

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

WINDSOR HOUSING PROVIDERS INC.

Applicant

and

WINDSOR (CITY)

Respondent

**RESPONDING APPLICATION RECORD OF THE
RESPONDENT, THE CORPORATION OF THE CITY OF WINDSOR
VOLUME I**

May 11, 2023

SHARON STROSBERG
Senior Legal Counsel

**THE CORPORATION OF THE CITY
OF WINDSOR**
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Lawyers for the Respondent

**TO:
STEVEN PICKARD**

**STEVEN PICKARD LAW
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Lawyers for the Applicant

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1	Affidavit of Steven Vlachodimos May 11, 2023

Court File No.: CV-23-32091

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

WINDSOR HOUSING PROVIDERS INC.

Applicant

and

WINDSOR (CITY)

Respondents

**AFFIDAVIT OF STEVEN VLACHODIMOS
(sworn May , 2023)**

I, Steven Vlachodimos of the City of Windsor, Province of Ontario, MAKE OATH AND SAY:

1. I am the City Clerk and License Commissioner of The Corporation of the City of Windsor ("City"), the Respondent in the Application herein and as such, I have knowledge of the matters hereinafter deposed. I have held both positions since June 2021. Where the information set out below is based on information that I have received from others, I have identified the source of my knowledge and verily believe all such information to be true.
2. My curriculum vitae, which is attached hereto as Exhibit "A", lists my decades of experience at the City. Prior to my appointment as Clerk, I held several other positions at the City which are listed below:

- (a) January 2010 to June 2021: Deputy City Clerk and Senior Manager of Council Services;
- (b) September 2003 to January 2010: Manager of Council/Committee Services and Deputy Clerk for the City; and
- (c) September 1993 to August 2003: Assistant to the Mayor.

3. Section 228 of the *Municipal Act*, S.O. 2001, c.25 as amended states that each municipality is required to appoint a clerk with the following duties:

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- (d) to perform the other duties required under this Act or under any other Act; and to perform such other duties as are assigned by the municipality.

4. In addition to the duties set out above, as Clerk I am responsible for maintaining the City's corporate records and I am also responsible for giving public notice of the City's agenda for public meetings, among other things.

5. As the License Commissioner, I am ultimately responsible for the administration of all municipal licensing matters, as well as the compliance and enforcement of the City's regulatory and licensing by-laws.

6. I understand that there is a challenge to the Residential Rental Housing By-law (“RRH”). I have reviewed the Application Record including the affidavit of Borys Sozanski sworn in support of the Application.

7. This affidavit is made in response to the motion under s. 273(4) of the *Municipal Act* for an interim order that nothing shall be done under the RRH. In due course, I intend to swear a supplementary affidavit to respond to the balance of the allegations in the Application record including providing a detailed history of the Council Questions that gave rise to the RRH and the subsequent administrative reports. Given the tight timelines to deliver this response to the Court for a May 16, 2023 court appearance, this affidavit is not a complete response to all of the issues raised in the Application. This affidavit is made only in response to the s. 273(4) motion.

THE APPLICANT: WINDSOR HOUSING PROVIDERS INC.

8. On April 26, 2023 at 10:14 am, I was served with the Notice of Application in this proceeding which I reviewed. I also subsequently reviewed the affidavit of Borys Sozanski (“Sozanski Affidavit”) which was delivered in the Application Record on May 4, 2023.

9. The Applicant in this matter is Windsor Housing Providers Inc.

10. The City conducted a Profile Report search of Windsor Housing Providers Inc. at the Ministry of Public and Business Service Delivery which is attached as Exhibit “B”. The Profile Report indicates that Windsor Housing Providers Inc. is a Not-for-

Profit Corporation incorporated on April 13, 2023, which is 11 days prior to the issuance of the Notice of Application in this proceeding.

11. The Profile Report also shows the following information:

- (a) the head office is located in Chatham, Ontario; and
- (b) the directors are Diane Chauvin (resident of Belle River, Ontario), Joseph Peter Papić (resident of Windsor, Ontario) and Borys Sozanski (resident of Etobicoke, Ontario).

12. I have been advised by Jude Malott, Executive Initiatives Coordinator at the City, that a land titles (Teraview) search indicates that Windsor Housing Providers Inc. does not own any property in the City or elsewhere in Ontario.

13. I have been advised by Mr. Malott that he conducted a search on May 7, 2023 of AMANDA which is an internal City database which contains information that the City uses to administer business relating to properties (owners, licenses, permits, property taxes, service requests from 311). Mr. Malott advised me that an AMANDA search indicates that Windsor Housing Providers Inc. does not own any properties in the City.

14. AMANDA also records information about which properties in the City may be used as rental properties. The following information in AMANDA can be indicative of a potential rental property:

- (a) a property has a tax roll number associated with more than one municipal address. For example, a duplex or tri-plex with more than one municipal address would show up in this fashion in AMANDA;

- (b) the same owner owns more than one property;
- (c) the owner is a corporation;
- (d) the mailing address for the property owner does not match the property address; or
- (e) the property has been noted by Building Department inspectors to have a history of infractions as a rental property.

15. I have been advised by Mr. Malott that he searched the City's databases which revealed that each of the three directors of Windsor Housing Providers Inc. owns property in Windsor. In order to respect the privacy of each of the directors, I do not provide the addresses, but only a list of the directors' names and the number of their properties:

- (a) Diane Chauvin: one property in Ward 2;
- (b) Joseph Peter Papic: 15 properties including 14 in Ward 2; and
- (c) Borys Sozanski: nine properties including eight in Ward 2.

16. In paragraph 12 of the Sozanski Affidavit, Mr. Sozanski deposes that his Driver's License address is in Etobicoke. I have been advised by Mr. Malott that Mr. Sozanski's contact information in AMANDA, being the mailing address where he receives mail and notices from the City is located in Windsor in Ward 3. In other words, any property tax invoices, or orders to comply from by-law officers or any other correspondence from the City with respect to his properties are delivered to that address. In order to protect Mr. Sozanski's privacy, I have not published the address in this affidavit which is filed publicly in the Court.

LICENSING ISSUES

17. Under the *Municipal Act*, municipalities have broad authority to govern their affairs as they deem appropriate to enhance their ability to respond to municipal issues. Section 10(2)(11) of the *Municipal Act* specifically provides that a municipality may pass by-laws with respect to business licensing.

18. This Application raises the important issue of the licensing activities of the City. Licensing of residential rental housing provides the City, its business owners and its residents with a system of accountability for many types of businesses.

19. Through its system of licensing, the City regulates a broad range of business activities. The City presently licenses many forms of real-estate based businesses including Bed-and-Breakfasts, Guest Houses, Lodging Houses and Short-Term Rentals.

20. The previous system of regulating residential rental housing is a patchwork of municipal (such as zoning and noise by-laws) and provincial legislation (such as the *Residential Tenancies Act*, Building Code, Electrical Safety Code) which relies on the complaints of tenants or neighbours for action to be taken. In other words, the previous system is a reactive one which only responds to complaints.

21. The RRH takes the burden of complaining off of tenants and neighbours and represents a proactive approach of ensuring proper zoning and compliance with the *Building Code Act* and regulations for fire and electrical safety, among other things. It also ensures that all licensed landlords have property insurance and a local contact in case

of emergency if the owner cannot be contacted. Above everything else, the City's priority is to ensure the health, safety and protection of the City's residents, especially the people living in or nearby the properties that are intended to be licensed.

RRH IS A PILOT STUDY

22. The RRH was drafted as a two year pilot study that currently applies to the high density areas in Wards 1 and 2 only (see s. 3.1).
23. City Council's intention was to run the licensing program for two years at which point administration will report on its outcomes to City Council so it can decide whether it will expand the RRH to all wards of the City or rescind the RRH.
24. Windsor City Council, at its meeting on April 25, 2022 passed the following resolution which is attached as Exhibit "C":

Moved by: Councillor Costante
Seconded by: Councillor Francis

Decision Number: CR171/2022

That the report of the (Acting) Licence Commissioner and the Executive Initiatives Coordinator dated March 25, 2022 entitled "Residential Rental Licensing By-law—Wards 1 & 2" and draft by-law, "A By-law Respecting the Licensing of Residential Rental Housing Units," attached as Appendix A, **BE RECEIVED** for information; and,

That Council **APPROVE** the proposed residential rental licensing framework described in this report; and,

That Council **APPROVE** the attached draft by-law, to be brought into effect upon the final implementation of the approved framework; and further,

That Administration **REPORT BACK TO COUNCIL** on the results of the two-year pilot study within Wards 1 and 2.

Carried.

Report Number: C 54/2022 Clerk's File: SB/1295225.

25. As stated previously, I intend to deliver a further affidavit that sets out a summary of the Council Questions, administrative reports and public consultation undertaken to develop the by-law, including the public feedback survey.

THE STATUS QUO: BY-LAW IS IN FORCE

26. The RRH which is attached as Exhibit "D" came into force when it was finally passed by City Council on February 13, 2023.

27. As set out below in more detail, staff have been hired, expenses incurred and licenses have been issued and are in the process of being issued. The City has incurred significant expenses to fund the infrastructure required to administer the RRH.

28. Although the by-law is in force now, the present period until May 31, 2023 is a period of education and awareness.

29. Attached as Exhibit "E" is a flyer dated March 1, 2023 which was sent to every house in Ward 1 and 2. The flyer indicates that as of February 14, 2023, a license is required to operate a residential rental containing one to four units in the City in Ward 1 and 2. Other information is also contained in the flyer.

30. Attached as Exhibit "F" is a letter dated February 15, 2023 from the Deputy License Commissioner & Acting Senior Manager of Policy, Gaming, Licensing & By-

Law Enforcement which was sent to all owners who met the criteria in AMANDA that is set out in paragraph 14 above. In other words, the letter was sent to all potential owners of residential rental properties in Wards 1 and 2.

31. The purpose of the letter is education and awareness and to advise that by May 31, 2023, the City will step up its enforcement of the requirement to be licensed. The purpose of the letter is to also encourage owners and operators of residential rental houses in Ward 1 and 2 to apply for a license.

32. After May 31, 2023, by-law officers will be in the area encouraging voluntary compliance. At my instruction, officers will first advise a homeowner that they need to have a license under the by-law and give them a reasonable amount of time to start the licensing process. Eventually, non-licensed property owners who have not started the licensing process will be subject to the offences and penalties provisions of the RRH. However, the goal is not to ticket non-compliant owners. The goal is to encourage compliance.

33. Currently, the RRH is in force and applications are being accepted and processed, but as I previously stated, I would classify the current time period as a period of education, awareness and voluntary compliance. The flyer and letter referenced above is an attempt to educate property owners in Wards 1 and 2 about their obligation to apply for a license.

34. As of May 8, 2023, there has been a significant degree of engagement with owners/operators of residential rental housing in Wards 1 and 2. The below chart summarizes the application activity as of May 8, 2023 with new applications being processed daily:

Total Apps	Withdrawn	Zoning Review	Awaiting inspections	On Hold	Ready to Issue	Issued	Refer to WLC
147	1	53	38	11	3	26	1

35. I have been advised by Mr. Malott that every single property which was inspected to date had minor defects at a minimum or issues with work being done without a permit or zoning issues. I have been advised by Mr. Malott that the balance of the properties had issues with egress, lack of smoke detectors (not installed correctly, not in right spot, not there at all), exterior staircases that are unsafe, handrails missing, porches rotted or screens taped to windows.

