

Subject: Residential Rental Licensing Pilot Study Preliminary Results - Wards 1 & 2

Reference:

Date to Council: April 28, 2025

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Policy, Gaming, Licensing & By-Law Enforcement

Report Date: February 25, 2025

Clerk's File #: SB/12952

To: Mayor and Members of City Council

Recommendation:

1. That City Council **RECEIVE** Report C 36/2025 dated February 25, 2025 entitled "Residential Rental Licensing Pilot Study Preliminary Results"; and,
2. That City Council **PLACE** Residential Rental Licensing By-law 14-2023 **IN ABEYANCE**; and,
3. That City Council **DIRECT** Administration to **REPORT BACK** with options for alternative residential rental housing regulation program models.

Executive Summary:

N/A

Background:

On April 25, 2022, Council approved a pilot study framework to evaluate residential rental licensing in Ward 1 and Ward 2 and directed Administration to report back with results after two years (CR171/2022). Residential Rental Licensing (RRL) By-law 14-2023 came into effect on February 13, 2023, starting the two-year pilot study period.

On April 21, 2023, the Office of the City Clerk received notice of an application brought by Windsor Housing Providers Inc. (WHPI) to quash the RRL By-law. The subsequent

Court Order let the City continue to process licence applications but suspended enforcement of the RRL By-law, like issuing tickets or filing charges, until the court process concluded.

On December 7, 2023, the Ontario Superior Court heard arguments on WHPI's application. In March 2024, the Court released its decision upholding the By-law and dismissing WHPI's application to quash, which WHPI appealed.

On February 3, 2025, the Court of Appeal for Ontario upheld the lower court's ruling and dismissed the appeal.

On February 13, 2025, the two-year pilot study period ended.

Discussion:

The Residential Rental Licensing (RRL) Pilot Study was designed to assess:

- Whether the piloted framework improves housing conditions in the study area.
- Whether a city-wide program is feasible with current or additional resources.

Administration used information collected from database records and on-site inspections to assess housing unit conditions. Additional information from application forms, correspondence, and correspondence with internal stakeholders was used to assess the feasibility of the piloted licence framework.

Please see Appendix A for an expanded timeline of events related to the pilot study.

Methodology

The Licensing Division accepted new RRL applications from February 13, 2023, to January 13, 2025. When possible, unit received at least one on-site inspection from a Building By-law Officer and a Fire Prevention Officer, who documented the property's condition. When appropriate, officers followed up with property owners to ensure that defects were addressed, including issuing Orders or requiring a permit.

Information on the study's purpose, scope, and framework was made available on the City's website. Potential rental property owners were notified by mail and encouraged to contact the Licensing Division if they believed their property was identified as a rental in error. Residents in the study area received an information card by mail to raise awareness of the study and direct people to the City's website for more information.

Limitations

Due to several factors, the full staffing complement approved in C 54/2022 was not realized during the pilot study period. Temporary positions were established where possible but saw high turnover as recruited staff secured permanent positions elsewhere in the Corporation. When application volumes dropped, positions were kept vacant to match service demands and minimize expenses. However, the surge of applications received in May 2023 resulted in a significant backlog of inspections, which

persisted into 2024. Due to this, renewal licence applications were not initiated for the second pilot study year.

To comply with the Court Order, By-law Enforcement Officers could not ticket or charge properties identified as unlicensed rentals as originally intended. Instead, complaints of unlicensed properties were recorded and tracked. Once received, officers attended the property and notified property owners of the requirement to get a licence if appropriate. By-law officers would also address violations of existing by-laws, like improperly stored garbage or unkempt yards, when observed. As a result, the study could not assess the feasibility of the piloted framework's enforcement tools.

Further stakeholder consultation was not performed while the matter was before the courts.

Financial outcomes

Revenue estimates in C 54/2022 projected \$752,590 from 1,615 new licence applications in the first year and \$1,376,125 from a total of 3,615 new and renewal applications in the second year. Actual revenues fell short of these projections, generating only \$339,428 in the first year and \$24,232 in the second year.

