

PROPOSED BY-LAW

_____, 2024

BY-LAW NUMBER xx

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to establish a Rental Replacement By-law)

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

AND WHEREAS subsection 11(2) of the Municipal Act, 2001 provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality and for the health, safety and well-being of person;

AND WHEREAS under sections 20 to 24 of the Municipal Act, 2001 the City may delegate its powers and duties under the Act to an officer or employee of the City;

AND WHEREAS, without limiting the broad municipal powers, section 99.1 of the Municipal Act, 2001 provides municipalities with the authority to prohibit and regulate the demolition of residential rental properties and the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

AND WHEREAS the City wishes to exercise its powers under section 99.1 of the Municipal Act, 2001 to protect residential rental housing in order to meet the needs of current and future residents;

AND WHEREAS under sections 425 and 429 of the Municipal Act, 2001 the City may pass by-laws to create offences and a system of fines for offences, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law;

AND WHEREAS section 436 of the Municipal Act, 2001 provides that a municipality may pass by-laws to authorize inspections to determine compliance with a by-law;

AND WHEREAS subsection 391(1) (a) of the Municipal Act, 2001 provides that the City may pass by-laws imposing fees or charges on **Persons** for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the City of Kitchener ENACTS as follows:

PART 1 - DEFINITIONS

- 1) For the purposes of this By-Law, the following definitions and interpretations shall govern:

“Applicant” means the registered owner of the property or properties subject to the **Rental Replacement Permit** application or **Person** or **Persons** designated by the owner to act on their behalf.

“Building Code Act, 1992” means the Building Code Act, 1992 S.O. 1992, c. 23 as may be amended.

“Cash Payout” Means payment of the cash equivalent of the ten (10) months of rental payments made to a tenant when the tenant’s choice of **Cash Payout** from among the **Tenant Compensation Options** is secured through a **Rental Replacement Agreement**.

“City” means The Corporation of the City of Kitchener.

“City Solicitor” means the Director of Legal Services/City Solicitor, their designate, or any successor thereto.

“Conversion” or **“Convert”** means converting a **Residential Rental Property** to a purpose other than a **Residential Rental Property** and includes:

- a) Conversion as a result of a consent to sever land under section 53 of the **Planning Act**.
- b) Conversion to:
 - i. A non-residential use.
 - ii. Living accommodation other than **Dwelling Units** or **Dwelling Rooms**.
 - iii. A **Co-ownership**, a condominium or a building organized as a **Life Lease Project**.

“Co-ownership” means an equity co-operative or other co-ownership form of housing where the residential property is ultimately owned or leased or otherwise held, directly or indirectly by more than one **Person** where any such **Person**, or a **Person** claiming under such **Person**, has the right to present or future exclusive possession of a **Dwelling Unit** in the residential property. **Co-ownership** does not include a condominium, a residential building that is organized as a **Life Lease Project**, or a non-profit housing **Co-operative** under the *Co-operative Corporations Act*, R.S.O. 1990, c. C. 35.

“Comparable Rental Unit” means a **rental unit** with a quantity of rooms generally equal to the unit from which the tenant is displaced, offered to the tenant at their existing rent and shall include, at minimum, access to reasonably comparable amenities to those included with their existing **rental unit**.

“**Council**” means the Council of the Corporation of the City of Kitchener.

“**Demolition**” or “**Demolish**” means to do anything in the removal of a building or any material part thereof and includes (but is not limited to) interior renovations or alterations that will result in a change to the number of:

- a) **Dwelling Units** or **Dwelling Rooms**
- b) **Dwelling Units** or **Dwelling Rooms** by bedroom type

“**Dwelling Unit**” means the use of a building that contains a room or suite of habitable rooms which:

- a) is located in a dwelling or mixed use building;
- b) is occupied or designed to be occupied by a household as a single, independent and separate housekeeping establishment;
- c) contains both a kitchen and bathroom used or designed to be used for the exclusive common use of the occupants thereof; and,
- d) has a private entrance leading directly to the outside of the building or to a common hallway or stairway inside the building.

“**Existing Rent**” means the rent a tenant is paying at a building subject to a **Rental Replacement Permit Process** on the date that an application is made to the City pursuant to this By-law.

“**Director**” means the Director of Development and Housing Approvals for the **City**, their designate, or successor thereto.