36. If the defects are minor and do not present an immediate danger to health and safety, a license is issued on the condition that the defects are remedied by the renewal date.

37. If the defects are more severe, the property will be re-inspected and if they are not remedied, an Order to Comply under the appropriate legislation will be issued.

COSTS INCURRED BY THE CITY TO DATE FOR RRH

38. Schedule 1 outlines the costs required for a Licence Application and Renewal Fees. The cost of a new application is \$466. As required by the *Municipal Act* and pursuant to the resolutions of City Council, the costing is based on a full cost recovery model, although to date, the City has expended significantly more than it has recovered.

39. In order to implement the RRH, the following staffing was budgeted and allocated:

1 full time License issuer	estimated cost \$53,851
1 full time By-Law officer	estimated cost \$83,390
2 full time Building By-Law officers	estimated cost \$188,204
1 part time zoning coordinator	estimated cost \$36,425
2 full time Fire Prevention Officers	estimated cost \$319,338

40. To date, 2 Building By-Law officers have been successfully hired. The recruitment for the balance of the positions is ongoing, but to date, the balance of the work is being absorbed by current City staff and an accounting of those precise costs is not available.

41. The Q1 2023 financial variance for the Building Department which is attached as Exhibit “G” demonstrated \$9072 in licensing revenue generated under RRH, with \$69,246.58 of expenses incurred as of the year of Q1 on April 30, 2023. As set out above, this reflects the two staff members hired.

42. The Q1 2023 financial variance for the Fire Department which is attached as Exhibit “H” shows \$16,200 in licensing revenue generated under RRH, with \$13,171.51

of expenses incurred as of the year of Q1 on April 30, 2023. Presently, in its infancy, the Fire Department is using existing staff to do the inspections and is in the process of recruiting the additional staff required.

43. Should an injunction issue, the City will need to consider how to treat applications that have already been issued and applications which are in progress. The costs of the various inspections (including building and fire inspections) and other costs such as zoning review and administration fees will have been incurred already regardless of whether the program is suspended.

44. The City may also need to terminate the new employees who were hired for the purposes of administering the RRH and to cease the additional recruitments that are underway.

CRIMINAL RECORDS CHECK

45. An applicant for a RRH license must provide a police record check from the Applicant's local police service (see RRH Schedule 2, s 2.1(h)) to satisfy section 5.4(b) which states that a license will not be issued if an Applicant (the person seeking to become licensed or their authorized agent) has been convicted of homicide, manslaughter, sexual offences, assault offences, confinement offences, robbery or extortion offences, break and enter offences, fraud or forgery offences or a statutory or regulatory offence related to the ownership or management of residential rental properties within the past 5 years.

46. The police record check required is the Criminal Record Check, which is the narrowest type of police record check available (as opposed to the Vulnerable Sector Check, for example). The information required to be disclosed is government photo identification, name, address, date of birth, gender, address, email address, phone number and address history. A sample application from the LaSalle, Ontario police department is attached as Exhibit “I”.

47. My understanding is that the police record check discloses convictions of offences within the past 5 years. It does not disclose charges or warrants or anything aside from a conviction within the past 5 years.

48. In paragraph 16 of his affidavit, Borys Sozanski states *“I have never been convicted of any murders, rapes or any of the crimes listed in 5.4(b), however it is an invasion of my privacy that can never be corrected if I am forced to provide a criminal records check and then the By-law is deemed unlawful”*. Mr. Sozanski has already disclosed, in a publicly available court filing, precisely the information required for a police record check – that is whether he has been convicted of an offence.

49. A sample Criminal Record Check is attached as Exhibit “J”. It contains only the name, address, date of birth and former names and the results of the criminal record check which are indicated with an “X” and no particulars.

50. It is also my understanding criminal convictions of adults are a matter of public record which can be searched on www.canlii.org or by obtaining a search on any individual for a fee from a third-party vendor.

51. I am advised by my counsel that the *Police Records Check Reform Act*, prohibits disclosure of the individual's results absent the consent of the individual.

52. The City has an obligation to keep the results of the police record check private and not disclose to anyone under its stringent privacy obligations pursuant to *Municipal Freedom of Information and Privacy Act*.

53. Moreover, if a license is refused on this ground, there is a right of appeal to the Windsor Licensing Commission, which can refuse, revoke, suspend, grant a license or grant a license with any conditions it deems fit (s. 5.8).

54. Attached as Exhibit "K" is a list of 23 other categories of City business licenses that require a police record check.

LOCAL CONTACT

55. Schedule 2, section S2.1(i), "if none of the Owners reside in the City of Windsor, or if the Owner is a corporation, the name and Contact Information of a Local Contact" is required.

56. At the counter, City staff will require the Local Contact information if it is apparent that the owner is not a Windsor resident or the owner is a corporation. The reason for a local contact is to ensure that someone is available locally in case of an emergency if the out of town owner cannot be located. In the case of Mr. Sozanski, the name of the person who is collecting his mail locally would be adequate to satisfy this condition. He is not required, as he deposed in paragraph 9, to “hire” someone as his local contact. Nor is he required, as he deposed in paragraph 12, to “shut down” his rental property business because his drivers license is in Etobicoke.

57. Although the definition of a “Local Contact” is inelegantly drafted in the RRH, the reality at the licensing counter is that staff is content to proceed on the basis of having the name and contact number of a person who is local who can be contacted in case of an emergency when the owner is unavailable.

PROHIBITIONS IN THE BY-LAW: AMENDMENT REQUIRED

58. Section 4.2 is duplicative of section 4.1 and it is confusing. As a result, Administration is in the process of having section 4.2 struck from the RRH.

59. There was never an intention to prevent advertising of a rental property except on the premises of the property itself, as the Sozanski Affidavit states.

60. For example, the definition of Marketing specifically contemplates online advertising. The intention was to prohibit the advertising of properties that were not

licensed which is adequately captured in Section 4.1 and the revision will be made as soon as practicable to correct this error.

ENTRY BY BY-LAW ENFORCEMENT OFFICERS

61. Paragraph 15 of the Sozanski Affidavit states “*I do not believe that By-law enforcement officers should be permitted to enter my rental properties “at any reasonable time”*”. I agree with Mr. Sozanski that officers ought not be permitted to enter any rental property at any time absent a warrant or consent of the occupant.

62. There is no blanket permission for By-law enforcement officers to enter rental properties at any reasonable time. I will explain in detail below.

63. I believe that the Sozanski Affidavit is referring to section 9.9 which provides as follows:

9.9 Officers are authorized for the purposes of an inspection to determine and enforce compliance with the By-law to:

(b) enter, at any reasonable time, onto any property, other than an occupied Dwelling Unit unless authorized by the occupier of such Dwelling Unit or under the authority of a warrant issued by a court of competent jurisdiction;

64. The term “property” in section 9.9 ought to have been capitalized and will be corrected immediately, as it is defined in section 2.1 as

“Property” means a Building and includes the lands and premises appurtenant thereto, and includes vacant property;

65. The practical effect of this provision is that officers require either a court warrant or authorization of the occupant to enter an occupied dwelling, officers may inspect outdoor spaces without permission and without a warrant.

SWORN BEFORE ME at the City)
 of Windsor, in the County)
 of Essex, this 11th day of)
 May 2023)


 A Commissioner, etc.


STEVEN VLACHODIMOS

ANNA CIACELLI, a Commissioner, etc.,
 Province of Ontario, for the Corporation of the City of
 Windsor.

Expires August 12, 2024.

This is Exhibit "A" referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.

STEVE VLACHODIMOS



EXPERIENCE

JUNE 2021 TO PRESENT

**CITY CLERK /LICENCE COMMISSIONER,
CORPORATION OF THE CITY OF WINDSOR**

Responsibilities include the performance of statutory duties of Clerk as defined in the *Municipal Act*, to act as Council's Corporate Secretary and principal advisor on council and committee procedures, oversee the operation of and guide the direction of the Council Services Department, which includes Records and Elections, Freedom of Information and Protection of Privacy, Council Secretariat, Committee Services, Council Services, Policy and Gaming, licensing and by-law enforcement and Vital Statistics.

JANUARY 2010 TO JUNE 2021

**DEPUTY CITY CLERK AND SENIOR MANAGER OF COUNCIL SERVICES,
CORPORATION OF THE CITY OF WINDSOR**

Reporting to the City Clerk, responsible for the statutory responsibilities as Deputy City Clerk and acting as Clerk when called upon; served as Corporate Secretary for Windsor Utilities Commission; served as advisor on council and committee procedures, provided oversight and guided the direction of the Council Services department which included Records and Elections, Freedom of Information and Protection of Privacy, Council Secretariat, Committee Services, Council Services and Vital Statistics.

SEPTEMBER 2003 TO JANUARY 2010

**MANAGER OF COUNCIL/COMMITTEE SERVICES AND DEPUTY CLERK,
CORPORATION OF THE CITY OF WINDSOR**

Reporting to the City Clerk, responsible for the statutory responsibilities as Deputy City Clerk and acting as Clerk when called upon; served as advisor on council and committee procedures, provided oversight and guided the direction of the Council Services department which included Council Services and Committee Services.

AUGUST 2003

**SUPERVISOR OF COMMITTEE SERVICES,
CORPORATION OF THE CITY OF WINDSOR**

Reporting to the City Clerk, served as advisor on council and committee procedures, provided oversight and guided the direction of the Council Services division and the Committee Services division.

SEPTEMBER 1993 TO AUGUST 2003

**ASSISTANT TO THE MAYOR,
CORPORATION OF THE CITY OF WINDSOR**

Reporting to the Chief of Staff, Office of Mayor, responsible for the management and coordinator of the Mayor's protocols and public relations, served as the lead point person in the organization of special events, supervised, trained and evaluated and assigned work to unionized office staff as well as to Special Project Assistants hired under the Summer Career Placement Program and to student interns; budget preparation, administration and accountability over the Mayor's Office departmental operating accounts; constituency outreach and resolution services.

EDUCATION

2012

**MASTERS CERTIFICATE IN MUNICIPAL LEADERSHIP, EXECUTIVE EDUCATION CENTRE –
SCHULICH SCHOOL OF BUSINESS**

2005

**COMMUNITY LEADERSHIP PROFESSIONAL DEVELOPMENT CERTIFICATE, CENTRE
FOR EXECUTIVE EDUCATION AT THE UNIVERSITY OF WINDSOR, IN PARTNERSHIP WITH
LEADERSHIP WINDSOR/ESSEX**

1994

**ASSOCIATION OF MUNICIPAL CLERKS AND TREASURERS MUNICIPAL
ADMINISTRATION PROGRAM, ST. CLAIR COLLEGE**

1989 - 1994

BACHELOR OF PUBLIC ADMINISTRATION, HONOURS, UNIVERSITY OF WINDSOR

VOLUNTEER WORK

THE HOSPICE OF WINDSOR AND ESSEX COUNTY INC. – Certified in the Patient Care Training Program; volunteered for fundraising and special events.

SOUTHWESTERN ONTARIO MEDICAL EDUCATION NETWORK – served as Network Ambassador

WINDSOR-ESSEX REGIONAL CHAMBER OF COMMERCE – Past Member of the Business Excellence Awards Committee

REFERENCES – available upon request.