It is important to note that due to the uncertainty caused by the application to quash the by-law, the 2024 revenue budget for the pilot study was not adjusted for second year projections and remained \$752,590. The Court Order prevented officers from issuing tickets, making the program effectively voluntary and resulting in fewer applications than initially estimated presuming a full complement of enforcement tools, including legal action. A backlog of new applications needing initial inspections prevented renewal applications in the second year, which also significantly reduced revenues.

Estimated annual expenses for each year were \$744,895, but actual expenses were \$327,655 in the first year and \$138,927 in the second. Administration ensured efficient use of program resources by scaling back expenses as program demand shifted, keeping administrative and enforcement positions vacant when application volumes slowed.

Overall, in year 1, the program generated a net surplus of \$11,773 (actual revenue minus expenses) and a deficit of \$114,695 in year 2. Annual variances from budget projections for the pilot were identified in each respective quarterly and year-end variance reports.

A summary of estimated and actual revenues and expenses for each study year are provided in Appendix B.

Findings

Licensing received 782 RRL applications over the study period, with about twice as many in Ward 2 as Ward 1. Peak intake occurred in May 2023, with 166 submitted on May 30 and 31 alone, accounting for two of the department's three highest volume days in the year. After May 2023, application volumes dropped significantly. Despite being limited to providing education only, follow-up on complaints by By-law Enforcement

Officers resulted in 29 additional applications. 19 applications were withdrawn prior to licence issuance because the property was sold or no longer occupied by tenants prior to the completion of the licensing process.

Building and Fire officers successfully accessed 660 dwelling units. 41 applicants declined to arrange inspections when contacted due to litigation. The remainder did not respond to contact requests from dispatch. Only one application could not be processed because the tenant refused access to their unit.

About a third of properties inspected were compliant on first inspection or by the end of the same day. Major defects related to expired, defective, or absent smoke alarms or CO (carbon monoxide) alarms were found most frequently, followed by minor building condition defects. Rates of observed defects were slightly higher in Ward 2 for most issues, but rates of major defects related to smoke and CO alarms were higher in Ward 1. Issues related to land use, including properties operating with multiple tenancies in a single unit or with units unestablished by a permit, were the most common condition observed in applications still pursuing compliance.

Operational data is summarized in Appendix C.

Were housing conditions improved?

Most applications required at least one re-inspection to confirm repairs were made, meaning the RRL directly contributed to improved dwelling unit conditions. During the study period, 22 building permits were issued to repair, alter, or demolish as part of RRL inspections and enforcement. An additional 18 permits were issued to create new dwelling units or establish existing ones, all meeting current Ontario Building Code and Fire Code requirements.

The most significant and immediate improvement delivered by the piloted licensing framework was in fire safety. Major defects related to missing or expired smoke and CO alarms were the most common in both Ward 1 and Ward 2. Fire Prevention Officers ensured each unit inspected was left with some kind of smoke and CO detection if corrections required more time to be completed, like replacing devices in dwelling units where interconnected devices are required.

While housing conditions and safety were substantially improved in some dwellings, it is unclear whether the condition issues observed are unique to rental units. As part of the inspection process, each unit was assessed and assigned a ranking based on its general condition. Each ranking was determined using the same criteria as a question included in the long-form Census, which includes both rental and owner-occupied homes, so the results could be compared. The data returned shows conditions observed may fall within the normal condition range of local housing stocks and are not particular to rental dwellings.

Is the piloted framework feasible as a city-wide program?

To undertake a city-wide program, the City must have sufficient resources to deliver the program's requirements. Implementing the piloted framework city-wide presents critical

risks to new and existing operations across multiple departments because it requires resources at a scale that cannot be secured with existing staff or facilities.

Administration recommends placing the current by-law and pilot program in abeyance so study data can be used to return more feasible alternatives for Council's consideration, as outlined further below in this report.

How many licence applications would a city-wide program generate?