“**Guidelines**” means the document titled ‘Rental Replacement Guidelines’ which shall be published details the process, conditions, and requirements for permitting the **Demolition** or **Conversion** of **dwelling units** and **lodging houses** under this By-law.

“**Ontario Heritage Act**” means Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended.

“**Life Lease Project**” means a life lease project as described in paragraph 1 of subsection 3(1) of Ontario Regulation 282/98, under the Assessment Act, R.S.O. 1990, c. A. 31.

“**Lodging House**” means a dwelling unit where five or more **Persons**, not including a resident owner of the property, may rent a **Lodging Unit** and where the kitchen and other areas of the **dwelling unit** are shared amongst the **Persons** occupying the **Dwelling Unit**. **Lodging house** can include student residences but shall not include a group home; hospital; and small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel as defined in City of Kitchener Zoning By-law 2019-051.

“**Lodging Unit**” means a room or set of rooms located in a **Lodging House** or other dwelling designed or intended to be used for sleeping and living accommodation which:

- a) is designed for the exclusive use of the resident or residents of the unit;

- b) is not normally accessible to **Persons** other than the residents or residents of the unit; and,
- c) does not have both a bathroom and kitchen for the exclusive use of the resident or residents of the unit.

“Non-profit Housing Co-operative” means a non-profit housing co-operative under the *Co-operative Corporations Act*, and “co-operative” has the same meaning.

“Person”, or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust, or body corporate, or an individual in his or her capacity as a trustee, executor, administrator or other legal representative.

“Planning Act” means the Planning Act, R.S.O. 1990, c. P.13, as may be amended.

“Related Buildings” means:

- a) Buildings that are under the same ownership and on the same parcel of land as defined in section 46 of the **Planning Act**; or
- b) Buildings that form part of the same application under this By-law or under a **Related Planning Application**.

“Related Planning Application” means

- a) an application that provides for the **Demolition of Residential Rental Property** or the **Conversion of Residential Rental Property** to a purpose other than a **Residential Rental Property**, expressly or by necessary implication.
- b) For greater certainty, paragraph (a) includes but is not limited to an application for the following:
 - i. A permit under section 8 or 10 of the **Building Code Act, 1992**.
 - ii. A consent or permit to alter part of a property or to demolish or remove a building or structure under section 33, 34, 34.5 or 42 of the **Ontario Heritage Act**.
 - iii. Approval or registration of a description for a proposed condominium or exemption from approval for a condominium, under section 9 of the **Condominium Act**.
 - iv. An amendment to the Official Plan under section 22 of the **Planning Act**.
 - v. A zoning by-law amendment under section 34 of the **Planning Act**.
 - vi. A minor variance under section 45 of the **Planning Act**.

- vii. Approval of plans and drawings under subsection 41(4) of the **Planning Act**.
 - viii. Approval of a plan of subdivision under section 51 of the **Planning Act**.
 - ix. A consent under section 53 of the **Planning Act**.
 - x. A demolition permit under s. 33 of the **Planning Act**.
- c) Despite subparagraph b)v., paragraph a) does not include **City**-initiated zoning by-law amendments made pursuant to section 34 of the **Planning Act** to implement land use studies and other policies, except for any site specific exemptions or other site specific provisions at the request of an **Applicant**.

“Rental Replacement Agreement” means the agreement reached between the **Applicant**, the **City**, and the **Tenant** detailing the form of compensation agreed to in order to vacate a **Dwelling Unit** or **Lodging Unit** in accordance with this By-law.

“Rent Waiver” means the agreement reached between the tenant and the **Applicant** through the **Rental Replacement Agreement** to allow the tenant to remain at their existing **Dwelling Unit** or **Lodging Unit** without paying rent for twelve months and to vacate the **Dwelling Unit** or **Lodging Unit** at the end of that period.

“Rental Replacement Permit” means the permit issued by the **Director** after the approval of an application under this By-law.

“Rental Unit” means a **Dwelling Unit** or **Lodging Unit** used, or intended for use, for residential rental purposes, including:

- a) A **Dwelling Unit** or **Lodging Unit** that has been used for residential rental purposes and is, according to the definitions contained in the **Guidelines**, vacant, and
- b) A **Dwelling Unit** or **Lodging Unit** in a **Co-ownership** that is or was last used for residential rental purposes but does not include a **Dwelling Unit** or **Lodging Unit** in a condominium registered under section 2 of the **Condominium Act, 1998** or in a building organized as a **Life Lease Project** where the right to occupy the **Dwelling Unit** or **Dwelling Room** is based on a life lease interest.