This is Exhibit “B” referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.

Transaction Number: APP-A10173661089
Report Generated on April 25, 2023, 12:05



Ministry of Public and
Business Service Delivery

Profile Report

WINDSOR HOUSING PROVIDERS INC. as of April 25, 2023

Act	Not-for-Profit Corporations Act, 2010
Type	Not-for-Profit Corporation
Name	WINDSOR HOUSING PROVIDERS INC.
Ontario Corporation Number (OCN)	1000497610
Governing Jurisdiction	Canada - Ontario
Status	Active
Date of Incorporation	April 13, 2023
Registered or Head Office Address	214 St Clair St, Chatham, Ontario, Canada, N7L3J7

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

Transaction Number: APP-A10173661089
Report Generated on April 25, 2023, 12:05

Active Director(s)
Minimum Number of Directors
Maximum Number of Directors

3
11

Name
Address for Service
Date Began

DIANE CHAUVIN

April 13, 2023

Name
Address for Service
Date Began

JOSEPH PETER PAPIC

April 13, 2023

Name
Address for Service
Date Began

BORYS SOZANSKI

April 13, 2023

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

Transaction Number: APP-A10173661089
Report Generated on April 25, 2023, 12:05

Active Officer(s)

There are no active Officers currently on file for this corporation.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

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Corporate Name History

Name

WINDSOR HOUSING PROVIDERS INC.

Effective Date

April 13, 2023

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

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Transaction Number: APP-A10173661089
Report Generated on April 25, 2023, 12:05

Active Business Names

This corporation does not have any active business names registered under the Business Names Act in Ontario.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

Expired or Cancelled Business Names

This corporation does not have any expired or cancelled business names registered under the Business Names Act in Ontario.

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

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Document List

Filing Name	Effective Date
NFPCA - Articles of Incorporation	April 13, 2023

Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

V. Quintanilla W.

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

This is Exhibit "C" referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.



CITY OF WINDSOR MINUTES 04/25/2022

City Council Meeting

Date: Monday, April 25, 2022

Time: 4:00 o'clock p.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 1 - Councillor Francis

Ward 2 - Councillor Costante

Ward 3 - Councillor Bortolin

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 6 - Councillor Gignac

Ward 7 - Councillor Gill

Ward 8 - Councillor Kaschak

Ward 9 - Councillor McKenzie

Ward 10 - Councillor Morrison

Clerk's Note: Several members of Administration and members of the public participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

Minutes

City Council

Monday, April 25, 2022

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absentee landlords continue to be an issue in the City; the costs for licensing fees are minor considering the safety that will result; and concludes by urging Council to approve the administrative recommendations in the report.

Moved by: Councillor Costante

Seconded by: Councillor Francis

Decision Number: CR171/2022

That the report of the (Acting) Licence Commissioner and the Executive Initiatives Coordinator dated March 25, 2022 entitled "Residential Rental Licensing By-law—Wards 1 & 2" and draft by-law, "A By-law Respecting the Licensing of Residential Rental Housing Units," attached as Appendix A, **BE RECEIVED** for information; and,

That Council **APPROVE** the proposed residential rental licensing framework described in this report; and,

That Council **APPROVE** the attached draft by-law, to be brought into effect upon the final implementation of the approved framework; and further,

That Administration **REPORT BACK TO COUNCIL** on the results of the two-year pilot study within Wards 1 and 2.

Carried.

Report Number: C 54/2022

Clerk's File: SB/12952

8.7. Zoning Bylaw Amendment – Wyandotte Developments Inc - 0 Wyandotte St E. S/S Wyandotte Street E, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6

Amy Farkas, Dillon Consulting-representing Applicant

Amy Farkas, Dillon Consulting-representing applicant, appears before Council in support of the administrative recommendation in the report entitled "Zoning Bylaw Amendment – Wyandotte Developments Inc. - 0 Wyandotte St E. S/S Wyandotte Street E, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6" and indicates that it was determined due to updated construction methods throughout the planning process that a portion of the building is higher than the limit specified and are requesting additional relief for the height of the building; and to consider an exemption related to the 2 year term prohibition for application to the committee of adjustment; and concludes by suggesting that the development will be complementary to the surrounding uses.

Stephen Berrill, ADA-Architect representing Applicant

Stephen Berrill, ADA-Architect representing applicant, appears before Council regarding the report entitled "Zoning Bylaw Amendment – Wyandotte Developments Inc. - 0 Wyandotte St E. S/S

This is Exhibit “D” referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.

BY-LAW NUMBER 14-2023

A BY-LAW TO ESTABLISH A LICENSING PROGRAM FOR THE REGULATION OF RESIDENTIAL RENTAL HOUSING IN THE CITY OF WINDSOR

Passed the 13th day of February, 2023.

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

AND WHEREAS Section 151(5) of the *Municipal Act* provides that a municipality may pass by-laws with respect to any activity, matter or thing for which a by-law may be passed under Sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS Section 391 of the *Municipal Act* provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the *Municipal Act* provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 426 of the *Municipal Act* provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the *Municipal Act* or under a by-law passed under the *Municipal Act*;

AND WHEREAS Section 429 of the *Municipal Act* provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS Section 431 of the *Municipal Act* provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order to prohibit the continuation or repetition of the offence by the person convicted;

AND WHEREAS Sections 444 and 445 of the *Municipal Act* respectively, provide for the municipality to make an order requiring a person who contravenes a by-law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

AND WHEREAS the Council for The Corporation of the City of Windsor considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

THEREFORE the Council of The Corporation of the City of Windsor enacts this by-law to licence residential rental housing within the jurisdictional boundaries of the City of Windsor as follows:

1 Short Title

- 1.1 This by-law may be cited as the Residential Rental By-law.

2 Definitions

- 2.1 In this by-law:

"Applicant" means a person seeking to become licensed under this By-law (i.e., become a Licensee) and who, either in person or through an Authorized Agent, makes such an application;

"Authorized Agent" means a person authorized in writing by an Applicant or Licensee to act on behalf of such Applicant or Licensee for the identified purpose of making an application, renewing a Licence, or otherwise complying with the provisions of this By-law;

"Bed-and-Breakfast or Guest House Establishment" means a home-based business for the temporary accommodation of the traveling public located within a single detached dwelling which is occupied on a full-time basis by the owner of such single detached dwelling or the principal shareholder (or one of them if more than one shareholder holds the greatest number of shares) of the corporation registered as the legal owner of the Building, including during the time the Bed and Breakfast or Guest House is in operation, and shall contain at least one (1) bedroom for the exclusive use of the owner and at least two (2) accessory guest rooms for use in the Bed and Breakfast or Guest House operation, and shall mean and include any Bed and Breakfast or Guest House legally established under any predecessor by-law, but shall not include a Lodging House, Hotel, or Short-Term Rental;

"Building" means a structure, whether permanent or temporary, with walls or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels;

"Building Code" means Ontario Regulation 350/06, as amended under the *Building Code Act, 1992*, S.O.1992, c.23, as amended;

"Business Licensing By-law" means the City's Business Licensing By-law 395-2004, as amended, or its successor by-law;

"Chief Building Official" means the Chief Building Official for the City or their delegate;

"Chief of Police" means the Chief of Windsor Police Service, or their delegate;

"City" means The Corporation of the City of Windsor or any person authorized to act on behalf of the Corporation for the purposes of exercising its powers under this By-law;

"Contact Information" means, but is not limited to:

- (a) Mailing address;
- (b) Telephone number;
- (c) E-mail address; and
- (d) Emergency contact;

"Dwelling Unit" means a room or suite of rooms in a Building used or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit;

"Fire Chief" means the Chief of Windsor Fire and Rescue Services, or their delegate;

"Fire Code" means O. Reg. 213/07, as amended, under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended;

"Ice and Snow By-law" means the City's Ice and Snow Removal By-law 8544, as amended, or its successor by-law;

"Individual Person" means a natural person;

"Licence" means the certificate issued under this By-law as proof of licensing under this By-law;

"Licence Commissioner" means the Licence Commissioner for the City and shall mean and include any delegate or delegates of the Licence Commissioner for the City as well as any successor position to the Licence Commissioner carrying out the responsibilities of the Licence Commissioner at the time of the passing of this By-law;

"Licensee" means a person, corporation or partnership who has been issued and maintains a valid Licence pursuant to the terms of this By-law;

"Local Contact" means an Individual Person, whether an Owner or an Operator, who is responsible for the care and control of the Rental Housing Unit and who resides within the City of Windsor;

"Market", "Marketed" or "Marketing" means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of part or all of a Rental Housing Unit, and includes placing, posting or erecting advertisements physically or online;

"Medical Officer of Health" means the Medical Officer of Health for the Municipality of Windsor, Ontario;

"Noise By-law" means the City's Noise By-law 6716, as amended, or its successor by-law;

"Officer" means a Provincial Offences Officer or Municipal Law Enforcement Officer of the City, or any other person appointed by or under the authority of a City by-law to enforce this By-law;

"Ontario Police Service" means a police service established in Ontario under the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

"Operate", "Operated" or "Operating" means to rent out, provide, offer to rent out or provide, or cause to be Marketed, the offer or rental, whether directly or indirectly, including, without limitation, via the internet or other

electronic platform, of a Rental Housing Unit and shall include a person collecting a fee or handling payments in respect of a Rental Housing Unit;

"Operator" means any person who operates, maintains, or is otherwise responsible for managing or addressing issues in relation to a Rental Housing Unit but is not an Owner;

"Order" means a direction issued by the City under statutory authority, including but not limited to orders under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, including section 9.5 of this by-law, the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;

"Owner" includes:

- (a) Each registered owner of a Rental Housing Unit;
- (b) Each person who permits occupancy of a Rental Housing Unit; and
- (c) The heirs, assigns, personal representatives and successors in title of a person referred to in articles (a) and (b);

"Parking By-law" means the City's Parking By-law 9023, as amended, or its successor by-law;

"Person" means an individual person, a partnership, or a corporation (including any of such corporation's affiliates, subsidiaries or parent corporations, as the case may be) to which the context can apply and "Person" shall also include multiple persons who, acting together, operate or offer to operate a Rental Housing Unit, despite the fact that no single one of those persons carries on the activity in its entirety;

"Prohibited Ground" means the prohibited grounds of discrimination as provided for under the *Ontario Human Rights Code*, R.S.O. 1990, c. H.19;

"Property" means a Building, and includes the lands and premises appurtenant thereto, and includes vacant property;

"Property Standards By-law" means the City's Property Standards By-law 9-2019, as amended, or its successor by-law;

"Rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a Tenant to an Owner for the right to occupy a Rental Housing Unit and for any services and facilities and any privilege, accommodation or thing that the Owner provides for the Tenant in respect of the occupancy of the Rental Housing Unit, whether or not a separate charge is made for services and facilities or for the privilege, accommodation or thing;

"Rental Housing Unit" means a Dwelling Unit which is occupied or offered for occupancy in exchange for Rent or services in lieu of paying Rent;

"Tenant" includes a person who pays Rent or provides services in lieu of paying Rent in return for the right to occupy a Rental Housing Unit and includes the person's heir, assigns (including subtenants) and personal representatives;

"Waste Collection By-law" means the City's Waste Collection By-law 2-2006, as amended, or its successor by-law;

"Yard Maintenance and Anti-Littering By-law" means the City's Yard Waste, Exterior Property Maintenance and Littering By-law 3-2006, as amended, or its successor by-law;

"Zoning By-law" means the City's Zoning By-law 8600, as amended, or its successor by-law, as well as any other by-laws passed by the City pursuant to s. 34 of the *Planning Act*, R.S.O. 1990, c. P13, as amended.