To estimate the total number of rental dwelling units in the pilot study area, and therefore the maximum (100% application submission) and likely (50% application submission) capacity required to deliver a city-wide program, Administration analyzed property records in Ward 1 and Ward 2. The analysis focused on approximately 18,000 properties with low-rise residential and mixed-use MPAC classifications. Of these properties, about 3,700 were flagged as potential rentals based on indicators like corporate ownership or owners with more than one property.

Owners of flagged properties were notified by mail and encouraged to contact the City if their property was not a rental. About 360 owners responded to this effect, indicating about 10% of the properties flagged were flagged in error. As well, only 106 of 782 applications received were not flagged in the records analysis, suggesting the criteria used to identify potential rental properties are reasonably effective. Considering this, Administration estimates a total potential licence pool of 3,000 dwelling units in Ward 1 and Ward 2, with about twice as many in Ward 2 as in Ward 1.

To determine the potential city-wide licence pool of a mature program, each of Windsor's ten wards were classified into one of two groups based on demographics and built environment. Wards in Group 1 (1, 6, 7, 8, 9, 10) were estimated at 1,000 licences each, while those in Group 2 (2, 3, 4, 5) were estimated at 2,000 licences each.

6 Group 1 wards @ 1000 licences each = 6,000

4 Group 2 wards @ 2000 licences each = 8,000

Total licence pool (100% compliance) = 14,000

Total annual pool (estimated 50% compliance) = 7,000

The City currently processes approximately 3,000 business licence applications each year through coordinated efforts of staff in Licensing, By-law Enforcement, Building, Fire, Public Works, and Planning. Based on pilot study data, a city-wide application of the piloted framework could require over twice the number of business licences currently processed annually for the RRL program alone.

Do we have the required staff for a city-wide program?

The resources to deliver a 233% increase in licensing capacity are extensive, requiring an increase in resources equivalent to a small department. Expanding the piloted framework city-wide without sufficient resources in place will risk critical impacts on service levels and cost recovery across all impacted areas, both for the RRL and for all

other existing licence and enforcement programs. If sufficient staff are not secured, Building and Fire resources would need to be reassigned to address high priority RRL matters, impacting existing operational efficiency and leaving other day-to-day duties delayed.

Table 1: Regular Full-Time (RFT) staffing estimates for city-wide implementation

Estimates based off 2024 Approved Salary Schedules and an annual volume of 7000 applications.

Service Area	Job Title	RFT	Annual Cost
Building	Building By-law Enforcement Officer (step 2)	6	\$827,981
Building	Building By-law Enforcement Clerk	1	\$83,051
By-law Enforcement	By-law Enforcement Officer (step 2)	5	\$552,170
By-law Enforcement	By-law Enforcement Clerk (step 2)	1	\$68,680
Fire and Rescue	Fire Prevention Officer (step 4)	10	\$1,960,856
Fire and Rescue	Fire Prevention Clerk	1	\$109,008
Licensing	Licence Issuer (step 2)	7	\$517,268
Licensing	Licensing Clerk (step 2)	1	\$63,952
Planning	Zoning Coordinator (step 2)	2	\$191,049
All Impacted Areas	Total Full-Time Positions	34	\$4,374,015

The staffing complement required for the piloted framework is substantial and, once scaled to the capacity required for a permanent city-wide program, may be challenging to fully secure. The piloted framework requires annual inspection of each licenced unit by staff with specialized education and experience. When recruiting for these positions, the City must compete with other municipalities as well as private sector employers for a limited number of qualified applicants. However, because the piloted framework is fundamentally based on annual inspections, avenues to mitigate this risk are limited.

In order to fully recover the costs for the staff necessary to carry out this program based on 7000 applications per year, the initial licence fee would need to be a minimum of \$625 annually. This equates to an increase of \$159 or 34% as compared to the licence fee approved under the pilot program.

Do we have the required facilities for a city-wide program?

If the City were able to secure sufficient staff to administer the program, the physical arrangement of existing workspaces also presents a capacity bottleneck. Significant renovations would be required to house the additional inspection staff complement. However, the most critical bottleneck to expanded licensing capacity is the customer service counter where applications are accepted.