“Residential Rental Property” means a building or **Related Buildings** containing one or more **Rental Units** and includes all common areas and services and facilities available for the use of its residents.

“Residential Tenancies Act, 2006” means the Residential Tenancies Act, 2006, S.O. 2006, c.17 as may be amended.

“Temporary Offsite Rental Replacement Unit” means a **Comparable Rental Unit** provided to a **Tenant** displaced by a **Rental Replacement Permit** process by the **Applicant**, either through a lease or sublease agreement.

“Tenant” includes a **Person** who pays rent in return for the right to occupy a **Rental Unit** and includes the **Tenant’s** heirs, assigns and personal representatives, but does not include a **Person** who has the right to occupy a **Rental Unit** by virtue of being,

- a) a co-owner of the **Residential Rental Property** in which the **Rental Unit** is located, or
- b) a shareholder of a corporation that owns the **Residential Rental Property**.

PART II – SCOPE

- 2) This By-law shall apply to all **Residential Rental Properties** in the **City** containing six or more **Dwelling Units** or **Lodging Units** and all **Related Planning Applications**.
- 3) Notwithstanding section 2, this By-law does not apply to a **Residential Rental Property** that is:
 - a) a condominium governed by the **Condominium Act, 1998**; or
 - b) organized as a **Life Lease Project**; or
 - c) described in section 5 (Exemptions from Act) of the **Residential Tenancies Act, 2006** other than subsection 5(c), a member unit of a **Non-Profit Housing Co-operative**; or
 - d) described in section 7 (Exemptions related to social, etc., housing) of the **Residential Tenancies Act, 2006**.

PART III – DEMOLITION & CONVERSION PROHIBITED WITHOUT A PERMIT

Demolition

- 4) No person shall **Demolish**, or cause to be demolished, the whole or any part of a **Residential Rental Property** unless the person has received a **Rental Replacement Permit** and except in accordance with the terms and conditions of the **Rental Replacement By-Law** and **Rental Replacement Permit**.

Conversion

- 5) No **Person** shall **Convert** a **Residential Rental Property**, or cause a **Residential Rental Property** to be converted, to a purpose other than a **Residential Rental Property** unless the **Person** has received a **Rental Replacement Permit** and except in accordance with the terms and conditions of this By-law and **Rental Replacement Permit**.

When Permit Not Required

- 6) Notwithstanding sections 4 and 5 of this By-law, a **Rental Replacement Permit** is not required if only a part of a **Residential Rental Property** is proposed for **Demolition**

or **Conversion** and that part does not contain any part of a **Dwelling Unit** or **Lodging Unit**.

- 7) Notwithstanding section 5 of this By-law, a **Rental Replacement Permit** is not required if a **Residential Rental Property** is subject to an application for a consent to sever under section 53 of the **Planning Act** and, if after the proposed conveyance:
- a) Each parcel of land resulting from the severance will have six or more **Rental Units**; or
 - b) One or more parcels of land resulting from the severance will have six or more **Rental Units** and all the other parcels of land at the time of the application contained no **Dwelling Units** or **Lodging Units**.

PART IV – APPLICATION FOR RENTAL REPLACEMENT PERMIT

- 8) An **Applicant**, who wishes to **Demolish** or **Convert** a **Residential Rental Property** shall submit an application for approval in writing on a form prescribed by the **Director** and shall supply any additional information or documentation relating to the application as required by the **Director**.
- 9) The **Director** is delegated the authority to develop and publish the **Guidelines** and to periodically review and amend the **Guidelines** from time to time where deemed appropriate to do so by the **Director**.
- 10) An application made under section 8 of this By-law shall include the following information:
- a) description of the proposed **Demolition** or **Conversion**;
 - b) the number of existing **Dwelling Units** and/or **Lodging Units**;
 - c) the number of existing and proposed **Rental Units** by unit type, including number of bedrooms and floor area;
 - d) the rents roll(s) including utilities for the **Residential Rental Property**, categorized by unit type;
 - e) a list containing the names and mailing addresses of the **Tenants** of the **Residential Rental Property** proposed for **Demolition** or **Conversion**;
 - f) identification of any **Related Planning Applications**;
 - g) where applicable, a proposal for the replacement or retention of the **Rental Units** proposed for **Demolition** or **Conversion**;
 - h) a proposal for **Tenant** engagement by the **Applicant**, including consultation and education;
 - i) any additional information or documentation required to evaluate the application, as specified by the **Director**; and
 - j) the applicable fees.