3 Applicability and Scope

3.1 This by-law applies to all of the following within Wards 1 and 2 of the City of Windsor as described in Appendix "A" of this By-law:

- (a) Owners of a Rental Housing Unit;
- (b) Operators of a Rental Housing Unit; and
- (c) Dwelling Units used or intended to be used as a Rental Housing Unit.

3.2 This By-law does not apply to:

- (a) a Property containing five (5) or more Dwelling Units;
- (b) a Dwelling Unit whose occupant or occupants are required to share a bathroom or kitchen facility with the owner, the owner's spouse, child or parent or the spouse's child or parent, and where the owner, spouse, child or parent lives in the Building in which the living accommodation is located;
- (c) a hotel, motel, or inn;
- (d) a Bed-and-Breakfast, Guest House Establishment, or Lodging Home licensed under the City's Business Licensing By-law; or
- (e) a Dwelling Unit to which any of the following statutes, or their regulations, apply:
 - (i) the *Homes for Special Care Act*, R.S.O. 1990, c H. 12, as amended;
 - (ii) the *Innkeeper's Act*, R.S.O. 1990, c 17, as amended;
 - (iii) the *Long-Term Care Homes Act, 2010*, S.O. 2010, c. 11, as amended;
 - (iv) the *Retirement Homes Act, 2000*, S.O. 2010, c. 11, as amended;
 - (v) the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, as amended; and
- (f) social housing or affordable housing that is not subject to the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27, as amended, but which is subject to an agreement with the City of Windsor and which has been approved for exemption by the Licence Commissioner.

4 Prohibitions

4.1 No person shall do any of the following, except in accordance with a Licence issued under this by-law:

- (a) Operate a Rental Housing Unit;
 - (b) Permit a person to operate a Rental Housing Unit;
 - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
 - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
 - (e) Hold a Rental Housing Unit out as being licensed.
- 4.2 No person shall do any of the following, other than at a location for which a Licence has been issued under this by-law:
- (a) Operate a Rental Housing Unit;
 - (b) Permit a person to operate a Rental Housing Unit;
 - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
 - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
 - (e) Hold a Rental Housing Unit out as being licensed.
- 4.3 No person shall do any of the following under a name other than the name under which a Licence has been issued under this by-law:
- (a) Operate a Rental Housing Unit;
 - (b) Permit a person to operate a Rental Housing Unit;
 - (c) Collect Rent, or permit Rent to be collected, for a Rental Housing Unit;
 - (d) Market, or permit to be Marketed, a Rental Housing Unit; or
 - (e) Hold a Rental Housing Unit out as being licensed.
- 4.4 No person shall provide false or misleading information to the City when applying for a Licence under this by-law, renewing a Licence or at any other time.
- 4.5 No person shall operate, or permit to operate, a Rental Housing Unit in contravention of the City's Zoning By-law, or in contravention of any of the other of the City's by-laws, or in contravention of the Building Code, the Fire Code, or any other applicable law.
- 4.6 No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements necessary to obtain the original approval of the Licence application, or that have been imposed since the issuance of the Licence.
- 4.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, or advise, instruct, or encourage others to hinder or obstruct, an Officer who is exercising a power or performing a duty under this by-law.
- 4.8 No person shall fail to keep any and all of the records required to be kept under the provisions of this by-law.
- 4.9 No Licence issued under this by-law may be sold or transferred.
- 4.10 No person licensed or required to be licensed under this by-law shall charge any person, or provide services to any person, or deny service to any person, in a manner that in the opinion of the Licence Commissioner

discriminates on the basis of a prohibited ground under the *Ontario Human Rights Code*, R.S.O. 1990, c. H.19, as amended, or is deemed by the Licence Commissioner to have the same or similar effect.

5 Powers and Duties

POWERS AND DUTIES OF THE LICENCE COMMISSIONER

5.1 The Licence Commissioner:

- (a) Shall receive and process all applications for Licences and renewal of Licences to be issued under this By-law;
- (b) Shall coordinate the enforcement of this By-law;
- (c) Shall perform all the administrative functions conferred upon him or her by this By-law;
- (d) Shall make or cause to be made all investigations and inspections which they deem necessary to determine whether an Applicant meets the requirements of this By-law and all applicable laws;
- (e) Shall make or cause to be made a circulation, respecting each application, which may include circulation of the licence application to the Medical Officer of Health, the Fire Chief, the Chief Building Official, the Chief of Police and any other departments of the City, and any other public authorities which may have an interest in the licence application for comment;
- (f) May issue Licences to persons who meet the requirements of this By-law and may suspend Licences pursuant to the requirements of this By-law; and
- (g) May, where a Licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the Licences of persons who meet the requirements of this By-law.

5.2 Upon reviewing a licence application, including an application for renewal of a Licence, or upon receiving information or a complaint as against a Licensee, the Licence Commissioner may, in their sole discretion refer the application to the Windsor Licensing Commission, to refuse to grant or revoke or suspend or place conditions on a Licence upon the following grounds:

- (a) Where there are reasonable grounds for belief that such Applicant or Licensee will not carry on or engage in the business in accordance with the law, or with integrity and honesty;
- (b) Where there are reasonable grounds for belief that the carrying on by the Applicant or Licensee of the business in respect of which the Licence is sought or held, would infringe the rights, or endanger the health or safety of, members of the public;
- (c) Where there are reasonable grounds for belief that the carrying on of the business by the Applicant or Licensee will result in non-compliance with this By-law or any other requirement or prohibition imposed by any other law;
- (d) Where the Property on which the Rental Housing Unit is situated is subject to an Order, or Orders, made pursuant to:

- (i) The City's Property Standards By-law;
 - (ii) The City's Zoning By-law;
 - (iii) The *Building Code Act, 1992* or any regulations made under it, including the Building Code;
 - (iv) The *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, or any regulations made under it; or
 - (v) The authority of the Medical Officer of Health;
- (e) Where there are reasonable grounds for belief that the nature, condition or use of the Property or premises, or any equipment, vehicle or other personal property used or to be used by the Applicant or Licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this By-law or any other law;
 - (f) Where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the Applicant or Licensee, contains a false statement or provides false information; and
 - (g) Where information provided to the City by or on behalf of the Applicant or Licensee, whether oral or in writing, has ceased to be accurate, and the Applicant or Licensee has not provided up-to-date accurate information to the City sufficient to allow the Licence Commissioner, or the Windsor Licensing Commission, as the case may be, to conclude the Licence should be granted or maintained as valid and subsisting;
 - (h) Where a Licensee's or Applicant's insurance, as approved by the Licence Commissioner, has expired and they continue to carry on business for which the Licence was issued;
 - (i) Where a Licensee or Applicant fails to comply with a request to inspect or hinders an inspection in any way;
- 5.3 The Licence Commissioner's decision under section 5.2 shall be guided by the following considerations:
- (a) The safety, health and well-being of the community;
 - (b) The impact on neighbouring properties;
 - (c) Financial impact to the City;
 - (d) The impact of any such Licence revocation or suspension on any Tenant; and
 - (e) Imposing terms or conditions on any such Licence revocation or suspension that would minimize the adverse impact on any Tenant, including the possibility of providing a reasonable time period before the Licence revocation or suspension takes place to permit any Tenant to find new housing or to seek relief in a Court or before the Ontario Landlord and Tenant Board.
- 5.4 Despite section 5.2, a Licence shall not be issued or renewed and the Licence Commissioner shall refer the matter to the Windsor Licensing Commission where:

- (a) the Property for which the Rental Housing Unit is being proposed has any outstanding unpaid penalties or fines from the City;
 - (b) any of the Applicants, within the previous five years from the date of application or renewal have been convicted of any of the following under the Criminal Code of Canada:
 - (i) homicide or manslaughter;
 - (ii) sexual offences;
 - (iii) assault offences;
 - (iv) confinement offences;
 - (v) robbery or extortion offences;
 - (vi) break and enter offences;
 - (vii) fraud or forgery offences; or,
 - (viii) a statutory or regulatory offence in any way related to the ownership or management of residential rental properties.
- 5.5 For the purposes of sections 5.2 and 5.4 of this by-law, the term "person" shall include any director, officer, partner or principal of a partnership or a corporation or any shareholder of a corporation that holds at least fifty per cent (50%) of the shares of that corporation.
- 5.6 In the case where the Licence Commissioner refuses, revokes or suspends a Licence upon any one or more of the grounds listed in section 5.2 of this by-law, the Applicant, or Licensee, as the case may be, may appeal the Licence Commissioner's decision to the Windsor Licensing Commission by notifying the Licensing Commissioner, in writing, of his, her or its request to appeal to the Windsor Licensing Commission no later than fourteen (14) days after the date the Licence application is refused, revoked or suspended by the Licence Commissioner.
- 5.7 In the case where the Licence Commissioner or the Applicant, or Licensee, as the case may be, refer or appeal to the Windsor Licensing Commission, the Windsor License Commission may refuse to grant, or revoke or suspend or place conditions on a Licence upon any one or more of the grounds listed in section 5.2 of this By-law.
- 5.8 Where after a hearing, the Windsor Licensing Commission concludes that any one of the grounds set out under section 5.2 exist, the Windsor Licensing Commission may, instead of refusing, revoking, suspending a Licence, grant a Licence or allow a Licence to continue upon such conditions as the Windsor Licensing Commission may see fit to impose, for the purpose of ensuring the proper and lawful carrying on of the business, or such other conditions, as are authorized by law.
- 5.9 No revocation or suspension of a Licence under this By-law shall be final, except after a hearing by the Windsor Licensing Commission, or after the Licensee has been given the opportunity for such a hearing, in accordance with the law.
- 5.10 The Licence Commissioner may suspend a Licence where there are reasonable grounds to believe that such is required to prevent a breach of the By-law, or for any of the reasons that would form grounds for the revocation of a Licence pursuant to section 5.2.

- 5.11 A suspension under section 5.2 shall take effect upon service of written notice thereof to the Licensee, or upon the delivery of written notice to the business premises of the Licensee at the address shown on the City's records.
- 5.12 A suspension under section 5.2 shall remain in effect for no more than fourteen (14) days from the date of service of the notice under section 5.11.
- 5.13 Following suspension of a Licence under section 5.2, the Licence Commissioner shall prepare a written report to the Windsor Licensing Commission, advising of the suspension and:
 - (a) Recommend that the Windsor Licensing Commission hold a hearing to determine whether the suspension should continue, or be terminated, and whether the Windsor Licensing Commission should give consideration to whether or not the Licence should be revoked or otherwise dealt with pursuant to the By-law; or
 - (b) Recommend reinstatement of the Licence on the basis that the conditions leading to the suspension have been remedied; or
 - (c) Recommend that no action be taken upon the termination of the suspension.
- 5.14 At any time before the Licence Commissioner shall issue or renew a Licence, or recommend to the Windsor Licensing Commission that it refuse to issue or refuse to renew a Licence, the Licence Commissioner may as they see fit, or shall at the request of the Applicant, refer the application for issuance or renewal of the Licence to the Windsor Licensing Commission.