The City's three full-time Licence Issuers handle an average of 3,000 licence applications annually at the counter on the first floor of 350 City Hall Square W. The counter has eight windows total, which Licensing shares with staff from Finance:

- 2 for Property Tax customer service
- 1 for the Senior Licence Issuer, which is also configured to create photo ID
- 1 for accessible service
- 4 for Licence Issuers (1 vacant)

The current workspace for Licence Issuers can only accommodate one additional Issuer, or 1,000 applications annually, without displacing Property Tax staff. Even if staff from Property Tax were moved elsewhere, this configuration limits the maximum complement of Licence Issuers to six total – about 4,000 applications short of the 10,000 annual licences (across all categories) the City would need to process if the piloted framework were implemented city-wide. There may be the possibility to explore online applications in the future, but currently it does not appear that this would eliminate the need for staff to review applications.

Next Steps

As the piloted framework is effective but not feasible for expansion based on current resource levels, Administration is seeking Council's direction whether it wishes to explore alternative models or simply end the program and repeal RRL By-law 14-2023, as amended.

Option 1 (recommended): Place the by-law in abeyance and report back with alternate models

Data gathered during the pilot study period provides valuable insight into housing conditions in Ward 1 and Ward 2 and demonstrates some form of rental housing business regulation may be desirable. Preliminary results also suggest continuing the piloted residential rental licence program as-is requires significant resources that could be challenging to secure. Administration recommends undertaking further research and reporting back with alternatives for Council's consideration, like:

- Different licence frameworks, e.g. licensing buildings rather than units, licensing property managers rather than dwellings.
- Different regulatory models, e.g. property management by-laws, voluntary rental registry.

If Council chooses this option, Administration can report back with alternatives as part of the 2026 budget process.

Option 2: Repeal the by-law

Council can choose to repeal the RRL by-law and end the program, returning to the previous complaint-driven status quo. Building and Fire officials would continue to pursue compliance for identified defects.

Anyone wishing to register a complaint about a property's condition or maintenance would continue to be able to do so through 311. Complaints about internal unit conditions from someone other than the occupant may be challenging to investigate without an occupant's cooperation.

Risk Analysis:

Any legal risks associated with these options are included in the P&C memo accompanying this report.

Option 1 (recommended): Place the by-law in abeyance and report back with alternate models

Maintaining, but not enforcing, a by-law that has already withstood court challenge mitigates risks to staff and legal resources that could arise if the by-law was repealed now and reintroduced later. Allowing time for Administration to perform further data analysis and undertake research on alternatives also minimizes future risks to resources and reputation associated with implementing more costly regulatory models if better ones can be used.

Option 2: Repeal the by-law

There are no significant risks identified with this option. Administration will revert to the previous status quo, investigating and enforcing property maintenance, garbage preparation, and related by-laws on a complaint basis.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

Financial outcomes for the pilot study are described in the Discussion section of this report. Figures for each year's revenues and expenses are provided in Appendix B.

All licence fees are determined with the intent to fully recover the costs of administering their related program. Staffing for a city-wide roll-out of the piloted framework is estimated to require an additional 34 new regular full-time positions at a cost of \$4,374,015. Based on 7000 applications per year, in order to fully recover the staff

necessary to carry out this program the initial license fee would need to be a minimum \$625 annually. This equates to an increase of \$159 or 34% as compared to the license fee approved under the pilot program.

As indicated, existing staff and facility design cannot accommodate the number of licence applications the piloted framework is anticipated to result in. Because of this, it is not feasible to deliver a full cost recovery program using the piloted framework. An alternative framework for the delivery of a licensing program would be required.

Financial implications for the recommended and alternate next steps described previously is presented below.

Option 1 (recommended): Place the by-law in abeyance and report back with alternate models

All positions hired as part of the pilot were temporary and were vacant by the time the pilot completed. No additional revenue and or expenditures related to the program would be realized. A financial analysis reflecting alternate models would be brought forward in a future report for consideration. Any necessary adjustments as a result of the adoption of an alternate model to the program budget for revenue and or expenditures would be brought forward as part of a future budget process.

