold water;
- e. is provided with an adequate and suitable supply of electricity; and
- f. is provided with an adequate and suitable supply of gas, unless the Rental Unit is only equipped with a fuel burning system in lieu of gas, in which case an adequate and suitable supply of fuel shall be provided.

Landlord not to discontinue Vital Services

- 12. No Landlord shall cause or allow the discontinuance of a Vital Service to a Rental Unit, except:
 - a. when it is necessary to safely make repairs or alterations to the Rental Unit and then only for the minimum period necessary to effect the repair or alteration;
 - i. An Officer may require that a Landlord provide written confirmation from a certified utility provider that the discontinuance of the Vital Service is or was necessary to make repairs or alterations to the Rental Unit.
 - b. when a fuel burning or powered system is being immediately replaced by a gas-based system that will perform the same function, or otherwise a gas-based system is being immediately replaced by a fuel burning or powered system that will perform the same function; or
 - c. when a lease between a tenant and the Landlord for the Rental Unit has been amended in writing to remove the requirement to provide an air conditioning system for the unit, in which case the air conditioning may be discontinued by the Landlord in accordance with the amendment.
- 13. For the purpose of section 11, a Landlord shall be deemed to have caused the discontinuance of a Vital Service for a Rental Unit if the Landlord is obligated to pay the supplier for the Vital Service and fails to do so, and as a result of the non-payment, the Vital Service is no longer provided for the Rental Unit.
- 14. No Landlord shall advise a supplier of a Vital Service to bill a tenant directly except where such tenant has expressly assumed the obligation to pay for that service directly in a tenancy agreement.

Tenant responsibilities

- 15. For greater clarity, a Landlord shall not be deemed to have caused the discontinuance of a Vital Service for a Rental Unit if:

- a. the Tenant is obligated to pay the supplier for the Vital Service and fails to do so, and as a result of the non-payment, the Vital Service is no longer provided for the Rental Unit.
- b. the Tenant, another occupant of the Rental Unit, or a person permitted in the residential complex by the tenant has caused, whether intentionally or unintentionally, undue damage to any equipment or component required to provide the Vital Service.

Presumption

16. An Owner of a property on which a non-compliance or contravention has occurred shall be presumed to have carried out or caused or permitted to be carried out the non-compliance or contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

Part IV. Investigations

Inspection

17. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a. this by-law; or
 - b. an order made under s. 431 of the Municipal Act.
18. Despite section 14 of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling unless any of the provisions of s. 437 of the Municipal Act have occurred.
19. For the purposes of conducting an inspection pursuant to section 14 of this by-law, the officer may, in accordance with the provisions of s. 436 of the Municipal Act:
 - a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require information from any person concerning a matter related to the inspection; and
 - d. along with or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
20. Any cost incurred by the City in exercising its authority to inspect under section 14 of this by-law, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner of the property where the inspection takes place. The City may recover the costs incurred by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

Order to discontinue activity

21. Where an Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened this 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.

22. An order under section 17 of this by-law must set out:
- a. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b. the date by which there must be compliance with the order.

Work order

23. Where an Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
24. An order under section 19 of this by-law must set out:
- a. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b. the work to be done; and
 - c. the date by which the work must be done.
25. An order under section 19 of this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

Notice

26. Any order issued pursuant to this by-law may be given in writing in any of the following ways and is effective:
- a. on the date on which a copy is delivered to the person to whom it is addressed;
 - b. on the fifth day after a copy is sent by mail to the person's last known address;
 - c. upon the sending of a copy by e-mail transmission to the person's last known email address; or
 - d. posting on the premises, on the date of posting.
27. For the purpose of section 22, a person's last known address and last known email address are deemed to include information on the last revised assessment roll and on a permit application submitted pursuant to this by-law.

Remedial Action

28. If a person fails to do a matter or thing, including comply with an order under by-law, as directed or required by this by-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a 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 municipal taxes.
29. The costs outlined in section 24 of this by-law shall include interest calculated at a rate of 15 per cent (15%) per annum, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.

30. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment, the City will register a discharge of the lien in the proper registry office.

Emergency Situations

31. If an Officer deems that an emergency exists or may exist as a result of the discontinuation of any vital service being or about to become a danger to the health and safety of any person, the Officer may, without prior notice to the landlord, take such measures on behalf of the landlord to remove the danger or potential danger created by the discontinuation of the vital service.
32. Where the By-law Enforcement Officer elects to take any action under Section 31(b) of this by-law, the Expenses incurred by the City in so doing shall be recovered in full in the manner provided for in this by-law.

Enforcement

33. Any Officer may enforce the provisions of this by-law.
34. No person may hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising power or performing a duty under this by-law.
35. Every person shall comply with an order issued pursuant to this by-law.
36. An officer who has reasonable grounds to believe that a person has contravened any provision of this by-law may require that person to provide identification. Every person who is required by an officer to provide identification must identify themselves to the officer by providing their correct name, date of birth and address. Failure to provide identification will constitute obstruction of the officer as per section 32 of this by-law.

Penalty

37. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
38. Every Person who contravenes any order issued pursuant to this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
39. If a corporation has contravened a provision of this by-law, including an order issued under this by-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
40. Pursuant to subsection 429(2) of the Municipal Act, all contraventions of this by-law or orders issued under this by-law are designated as continuing offences. If a contravention of any provision of this by-law has not been corrected, or an order issued under this by-law has not been complied with, the contravention of such a provision or an order shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected or an order not complied with.
41. On conviction of an offence under this by-law, every Person is liable to a fine in accordance with the following rules pursuant to the Municipal Act:
 - a. to a fine of not less than \$500.00 and not more than \$100,000.00;

- b. in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and despite paragraph (a), the total of all the daily fines for an offence is not limited to \$100,000;
 - c. in the case of multiple offences, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and despite paragraph (a), the total of all fines for each included offence is not limited to \$100,000.
42. In addition to fines under this section, a Person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a Person obtained from the contravention of this by-law. Notwithstanding subsection 36 above, a special fine may exceed \$100,000.
43. Where a Person is convicted of an offence under this by-law, 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.

Part V. Conflict and Transition

Conflict

44. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act or any other act or the regulations thereunder, the provisions of the act or regulation prevail.
45. If there is a conflict between a provision in this by-law and a provision of any other municipal by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

Repeal

46. By-law No. 2007-121 is repealed.

Enactment

47. This by-law shall come into full force and effect on the date it is passed, at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 14th day of September 2026.

Signature on file
Mayor Ian C. Boddy

Signature on file
Briana M. Bloomfield, City Clerk