POWERS AND DUTIES OF THE WINDSOR LICENSING COMMISSION

- 5.15 Where there is a referral to the Windsor Licensing Commission pursuant to this section, the Windsor Licensing Commission shall hold a hearing for the purpose of:
 - (a) issuing or renewing the Licence;
 - (b) refusing to issue or renew the Licence;
 - (c) suspending the Licence;
 - (d) revoking the Licence; or,
 - (e) issuing or renewing the Licence with the imposition of conditions.
- 5.16 Where the Licence Commissioner intends to recommend to the Windsor Licensing Commission that it refuse to issue, refuse to renew, place conditions on, revoke or suspend a Licence, the Licence Commissioner shall give notice of the intended recommendation and the reasons for the intended recommendation to the Applicant or Licensee as well as to such other persons, civic departments, boards, commissions, authorities and agencies having an interest in the recommendation. Under this section, notice to the Applicant or Licensee shall be written notice served personally or sent by ordinary, prepaid mail addressed to the address shown on the application or Licence. The notice of the hearing shall:
 - (a) contain a reason or reasons for the proposed refusal, suspension, revocation or imposition of conditions;

- (b) specify the time, place and purpose of the hearing of the Windsor Licensing Commission at which the proposed refusal, suspension or revocation will be considered;
- (c) inform the affected Applicant or the affected holder of the Licence that they are entitled to attend the hearing and make submissions regarding the proposal and that, in their absence, the Windsor Licensing Commission may proceed to consider the proposal and the Applicant or affected holder of the Licence will not be entitled to any further notice in the proceeding;
- (d) afford the affected Applicant or the affected holder of the Licence a reasonable opportunity, before the hearing, to show or achieve compliance with all lawful requirements for the retention of the Licence; and
- (e) be given at least seven (7) days notice prior to the date of the Windsor Licensing Commission hearing.

5.17 At a hearing, the Windsor Licensing Commission:

- (a) shall afford the affected Applicant or the holder of the Licence an opportunity to make submissions in respect of the matter that is the subject of the Commission's proceedings;
- (b) shall afford any person, civic department, board, commission, authority or agency given notice under section 5.16 of this by-law and in attendance at the hearing, or any other person in the discretion of the Commission, an opportunity to make submissions in respect of the matter that is the subject of the Commission's proceedings;
- (c) the hearing shall be open to the public but the Commission may close a portion of the hearing for the purposes of receiving confidential legal information pertaining to the affected Applicant or Licensee;
- (d) the hearing shall be open to the public but the Commission may close all or a portion of the hearing to the public if the Commission is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
- (e) shall give due consideration to the submissions made to it;
- (f) shall take such action to refuse, suspend revoke or impose conditions on the application or Licence, or not to refuse, suspend revoke or impose conditions on the application or Licence, as the Windsor Licensing Commission considers proper in the circumstances; and
- (g) shall give notice of its decision to the Licence Commissioner, to the Applicant or to the Licensee, and to any person, civic department, board, commission, authority or agency in attendance at the hearing, together with the reasons for its decision.

- 5.18 At the hearing, the Windsor Licensing Commission may suspend, revoke, and refuse to issue or impose conditions on any Licence under this By-law:
- (a) for any reason that would disentitle any Licensee to a Licence;
 - (b) where the Licensee or Applicant is in breach of a condition of the Licence;
 - (c) where the Licensee or Applicant is in breach of any of the provisions of this By-law;
 - (d) if there are reasonable grounds to believe any of the statements made on the application for issuance or renewal are false;
 - (e) if, subsequent to the issuance of the Licence, a report is filed by any body which originally provided its approval that indicates that the Licensee is no longer in compliance with this By-law;
 - (f) upon such grounds as are set out in this By-law;
 - (g) if the Applicant has outstanding fees or fines owing to the City, or if the Applicant has not paid the required application fee;
 - (h) if the conduct or character of the Applicant or Licensee affords reasonable grounds to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (i) if the geographic location of the business does not meet land use requirements or does not comply with this By-law;
 - (j) if, in the case of a corporate Applicant or Licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be carried on in accordance with the law or with honesty and integrity;
 - (k) if issuing the Licence is not in the public interest;
 - (l) if a Licensee's or Applicant's insurance, as approved by the Licence Commissioner, has expired and they continue to carry on business for which the Licence was issued; or
 - (m) if a Licensee or Applicant fails to comply with a request to inspect or hinders an inspection in any way.
- 5.19 A decision of the Windsor Licensing Commission refusing, suspending, revoking or imposing conditions on an application or Licence takes effect upon the rendering of such decision by the Windsor Licensing Commission. No Licensee shall operate or carry on the activity for which the Licence was issued while his Licence is under suspension.
- 5.20 The Windsor Licensing Commission shall give its decision to the Licence Commissioner within seven (7) days of the hearing.
- 5.21 The Licence Commissioner shall forthwith notify the Applicant in writing of such decision by serving a copy personally or sent by ordinary, prepaid mail addressed to the last known address for the person appearing on the records of the City.
- 5.22 The proceedings of the Windsor Licensing Commission shall, at the request of the Applicant and upon payment of a fee determined by the

Licence Commissioner, be transcribed in writing and a copy of the transcript shall be made available to the Applicant on payment of such additional fees as may be determined by the Licence Commissioner.

- 5.23 Upon receipt of a notice of the decision of the Windsor Licensing Commission suspending or revoking a Licence, the Licensee shall, within twenty-four (24) hours of service of notice by certified mail or immediately if the notice is personally served, return the Licence to the Licence Commissioner and the Licence Commissioner shall have access to any premises, or other property of the Licensee for the purpose of receiving or taking the same. All Licences not returned within twenty-four (24) hours of service of notice will automatically be deemed invalid.
- 5.24 No person shall refuse to deliver a suspended or revoked Licence to the Licence Commissioner or designate or shall in any way prevent or hinder the Licence Commissioner or designate from receiving or taking the same.
- 5.25 Where a Licence is revoked, the Licensee is entitled to a refund of that part of the Licence fee proportionate to the unexpired part of the term for which it was granted, such refund to be prorated on a monthly basis.
- 5.26 Where the Windsor Licensing Commission renders a decision granting the Applicant the Licence applied for, the Licence shall be issued upon the applicant complying with the terms of this By-law and the conditions imposed on the Licence, if any, and the Applicant shall complete the application within fourteen (14) days of the decision of the Windsor Licensing Commission.
- 5.27 Decisions made by the Windsor Licensing Commission are final.

6 Licensing Requirements

APPLYING TO OBTAIN OR RENEW A LICENCE

- 6.1 Any person seeking to obtain or renew a Rental Housing Unit Licence shall:
 - (a) Be at least eighteen (18) years of age;
 - (b) Complete an application in the form prescribed by the Licence Commissioner, including setting out such information and attaching such additional documentation as may be required by the Licence Commissioner which includes the information and documentation outlined in Schedule 2;
 - (c) Submit their completed application to the Licence Commissioner; and,
 - (d) Pay the applicable fee pursuant to Schedule 1.
- 6.2 A separate Licence shall be required for each Rental Housing Unit.
- 6.3 An application shall only be made in person by the Applicant, who at the time of application shall present two (2) forms of government issued identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Licence Commissioner.
- 6.4 Despite section 6.3, an Authorized Agent of the Applicant may make the application if they have written authorization to do so from at least one (1) of the Applicants along with two (2) forms of government issued

identification, one being photo and the other demonstrating proof of status in Canada, to the satisfaction of the Licence Commissioner.

- 6.5 Prior to the issuance of a Licence, a copy of the application may be forwarded for a report or comments to the Medical Officer of Health, the Fire Chief, the Chief Building Official, the Chief of Police and any other departments of the City, and any other public authorities which may have an interest in the licence application, or for such information as may be required under this By-law or any other legislation.
- 6.6 Receipt of the application, request for renewal, or submission of the licence fee shall not constitute approval of the application for, or renewal of, a Licence, nor shall it obligate the City to issue or renew any such Licence.
- 6.7 Despite section 6.6, if a Licensee has remitted the prescribed renewal fee, the Licence shall be deemed to continue until the renewal is granted or refused, subject to the Licensees' avenue for appeal under Part 5 of this By-law.
- 6.8 Every Licence issued under this By-law shall expire on May 31 of the year following issuance unless revoked or otherwise terminated under this By-law prior to that date. When a renewal deadline expires on a Saturday, Sunday or holiday, the act or proceeding may be done or taken on the next following that is a business day.
- 6.9 A Licence may be obtained for one-half the applicable fee as established in Schedule 1 of this By-law if the Licence is obtained on or after February 1 of the same year.
- 6.10 A Licence not renewed by the deadline day shall be deemed to have lapsed at 12:01 a.m. the following day and the person whose name the original Licence was issued under shall not operate a Rental Housing Unit.
- 6.11 Despite section 6.10, a Licence that has not lapsed by more than 356 days from the date of the renewal deadline may still be renewed and the Applicant shall be liable to pay the licence fee established by this By-law together with the penalty of 50% over the base fee.
- 6.12 A Licence that has lapsed more than 365 days from the date of the renewal deadline shall be deemed cancelled and no longer eligible for renewal.
- 6.13 A Licensee who operates with a Licence that has been cancelled under section 6.12 may not apply for a new Licence unless the outstanding renewal fee and late renewal fee has been paid.

CHANGES IN INFORMATION

- 6.14 Every Applicant or Licensee shall notify the Licence Commissioner in writing within seven (7) days of any change in any information contained in the application for a Licence or renewal thereof.
- 6.15 Where the changes in section 6.14 include a change in the legal entity of the Licensee, the existing Licence shall be cancelled and a new Licence shall be obtained by the said legal entity, subject to all of the licensing requirements of this By-law.
- 6.16 Notwithstanding section 6.15, where there is a change in any of the registered owners of a Rental Housing Unit, a new Licence shall be

obtained by all the parties operating or proposing to operate a Rental Housing Unit.

- 6.17 Where there is a change to a Rental Housing Unit as a result of a renovation or other similar work, the Owner shall notify the Licence Commissioner, as per section 6.14, and the Licence Commissioner may require such Owner to apply for a new Licence if such renovations or similar work are deemed to be significant.
- 6.18 Where an Owner intends to operate a Rental Housing Unit at a location different than the dwelling unit identified in their application, the existing Licence shall be cancelled and a new Licence shall be obtained before the intended Rental Housing Unit may operate.