Option 2: Repeal the by-law

As indicated with Option 1, all positions hired as part of the pilot were temporary and were vacant by the time the pilot completed. There would be no additional costs associated with repealing the by-law and ending the RRL program. Administration would make the necessary adjustments to the operating budget to align program revenue and expenditures with the discontinuance of the program. Administration has confirmed that all applications received while the by-law was enforced have been processed and have received their initial inspection therefore there would be no further revenue realized.

Consultations:

Sharon Strosberg, Senior Legal Counsel

Roberto Vani, Senior Manager of Inspections/Deputy Chief Building Official

Mike Coste, Chief Fire Prevention Officer

Stephen Laforet, Deputy Fire Chief

Rosa Maria Scalia, Financial Planning Administrator

Josie Gualtieri, Financial Planning Administrator

Monika Schneider, Financial Planning Administrator

Conclusion:

The Residential Rental Licensing (RRL) Pilot Study demonstrated the piloted licensing framework involving proactive inspections does improve the safety and condition of most units inspected. However, the piloted model is not feasible as a city-wide program without significant investment in staff and facilities. Administration recommends the piloted licensing program and framework be put in abeyance so more scalable, cost-effective alternatives can be returned for Council's consideration.

Planning Act Matters:

N/A

Approvals:

Name	Title
Craig Robertson	Manager, Licensing & Enforcement/Deputy Licence Commissioner
Jude Malott	Executive Initiatives Coordinator
Steve Vlachodimos	City Clerk & Licence Commissioner
Wira Vendrasco	City Solicitor
Dana Paladino	Senior Executive Director, Corporate Services (A)
James Waffle	Fire Chief
Ray Mensour	Commissioner, Community & Corporate Services
John Revell	Chief Building Official
Jelena Payne	Commissioner, Economic Development
David Soave	Manager, Strategic Operating Budget Development & Control
Janice Guthrie	Commissioner, Finance & City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Notification List provided to Clerks.		

Appendices:

- 1 Appendix A: Pilot Study Timeline
- 2 Appendix B: Pilot Study Financial Data
- 3 Appendix C: Pilot Study Operational Data
- 4 Appendix D: Residential Rental Licensing By-law 14-2023, as amended

Appendix A: Pilot Study Timeline

May 6, 2019: Councillor Costante asks CQ 10-2019 (CR243/2019).

August 24, 2020: Council receives Report C 137/2020, "Housing in Near-Campus Neighbourhoods" and requests options for city-wide licensing (CR418/2020).

March 8, 2021: Council receives Report C 188/2020, "Residential Rental Housing Licensing Options" and decides to undertake a pilot study, similar in approach to Hamilton, based on the existing Lodging House licence (CR97/2021).

September 21 & 29, 2021: Proposed licensing framework is presented to Advisory Committees, who raise concerns about rent increases due to licensing costs.

October 19 to November 8, 2021: An online survey is offered to collect feedback on framework elements and the potential impact of licensing costs.

December 13, 2021: Funding to implement 2-year pilot study as per approved. Cost of the program is intended to be fully funded through licensing fees.

April 25, 2022: Council receives Report C 54/2022, "Residential Rental Licensing By-law," which includes a draft by-law and framework with reduced fees. Council adopts the draft by-law and directs administration to report back in two years (CR171/2022).

February 13, 2023: Residential Rental Licensing (RRL) By-law 14-2023 is proclaimed, starting the pilot study period.

February 22 to March 3, 2023: Potentially subject property owners receive notification by mail that the study has started and a licence is now required.

March 5, 2023: An information flyer is sent to 16,000 households in Ward 1 and Ward 2.

April 21, 2023: Windsor Housing Providers Inc. (WHPI) applies to quash the RRL By-law. After discussions with counsel for WHPI and the Superior Court, the City agrees to suspend enforcement until the court process finishes.

May 29, 2023: Council receives Report C 81/2023, "Housekeeping Amendments to By-law 14-2023" and approves changes to clarify licence requirements (CR215/2023).

December 7, 2023: Arguments for the application brought by WHPI are heard in the Ontario Superior Court.

March 24, 2024: The Court releases its decision upholding the By-law 14-2023, as amended, and dismisses WHPI's arguments. WHPI files for appeal.

January 21, 2025: Arguments for the appeal are heard in the Ontario Court of Appeal.

February 3, 2025: Ontario Court of Appeal upholds the lower court's ruling, dismisses WHPI's appeal, and awards costs to the City.

February 13, 2025: Two-year pilot study period ends.

Appendix B: Pilot Study Financial Data

Table B-1: Year 1 (2023) Estimated and Actual Revenues

Licence Type	Fee	Estimated Applications	Estimated Revenue	Actual Applications	Actual Revenue	Variance
2023 New	\$466	1,615	\$752,590	728	\$339,428	(\$413,162)
2023 Renewal	\$275	--	--	--	--	--
2023 Total	--	1,615	752,590	728	\$339,428	(\$413,162)

Table B-2: Year 1 (2023) Budgeted and Actual Expenses

Service Area	Budgeted	Actual	Variance
Building & Planning	\$228,439	\$142,523	\$85,916
Fire	\$317,172	\$83,537	\$233,635
Licensing & Enforcement	\$199,284	\$101,595	\$97,689
Total	\$744,895	\$327,655	\$417,240

Table B-3: Year 2 (2024) Estimated and Actual Revenues

Licence Type	Fee	Estimated Applications	Estimated Revenue	Actual Applications	Actual Revenue	Variance
2024 New	\$466	2,000	\$932,000	52	\$24,232	(\$907,768)
2024 Renewal	\$275	1,615	\$444,125	0	\$0	(\$444,125)
Total	--	3,615	\$1,376,125	52	\$24,232	(\$1,351,893)

Table B-4: Year 2 (2024) Budgeted and Actual Expenses

Service Area	Budgeted	Actual	Variance
Building & Planning	\$228,439	\$64,002	\$164,437
Fire	\$317,172	\$18,681	\$298,491
Licensing & Enforcement	\$199,284	\$56,244	\$143,040
Total	\$744,895	\$138,927	\$605,968

Appendix C: Pilot Study Operational Data

Table C-1: Applications Received

Provides a count of the number of applications received, withdrawn prior to issuance, and issued for each ward and pilot study year.

Application Class	Ward 1	Ward 2	Combined
Year 1 Received	209	521	730
Year 1 Withdrawn	6	13	19
Year 1 Issued	102	216	318
Year 2 Received	23	29	52
Year 2 Withdrawn	0	0	0
Year 2 Issued	85	181	266

Received means a licence application was submitted.

Withdrawn means the application was withdrawn prior to completion.

Issued means a licence was issued following inspections and confirmation of all required documents.

Table C-2: Site Visit Compliance Rate

Provides a count and percentage units inspected by degree of compliance. This data gives an indication of the preparedness of applicants and the frequency of re-inspections.

Compliance class	Ward 1	Ward 2	Combined
No objections on first visit	61 (31%)	129 (28%)	190 (29%)
Same day compliance	18 (9%)	30 (6%)	48 (7%)
Compliance on reinspection	108 (55%)	238 (52%)	346 (53%)
Pursuing compliance	10 (5%)	64 (14%)	74 (11%)

First Inspection means no property standards or Fire Code defects were observed during the first site visit.

Same Day means defects were observed during the first site visit but were remedied the same day.

On Reinspection means defects identified during the first inspection were remedied at a later date.

Pursuing Compliance means major defects identified during the first inspection have not yet been resolved and licence issuance remains on hold.

Table C-3: Current Unit Condition

Provides the percentage of inspected units as classified by condition based on a scale used by Statistics Canada as part of the 2021 Census. Each unit's class was determined by the Building By-law Officer during their initial visit. This data gives a general idea of the condition of units observed.

Condition Class	Ward 1	Ward 2	Combined	2021 Census
Regular maintenance/minor repairs	98%	96%	97%	94%
Major defects	2%	4%	3%	6%

Regular maintenance/minor repairs includes new units as well as those needing things like painting, furnace cleaning, tiling, or step repairs.