7 Regulatory Requirements

REQUIREMENTS FOR OWNERS

- 7.1 No Owner shall allow any person to operate their Rental Housing Unit unless such person has been registered with the City as per Schedule 2 and section 7.4 of this by-law.
- 7.2 Every Owner of a Rental Housing Unit shall operate their Rental Housing Unit in accordance with the conditions of its Licence.
- 7.3 Every Owner shall post the Licence supplied by the City at the time of issuance or renewal, along with any additional documents or materials prescribed in Schedule 2 as being required for display, in a conspicuous place within 1 metre of the Rental Housing Unit's main entrance.
- 7.4 Every Owner shall ensure that the list of Authorized Agents and Operators relating to a Rental Housing Unit is up-to-date and accurate in accordance with Schedule 2 of this By-law.
- 7.5 Notwithstanding the requirements under Schedule 2 and section 7.2 of this By-law, every Owner shall be fully responsible for any and all decisions and actions governed by this By-law, including those taken by an Operator or Authorized Agent, whether or not such individual has been identified as such by the Owner and whether or not such individual was granted explicit permission or authority to make such decisions or take such actions.
- 7.6 The Owner of a Rental Housing Unit may be charged and convicted of an offence under this By-law for which an Operator or Authorized Agent is subject to be charged and on conviction the Owner is liable to the penalty prescribed for the offence.

REQUIREMENTS FOR OPERATORS

- 7.7 No Operator shall operate a Rental Housing Unit unless they are registered with the City for that purpose by the Owner in accordance with Schedule 2 and section 7.4 of this By-law.
- 7.8 Every Operator registered in accordance with Schedule 2 and section 7.4 and who is an Individual Person shall be at least 18 years of age at the time of registration.
- 7.9 Every Operator shall be required to identify themselves upon request by an Officer or any other person authorized to administer or enforce this By-law.

8 Administrative Matters

NOTICE

- 8.1 Any notice or other information required or authorized to be forwarded, given or served under this By-law is sufficiently given if delivered personally or sent by ordinary, prepaid mail addressed to the person to whom delivery is required to be made at the address shown on the application or at last address shown or appearing on the records of the City. In the case of a corporation, this shall include delivery personally or by ordinary, prepaid mail delivered to any Individual Person who acts or appears to act for the benefit of such corporation, including a sales or customer service representative or an individual person employed or contracted by such corporation who is located at the premises of such corporation or any of such corporation's affiliates, subsidiaries or parent corporations, as the case may be.
- 8.2 Where service is effected by ordinary, prepaid mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing, unless the person on whom service is being made establishes to the satisfaction of the Licence Commissioner that they did not, acting in good faith, through absence, accident, illness, or other cause beyond their control, receive the notice or Order until a later date.

MINOR NATURE OF POWERS DELEGATED

- 8.3 For the purposes of section 23.2(4) of the *Municipal Act*, it is the opinion of Council that the powers delegated to the Licence Commissioner, the Windsor Licensing Commission pursuant to this By-law are of a minor nature.

9 Enforcement

POWERS OF AN OFFICER

- 9.1 The provisions of this By-law may be enforced by an Officer.
- 9.2 An Officer who has reasonable grounds to believe that a person has contravened any provision of this By-law may require that person provide identification to the Officer.
- 9.3 Any information provided to the Officer under section 9.2 is presumed to be correct and accurate and is admissible in any proceeding.
- 9.4 All persons who are required by an Officer to provide identification under section 9.2 shall provide such identification to the Officer. Failure to provide sufficient or correct and accurate identification shall constitute an offence as set out under section 9.7 of this By-law.
- 9.5 An Officer may issue an Order to any person governed by the provisions of this By-law, directing such person to:
 - (a) discontinue a contravening activity; or
 - (b) do work to correct a contravention.
- 9.6 Failure to comply with an Order under section 9.5 is an offence and every person named in such Order shall be subject to penalties and remedies prescribed under this By-law.
- 9.7 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.

POWERS OF ENTRY AND INSPECTION

- 9.8 Officers, and any person acting under their direction, may, at any reasonable time or at any time when there are reasonable grounds to believe that a contravention of this By-law is occurring or alleged to be occurring and subject to applicable law, enter onto any property to determine if the provisions of this By-law are being complied with.
- 9.9 Officers are authorized, for the purposes of an inspection to determine and enforce compliance with the By-law, to:
- (a) direct an Owner or Operator to provide a Tenant with notice in accordance with the *Residential Tenancies Act, 2006* to allow entry into the unit to carry out an inspection;
 - (b) enter, at any reasonable time, onto any property, other than an occupied Dwelling Unit unless authorized by the occupier of such Dwelling Unit or under the authority of a warrant issued by a court of competent jurisdiction;
 - (c) require any person to produce for inspection any substance, equipment, documents, or other things relevant to the alleged offence or inspection;
 - (d) alone or in conjunction with persons possessing special or expert knowledge, make examinations, take tests, obtain samples, and/or make audio, video and/or photographic records relevant to the alleged offence or inspection; and/or
 - (e) require information from any person concerning the alleged offence or inspection.

10 Offences and Penalties

- 10.1 Every person who contravenes a provision of this by-law or direction provided by an Officer in order to achieve compliance shall be guilty of an offence and upon conviction shall be liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, C. P.33, and as set out below:
- (a) Upon a first conviction, a fine of not less than \$500 and not more than \$5,000.00.
 - (b) Upon a second or subsequent conviction, a fine of not less than \$500.00 and not more than \$10,000.00.
 - (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, a fine of not less than \$500.00 and not more than \$10,000.00.
 - (d) Upon a first conviction, where the person is a corporation, a fine not less than \$500.00 and not more than \$100,000.00.
 - (e) Upon a second or subsequent conviction, where the person is a corporation, a fine of not less than \$500.00 and not more than \$100,000.00.
 - (f) Upon conviction for a multiple offence, for each offence included in the multiple offence and where the person is a corporation, a fine of not less than \$500.00 and not more than \$100,000.00.

COLLECTION OF UNPAID PENALTIES AND FINES

- 10.2 Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the City Treasurer or their designate may give the person against whom the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. The notice shall be sent by registered mail to be delivered to that person at the person's residence or place or business.
- 10.3 If the fine referred to in section 10.2 remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed unpaid taxes for the purposes of section 351 of the *Municipal Act*.

CONTINUATION, REPETITION PROHIBITED BY ORDER

- 10.4 The court in which a 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, and such Order shall be in addition to any other penalty imposed on the Person convicted.

11 Severability

- 11.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, 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.

12 Schedules

- 12.1 Schedules attached to and forming part of this by-law:
 Schedule 1 – Licence Application and Renewal Fees
 Schedule 2 – Required Supporting Documentation

13 Force and Effect

- 13.1 This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - February 13, 2023
 Second Reading - February 13, 2023
 Third Reading - February 13, 2023

Schedule 1 – Licence Application and Renewal Fees

	Initial Application	Renewal
Administration	111.80	111.80
Building Inspection	83.70	83.70
Zoning Letter	41.00	--
Fire Inspection	150.00	--
Enforcement	23.94	23.94
Office Expense Overhead	21.95	21.95
Corporate Support Overhead	33.15	33.15
Total	\$466	\$275

Schedule 2 – Required Supporting Documentation

REQUIREMENTS FOR ALL APPLICATIONS

S2.1 Every application to obtain or renew a Residential Rental Licence shall include:

- (a) The municipal address and legal description of the Rental Housing Unit;
- (b) The number of bedrooms within the Rental Housing Unit;
- (c) The name and Contact Information of each Owner;
- (d) If an Owner is a partnership, the name and Contact Information of each partner;
- (e) If an Owner is a corporation:
 - (i) the address of its head office;
 - (ii) the name and Contact Information of each director, officer and shareholder who holds more than 30% of the issued shares in the corporation; and
 - (iii) a Corporate Profile report dated no more than thirty (30) days from the date of application submission
- (f) Proof of ownership of the Rental Housing Unit, satisfactory to the Licence Commissioner;
- (g) Proof of Insurance that:
 - (i) Includes a limit of liability no less than \$2,000,000 (two million dollars) per occurrence for property damage and bodily injury;
 - (ii) Identifies the proposed use of the premise is that of a rental property; and
 - (iii) Requires that the Licence Commissioner be notified of any intended cancellation by the insurer no fewer than fourteen (14) days prior to such cancellation;
- (h) A completed police record check every Owner and Applicant, if different from the Owner, issued by an Ontario Police Service for the jurisdiction in which each Applicant or Owner resides, not more than thirty (30) days before the date of application submission, including:

- (i) If the Owner or Applicant is a partnership, a completed police records check for each partner; or,
- (ii) If the Owner or Applicant is a corporation, a completed police records check for each director, officer or shareholder who holds more than thirty percent (30%) of the issued shares in a corporation;
- (i) If none of the Owners reside in the City of Windsor, or if the Owner is a corporation, the name and Contact Information of a Local Contact;
- (j) A list for registration by the City of all Authorized Agents at the time of application, including their Contact Information;
- (k) A list for registration by the City of all Operators at the time of application, including their Contact Information;
- (l) A sworn statement by each Applicant certifying the accuracy, truthfulness, and completeness of the application; and,
- (m) Any other information required to be provided under this by-law or as may be requested by the Commissioner.

REQUIREMENTS FOR LICENCE ISSUANCE (NEW LICENCES)

S2.2 In addition to the requirements of S2.1, every application to issue (not renew) a Residential Rental licence shall also include:

- (a) An inspection certificate from a certified Electrical Safety Authority technician confirming the electrical system is in proper working order, which results from an inspection that was conducted no more than six (6) months prior to the date of application submission; and,
- (b) A completed Property Standards and Safety Checklist;
- (c) A signed written statement that:
 - (i) The Rental Housing Unit is in compliance with the *Building Code Act, 1992* or any regulations made under it, including the Building Code;
 - (ii) The Rental Housing Unit is in compliance with the *Fire Protection and Prevention Act, 1997*, or any regulations made under it, including the Fire Code;
 - (iii) The Rental Housing Unit is in compliance with the *Electricity Act, 1998*, S.O. 1998, c.15, Sched. A, as amended, or any regulations made under it, including the Electrical Safety Code;

- (iv) The Rental Housing Unit is in compliance with all applicable City By-laws;
- (v) The Owner and any person listed as an Authorized Agent or Operator is aware of all relevant federal and provincial legislation, including the *Human Rights Code*, R.S.O. 1990, c. H. 19, as amended, as well as all relevant municipal by-laws, and that they, and the Rental Housing Unit, will comply with all of them; and
- (vi) The Applicant or Owner confirms the accuracy, truthfulness and completeness of the information submitted.

REQUIREMENTS FOR LICENCE RENEWAL

S2.3 The information or documentation referred to in section S2.2(a) shall only be required for the issuance of a licence, not a renewal, except for every fifth renewal (every 5 years), at which time the Licence Commissioner may require the information or documentation to be produced.

This is Exhibit “E” referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.

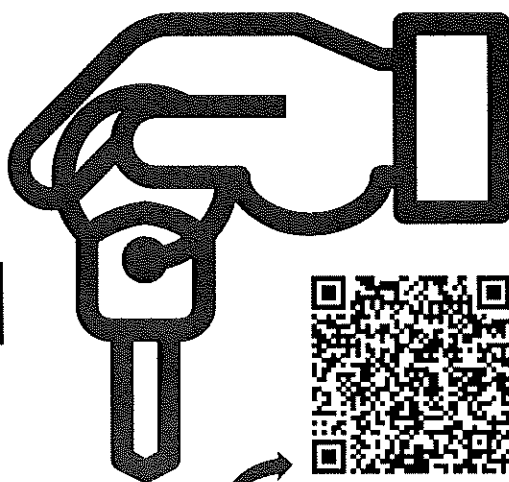


A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.