Major defects includes defective plumbing, wiring, or structural repairs.

Table C-4: Condition Defects Observed

Provides a count and percentage of inspected units where officers found property standards or Fire Code issues during their scheduled visit. This data may be used to understand the frequency and severity of defects observed in the field.

Defect Class	Ward 1	Ward 2	Combined
Building Condition – Minor	27 (14%)	81 (18%)	108 (16%)
Building Condition – Major	12 (6%)	53 (11%)	65 (10%)
Smoke Alarms – Minor	27 (14%)	36 (8%)	63 (10%)
Smoke Alarms – Major	64 (32%)	123 (27%)	187 (28%)
CO Alarms – Minor	17 (9%)	23 (5%)	40 (6%)
CO Alarms - Major	60 (30%)	126 (27%)	186 (28%)
Egress	3 (2%)	40 (9%)	43 (7%)
Hazardous Materials	12 (6%)	35 (8%)	47 (7%)
Electrical	8 (4%)	24 (5%)	32 (5%)
Land Use (Lodging House)	4 (2%)	41 (9%)	45 (7%)
Unestablished Unit	17 (9%)	67 (15%)	84 (13%)
Unsafe Occupancy	3 (2%)	16 (3%)	19 (3%)

Building Conditions means non-compliance with one or more requirements under Property Standards By-law 9-2019 except those in another issue class.

- **Minor** issues do not impede licence issuance, e.g. painting, tilework
- **Major** issues pose a safety risk and must be addressed before licence issuance.

Smoke Alarms means devices intended to detect and alert unit occupants of a fire in the building were not in conformance with the Fire Code.

- **Minor** indicates working devices were present but improper or insufficient.
- **Major** indicates devices were defective, expired, or absent entirely.

CO Alarms means devices intended to detect and alert unit occupants of carbon monoxide in their unit were not in conformance with the Fire Code.

- **Minor** indicates working devices were present but improper or insufficient.
- **Major** indicates devices were defective, expired, or absent entirely.

Egress means conditions that impede exiting the unit during an emergency.

Hazardous Materials means improper storage of combustible materials, like propane tanks, lithium batteries, or automotive tires.

Electrical means improper installation or enclosure of electrical wires, outlets, or fixtures.

Land Use means an observed use not permitted under Zoning By-law 8600. This includes issues like improperly stored trailers as well as properties operating as unlicensed lodging houses with more than three separate tenancies.

Unestablished Unit means a building where two or more dwelling units were observed but not constructed under a building permit.

Unsafe Occupancy means conditions observed indicating habitation (i.e. sleeping) in spaces with insufficient space, ceiling height, ventilation, or egress.

(Amended by By-law 66-2023, dated May 29, 2023)

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 Rental Housing Unit and who resides within the City of Windsor or the County of Essex; **(amended by By-law 66-2023, dated May 29, 2023)**

“Market”, “Marketed”, or “Marketing” means...directly or indirectly, the promotion, canvassing, solicitation, or advertising of part or all of a Rental Housing Unit, and includes placing, posting or erecting advertisements physically or online; **(amended by By-law 66-2023, dated May 29, 2023)**

“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 *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1, as amended; **(amended by By-law 66-2023, dated May 29, 2023)**
 - (iv) the *Retirement Homes Act, 2000*, S.O. 2010, c. 11, as amended;
 - (v) The *Housing Services Act, 2011*, S.O. 2011, c. 6, Sched. 1, as amended; and **(amended by By-law 66-2023, dated May 29, 2023)**
- (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 **(deleted by By-law 66-2023, dated May 29, 2023)**
- 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