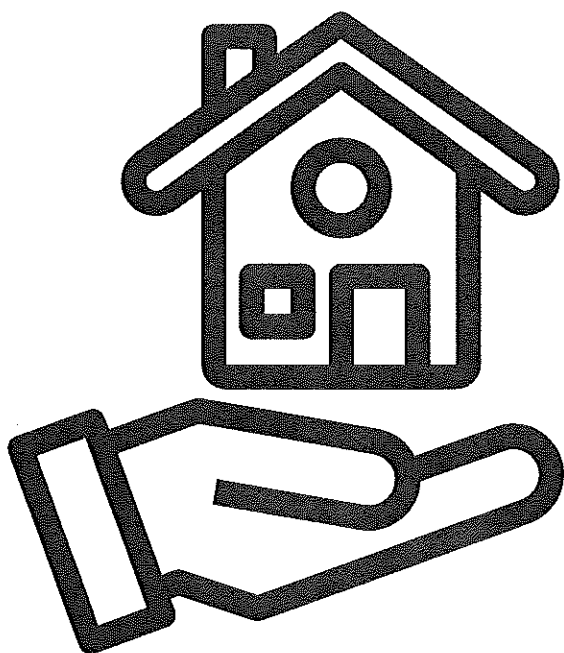
**Did you
know?**



SCAN HERE!

Residential Rental Licensing

is coming to your neighbourhood



Starting soon, some
rented homes in your
area will need to get
a licence from the
City of Windsor.

Will this impact **you**?

Learn more →

Owners must get a licence for rental units

- ✓ Complete the application form
- ✓ Provide a Local Contact
- ✓ Pay licence fee
- ✓ Allow Building and Fire inspections
- ✓ Repair any defects

Tenants should work with their landlord to coordinate inspections

- ✓ 24hr prior notice still required

All area residents can report issues by calling 3-1-1

Anyone who owns, operates, or markets a rental unit without a licence may face **penalties ranging from \$500 to \$100,000 per offence.**



Last year, City Council approved a two-year **Residential Rental Licensing Pilot Study (RRL)** in order to gather data on the effects of a licence and improve the safety and quality of Windsor's rental housing stock.

As of **February 14, 2023**, rented housing in **Wards 1 and 2** must be licensed. A licence is required for each rented unit in buildings with **one to four units, including detached houses.**

Visit **CityW.ca/RRL** for more information on:

- By-law and license requirements
- Application forms and checklists
- Pilot study updates
- Additional resources

This is Exhibit "F" referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.



**Office of the Commissioner,
Legal & Legislative Services**
Policy, Gaming, Licensing & By-law Enforcement

February 15, 2023

123456 ONTARIO INC
111 ANY STREET
WINDSOR ON N1N 1N1

Re: 654 MAIN STREET

Dear Property Owner,

Windsor City Council recently passed By-law 14-2023 to create and implement a licence for residential rental housing on properties with four or fewer units. This by-law is being initially implemented as a two-year Residential Rental Licence (RRL) pilot study in Wards 1 and 2.

Our records indicate the property you own located at the address above may include one or more Rental Housing Units. To comply with the by-law, all property owners in the pilot study area who rent a residential unit or offer it for rent must submit a complete Residential Rental Licence Application for each unit no later than **May 31, 2022**.

Please visit www.CityW.ca/RRL for more information on the Residential Rental Licence, including links to application forms, checklists, and other resources. If you have questions about the pilot or believe you have received this notice in error, please contact us at residentialrentals@citywindsor.ca. Licensing staff can also be reached by phone Monday to Friday from 8:30am to 4:30pm at 519-255-6200, option #1.

I submit the foregoing for your immediate attention.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Craig Robertson'.

Craig Robertson

Deputy Licence Commissioner & Acting Senior Manager of
Policy, Gaming, Licensing & By-law Enforcement

This is Exhibit “G” referred to in the Affidavit of **STEVEN VLACHODIMOS** sworn before me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.



CITY OF WINDSOR
FINANCIAL VARIANCE BY ACCOUNT
For the Period Ending April 30, 2023
33.33% of Year Elapsed
Building Services

ACCOUNT CODE	ACCOUNT DESCRIPTION	BUDGET	YTD COMMITMENTS	YTD ACTUALS	PREVIOUS YEAR ACTUALS
Revenues					
6725	Fees&Service Charges EXTERNAL	0.00	0.00	-9,072.00	0.00
# TOTAL REVENUES		0.00	0.00	-9,072.00	0.00
Expenses					
2070	Imaging & Printing External	0.00	0.00	0.00	0.00
2711	Cell Phones	0.00	0.00	90.23	0.00
2925	Computer Maintenance	0.00	0.00	333.33	0.00
3145	VehicleRent-TempOther INTERNAL	0.00	0.00	7,655.33	
3180	Computer Rental - INTERNAL	0.00	0.00	333.33	0.00
4050	Training Courses	0.00	0.00	0.00	0.00
8110	Salary-Reg.Full Time	0.00	0.00	45,445.50	0.00
8150	Salary-Temporary	0.00	0.00	0.00	0.00
8190	Other Pay	0.00	0.00	0.00	0.00
8210	Meal Allowance	0.00	0.00	0.00	0.00
8290	Clothing - Uniforms	0.00	0.00	391.83	0.00
8399	Fringe Benefits (Dept)	0.00	0.00	14,997.02	0.00
# TOTAL EXPENSES		0.00	0.00	69,246.58	0.00
NET TOTALS		0.00	0.00	60,174.58	0.00

This is Exhibit **"H"** referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

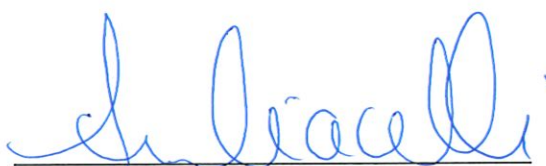
Expires August 12, 2024.



CITY OF WINDSOR
FINANCIAL VARIANCE BY ACCOUNT
For the Period Ending April 30, 2023
33.33% of Year Elapsed
Fire & Rescue Services

ACCOUNT CODE	ACCOUNT DESCRIPTION	BUDGET	YTD COMMITMENTS	YTD ACTUALS	PREVIOUS YEAR ACTUALS
Revenues					
6725	Fees & Service Charges EXTERNAL	0.00	0.00	16,200.00	0.00
	TOTAL REVENUES	0.00	0.00	16,200.00	0.00
Expenses					
2010	Office Supplies	0.00	0.00	31.25	0.00
2711	Cell Phones	0.00	0.00	40.70	0.00
2925	Computer Maintenance	0.00	0.00	60.00	0.00
3180	Computer Rental - INTERNAL	0.00	0.00	75.00	0.00
4020	Membership Fees	0.00	0.00	62.50	0.00
8110	Salary-Reg. Full Time	0.00	0.00	7,372.97	0.00
3145	Vehicle Rent-Temp Other INTERNAL	0.00	0.00	2,991.00	0.00
8190	Other Pay	0.00	0.00	0.00	0.00
8210	Meal Allowance	0.00	0.00	0.00	0.00
8290	Clothing - Uniforms	0.00	0.00	105.00	0.00
8399	Fringe Benefits (Dept.)	0.00	0.00	2,433.08	0.00
	TOTAL EXPENSES	0.00	0.00	13,171.51	0.00
	NET TOTALS	0.00	0.00	3,028.49	0.00

This is Exhibit "I" referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.

RECORD CHECK APPLICATION FORM

EFFECTIVE IMMEDIATELY

There are changes to the Criminal Record Checks with the Implementation of the ONTARIO POLICE RECORD CHECKS REFORM ACT.

See below

Provisions under the POLICE RECORD CHECKS ACT include the following: Prohibit Police Agencies from providing the results of any type of Record Check for someone under the age of 18 years to any Non-Government Agencies such as:

- Schools
- Universities
- Hospitals
- Private Retirement Homes
- Private Day Cares

POLICE RECORD CHECKS for anyone under the age of 18 years will only be conducted for employment or volunteer with a Municipal/Provincial/Federal Government Department or Ministry such as:

- Municipal Departments: Town/City Hall, city parks, Public Library
- Provincial Ministries: MTO, Education, Health, Long Term Care Facilities, Day Cares
- Federal Departments: Department of Defence, CBSA, Corrections Canada

Should you require the Record Check from one of the above agencies a second form MUST be competed- see staff for further instruction

Should you require a copy of your YOUTH record see office staff for further instruction

The Act Allows for 3 Levels of Criminal Record Checks

CRIMINAL RECORD CHECK (CRC)

CRIMINAL RECORD & JUDICIAL MATTERS CHECK (CRJMC)

VULNERABLE SECTOR CHECK (VSC)

- Applicants **MUST** produce a letter from the agency or organization requiring the VSC check if it is a non-paid position

You must indicate on the application which check is being requested

EMPLOYMENT CHECKS - \$45.00

VOLUNTEER - \$20.00

You must bring 2 pieces of Government Identification with you- a Valid Drivers' Licence (proof of LaSalle residency) or Ontario Photo Card along with one of the following:

Birth Certificate
Passport/Nexus
Native Status Card
Possession and Acquisition Licence

Pleasure Craft Operator Card
Immigration Documents/ Permanent Residence Card



LASALLE POLICE SERVICE

POLICE RECORD CHECK

APPLICATION FORM (Applicant to complete all sections in yellow)

Last Name:		First Name:		Middle Name:	
Maiden Name or other Surnames used:			Date of Birth (YYYY-MM-DD):		Gender:
Number and Street Name:		Apt/Unit #		City:	
Province:			Postal Code:		Place of Birth:
E-Mail Address:				Phone Number:	
Address History: (indicate all addresses in the past five (5) years)					
Number and Street Name:		City		Province	Postal Code
☐ Volunteer		Self Declaration (Do you have a Criminal Record?)			
☐ Employment		☐ Yes		☐ No	
☐ Other (Specify):		If indicated yes above, please complete the Declaration of Criminal Record form			
APPLICANT TO SELECT ONE OF THE FOLLOWING RECORD CHECKS:					
☐ Police Criminal Record Check A Police Criminal Record Check is NOT intended for applicants seeking to work or volunteer directly with vulnerable persons. The search will include: - Criminal convictions, from CPIC and/or local databases - Summary convictions (previous 5 years) when identified - Findings of guilt under the <u>Youth Criminal Justice Act</u> within the applicable disclosure period NOTE: Records for applicants under the age of 18 will only be provided to agencies that fall within Sec 119 (1)(o) of the YCJA. (e.g. Federal, Provincial and Municipal agencies)**					
☐ Extra Copies required # _____					
☐ Police Criminal Record and Judicial Matters Check A Police Criminal Record and Judicial Matters Check is NOT intended for applicants seeking to work or volunteer directly with vulnerable persons. The search will include: - Criminal convictions from CPIC and/or local databases. - Summary convictions (previous 5 years) when identified - Outstanding entries, such as charges, warrants, judicial orders, probation and prohibition orders - Findings of guilt under the <u>Youth Criminal Justice Act</u> (YCJA) within the applicable disclosure period - Absolute and Conditional Discharges (for 1 or 3 years respectively) NOTE: Records for applicants under the age of 18 will only be provided to agencies that fall within Sec 119 (1)(o) of the YCJA. (e.g. Federal, Provincial and Municipal agencies)**					
☐ Extra Copies required # _____					
☐ Police Vulnerable Sector Check A Police Vulnerable Sector Check is intended for applicants who will be in a position of trust or authority over children or vulnerable persons in Canada only. (This means more than having contact with children or vulnerable persons.) This search will include: - Criminal convictions from CPIC and/or local databases - Summary convictions (previous 5 years) when identified - Outstanding entries, such as charges, warrants, judicial orders, probation and prohibition orders - Findings of guilt under the <u>Youth Criminal Justice Act</u> (YCJA) within the applicable disclosure period - Absolute and Conditional Discharges (for 1 or 3 years respectively) - Dispositions of not criminally responsible by reason of mental disorder - Where it meets the exceptional disclosure assessment, non-conviction dispositions including, but not limited to, withdrawn and dismissed charges. - Record suspensions (formerly known as pardons) as authorized for release by the Minister of Public Safety NOTE: Records for applicants under the age of 18 will only be provided to agencies that fall within Sec 119 (1)(o) of the YCJA. (e.g. Federal, Provincial and Municipal agencies)**					
NOTE: Extra copies cannot be obtained for Police Vulnerable Sector Checks					

FOR POLICE VULNERABLE SECTOR CHECK ONLY: I am an applicant for a paid or volunteer position with a person or organization responsible for the wellbeing of children or vulnerable persons, and I will be in a position of trust or authority with children or vulnerable persons.