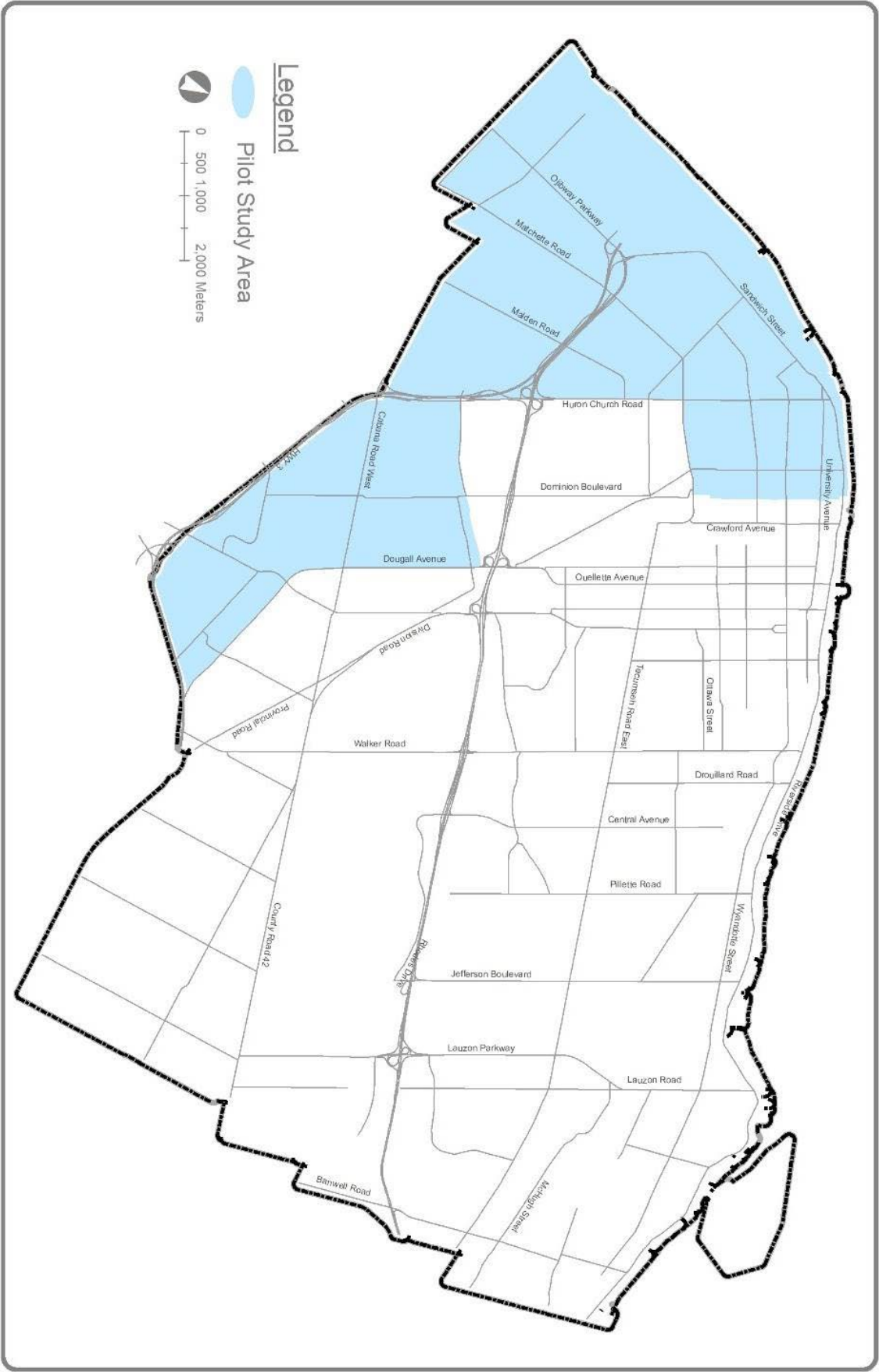
CITY CLERK

First Reading - February 13, 2023

Second Reading - February 13, 2023

Third Reading - February 13, 2023

Appendix “A” – Pilot Study Area



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

14 Schedule 2 – Required Supporting Documentation

REQUIREMENTS FOR ALL APPLICATIONS

14.1 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; and
 - (ii) Identifies the proposed use of the premise is that of a rental property
 - (iii) **(deleted by By-law 66-2023, dated May 29, 2023)**
- (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)

14.2 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;
- (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

14.3 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.