Description of the paid or volunteer position:

Name of the person or organization:

Details regarding the responsibilities towards the children or vulnerable sector:

I hereby consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to find out if I have been convicted of, and been granted a record suspension (formerly known as a pardon) for any of the sexual offences that are listed in the schedule of the Criminal Records Act. I understand, as a result of giving this consent, if I am suspected of being the person named in a criminal record for one of the sexual offences listed in the schedule of the Criminal Records Act in respect of which a record suspension (formerly known as a pardon) was granted or issued, I will be requested to provide fingerprints to confirm that record and that record may be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police service or other authorized body. That police service or authorized body will then disclose that information to me. If I further consent in writing to disclosure of that information to the person or organization referred to above that requested the verification, that information will be disclosed to that person or organization.

Applicants Signature and Date: _____

1. I hereby release and discharge the LaSalle Police Service and all members and employees of the said Service from any and all actions, claims and demands for damages, loss or injury howsoever arising which may hereafter be sustained by myself as a result of the disclosure of information by the LaSalle Police Service. I hereby authorize the LaSalle Police Service to inquire into and disclose the results of any police records check and to conduct a local police contact search with any police service in Canada.
2. I certify that the information provided by me in this application is true and correct to the best of my knowledge and belief. I have read this consent, understand it and agree to it in its entirety.

Applicant's Name (Please Print): _____

Applicant's Signature and Date: _____

OFFICE PERSONNEL ONLY

Identification Shown Select and Initial:

☐	Valid Driver's Licence	☐	Student Card (with photo)
☐	Citizenship Documents	☐	Valid Passport
☐	Birth Certificate	☐	Native Status Card
☐	Immigration Documents / Permanent Residence Card	☐	Employment ID (with photo)
☐	Marriage Certificate	☐	Ontario Health Card VIEW only
☐	Ontario Photo Card	☐	Other (specify):
☐	Possession and Acquisition Licence	☐	Other (specify):

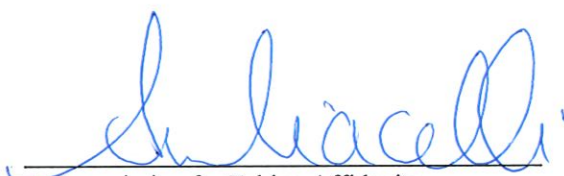
Clerk ID:

Date Received:

Fee:

Paid by:

This is Exhibit "J" referred to in the Affidavit
of **STEVEN VLACHODIMOS** sworn before
me, this 11th day of May, 2023.


A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.



WINDSOR POLICE SERVICE RESULTS FOR POLICE RECORD CHECK

NAME: [REDACTED]	DATE OF REQUEST: 2023/Apr/08
ADDRESS: [REDACTED]	DATE OF BIRTH: [REDACTED]
	REQUESTING AGENCY: APPLY FOR RENTAL LICEN
	FORMER NAMES: POLICY GAMING & LITIGATING

☒ CRIMINAL RECORD CHECK	☐ ADOPTION
☐ CRIMINAL RECORD AND JUDICIAL MATTERS CHECK	☐ CLRA (non-parent custody, kinship applications)
☐ VULNERABLE SECTOR CHECK	

☐ **YOUTH CRIMINAL JUSTICE ACT** – This response is provided in accordance with O. Reg 349/18/2(2) of the Police Records Checks Reform Act. The Youth Criminal Justice Act restricts individuals from sharing records made under that Act.

RESULTS FOR RCMP NATIONAL REPOSITORY CRIMINAL RECORD CHECK

☒	NEGATIVE (Not confirmed by prints)	Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records did NOT identify any records with the name(s) and date of birth of the applicant. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by FINGERPRINT comparison. Delays do exist between a conviction being rendered in court, and the details accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
☐	NEGATIVE (Confirmed by prints)	Based on the fingerprints, name(s), and date of birth submitted by the applicant, this message certifies that a search of the RCMP National Repository of Criminal Records did not identify any records associated with the applicant that may be disclosed in accordance with federal laws. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.
☐	CRIMINAL RECORD (Not confirmed by prints)	Based solely on the name(s) and date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records has resulted in a possible match to a registered criminal record. Positive identification that a criminal record does or does not exist at the RCMP National Repository of Criminal Records can only be confirmed by fingerprint comparison. As such, the criminal record information declared by the applicant does not constitute a Certified Criminal Record by the RCMP. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records. This document may not contain all criminal record convictions associated with the applicant. (SEE ATTACHED POLICE RECORD CHECK SUPPLEMENTARY INFORMATION FORM FOR DETAILS)
☐	CRIMINAL RECORD (Confirmed by prints)	Based on the fingerprints, name(s), and the date of birth submitted by the applicant, this message certifies that a search of the RCMP National Repository of Criminal Records identified that the fingerprints submitted by the applicant were certified as identical to fingerprints registered under a criminal FPS Number. Delays do exist between a conviction being rendered in court, and the details accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records. This document may not contain all criminal records associated with the applicant. (SEE ATTACHED POLICE RECORD CHECK SUPPLEMENTARY INFORMATION FORM FOR DETAILS)
☐	INCOMPLETE	Based solely on the name(s) and the date of birth provided and the criminal record information declared by the applicant, a search of the RCMP National Repository of Criminal Records could NOT be completed. Positive identification that a criminal record does or does not exist requires the applicant to SUBMIT FINGERPRINTS to the RCMP National Repository of Criminal Records; which has NOT been done. Delays do exist between a conviction being rendered in court, and the details being accessible on the RCMP National Repository of Criminal Records. Not all offences are reported to the RCMP National Repository of Criminal Records.

RESULTS OF INVESTIGATIVE DATABANK AND LOCAL INDICES SEARCH – for Criminal Record and Judicial Matters Check or Vulnerable Sector Check ONLY

☐	NEGATIVE – No information was revealed that can be disclosed in accordance with federal laws and RCMP policies
☐	POSITIVE – (See attached Police Record Check Supplementary Information Form for details)
☒	CRIMINAL RECORD AND JUDICIAL MATTERS CHECK OR VULNERABLE SECTOR CHECK NOT REQUESTED

RESULTS OF VULNERABLE SECTOR CHECK ONLY

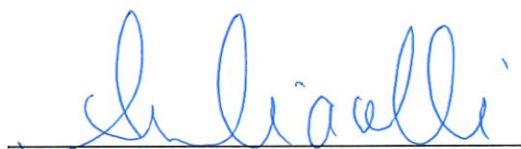
☐	A search of sex offenders who were granted a record suspension (pardon) was conducted. No information to release.
☐	A search of sex offenders who were granted a record suspension (pardon) was conducted. Information authorized for release. See attached documentation
☒	A search of sex offenders who were granted a record suspension was NOT conducted

Date of Search: (yyyy/mm/dd) 2023/04/11	Clerk #: 20562	Page 1 of 1
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THIS DOCUMENT IS NOT VALID UNLESS WINDSOR POLICE SERVICE
DIGITAL SEAL AND WATERMARK IS PRESENT



This is Exhibit “K” referred to in the Affidavit of **STEVEN VLACHODIMOS** sworn before me, this 11th day of May, 2023.



A Commission for Taking Affidavits

ANNA CIACELLI, a Commissioner, etc.,
Province of Ontario, for the Corporation of the City of
Windsor.

Expires August 12, 2024.

Categories of Licenses that Require a Police Records Check

Category	Requirement of By-Law?	New	Time Frame	Renewal
By-Law 396-2004 (Business Licensing By-Law)				
Adult Entertainment	No	Yes	30 days	Yes
Auctioneer	No	Yes	30 days	Yes
Automobile Service Station - Repairs	No	Yes	30 days	No
Bed & Breakfast/Guest House	Yes, Schedule B2	Yes	30 days	No
Escort	No	Yes	30 days	Yes
Hawker/Pedlar - Class 3, 4 & 5 only	Yes, Schedule H1	Yes	30 days	Yes
Heating Master	Yes, Schedule H2	Yes	30 days	No
Holistic Center/Practitioner	Yes, Schedule H3	Yes	30 days	Yes
Lodging House (Applicant/Agent)	Yes, Schedule L1	Yes	30 days	No
Mobile Vendor of Food	No	Yes	30 days	No
Old Gold Dealer	No	Yes	30 days	No
Plumbing Work	Yes, Schedule P2	Yes	30 days	No
Public Hall	No	Yes	30 days	No
Retail/Resale & Pawnbroker	No	Yes	30 days	No
Salvage Yard	No	Yes	30 days	No
Short Term Rental	Yes	Yes	30 days	Yes
Residential Rental (<i>pilot study</i>)	Yes	Yes	30 days	Yes
By-Law 2007 (Public Vehicle Licensing By-Law)				
***Livery Driver	Yes, Schedule 3	Yes	30 days	Yes
***Taxicab Driver	Yes, Schedule 5	Yes	30 days	Yes
***TNC Driver (UBER)	Yes, Schedule 6	Yes	30	Yes
Tow Truck Driver (Owner, if acting as driver)	Yes, Schedule 4	Yes	30 days	Yes
By-Law 2011 (Body Rub Parlour)				
Body Rub Parlour - Owner	No	Yes	30 days	Yes
Body Rub Parlour - Attendant	No	Yes	30 days	Yes

WINDSOR HOUSING PROVIDERS INC.
Applicant

- and -

WINDSOR (CITY)

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

AFFIDAVIT OF STEVEN VLACHODIMOS

SHARON STROSBURG
Senior Legal Counsel

THE CORPORATION OF THE CITY OF WINDSOR
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Windsor, Ontario N9A 7K6

Telephone: 519-255-6100 ext.6377
Facsimile: 519-255-6933

LSO #44233W

Lawyers for the Respondent

WINDSOR HOUSING PROVIDERS INC.
Applicant

- and -

WINDSOR (CITY)

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**RESPONDING APPLICATION RECORD OF
THE RESPONDENT, THE CORPORATION
OF THE CITY OF WINDSOR
VOLUME I**

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Lawyers for the Respondent