Notice of Application to Tenants

- 11) An **Applicant** for a **Rental Replacement Permit** shall provide proof of notice of the application to the **Tenants** of the **Residential Rental Property** to the satisfaction of

the **Director** within 14 days after the **Director** has advised that the application is complete or within such other time period as determined by the **Director**.

Related Planning Application

- 12) If a **Person** makes a **Related Planning Application**, then that **Person** shall also file an application under this By-law at the same time.
- 13) If a **Related Planning Application** is made with respect to a **Residential Rental Property** for which a **Rental Replacement Permit** is required, the **Applicant** shall provide written notice to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Land Tribunal or Court, as the case may be.
- 14) The notice required under section 13 of this By-law shall be filed at the time the application for a **Rental Replacement Permit** is filed with the approval authority, or at the same time the referral or appeal of a **Related Planning Application** is filed with the Ontario Land Tribunal or the Court, as the case may be.
- 15) The notice required under section 13 of this By-law shall include a statement that the **Demolition** or **Conversion** is not permitted unless a **Rental Replacement Permit** has been given for the **Demolition** or **Conversion** pursuant to this By-law.

Withdrawal of Application

- 16) If an **Applicant** for a **Rental Replacement Permit** does not provide all the required documentation to the **Director** within two years from the date the application is received by the **City**, the **Applicant** shall be deemed to have withdrawn their application and shall not be entitled to any refunds of any payments made in respect of such application.
- 17) Notwithstanding section 16 of this By-law, the **Director** may extend the timeframe for an application where the **Director** determines that the **Applicant** is actively taking steps to move the application forward.

PART V – APPROVAL AND ISSUANCE OF RENTAL REPLACEMENT PERMIT

Approval by Director under Delegated Authority

- 18) All authority of **Council** to approve an application for a **Rental Replacement Permit** under section 99.1 of the **Municipal Act** is delegated to the **Director**. Delegated authority to the **Director** shall include the authority to impose the any of following conditions on the **Rental Replacement Permit** as further detailed in the **Guidelines**:
 - a) Requirements to provide every **Tenant** with compensation as determined by the **Guidelines** which shall include but not be limited to a **Temporary Offsite Replacement Unit, Rent Waiver, and Cash Payout**;

- b) Requirements to replace an equal number of **Rental Units** to those **Demolished** or **Converted** as part of the **Related Planning Application** to which the **Rental Replacement Permit** relates, as determined by the **Guidelines**;
 - c) That the **Applicant** for the **Rental Replacement Permit** notify in writing any **Tenants** who reside in **Rental Units** affected by the approval of the relevant provisions in the **Residential Tenancies Act, 2006**;
 - d) Requirements that the registered owner of the **Residential Rental Property** and/or the **Applicant** provide information, as determined by the **Guidelines**, from time to time sufficient to verify that the terms of a **Rental Replacement Agreement** are being met;
 - e) Provisions concerning the **Applicant's** entitlement to claim or act under any of the following until the conditions imposed have been satisfied or secured, to the satisfaction of the **Director**:
 - i. A permit under subsection 8(1) or section 10 of the **Building Code Act, 1992** for construction, **Demolition** or **Conversion** of a building;
 - ii. A consent or permit to alter part of a property or to demolish or remove a building or structure under section 34, 34.5 or 42 of the **Ontario Heritage Act**.
 - iii. Approval or registration of a description for a proposed condominium under section 51 of the **Planning Act**, or an exemption from approval for a condominium, under section 9 of the **Condominium Act, 1998**; and/or,
 - iv. A consent under section 53 of the **Planning Act**, except for provisional consent that is conditional on receiving a **Rental Replacement Permit** under this By-law.
 - f) Such other conditions, requirements, or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the **City's** rental housing supply as determined by the **Director**.
- 19) Where conditions are imposed under section 18 of this By-law, the registered owner of the **Residential Rental Property** shall, as a condition of obtaining a **Rental Replacement Permit**, enter into to a **Rental Replacement Agreement** with the **City** securing conditions to the approval of the **Rental Replacement Permit**.
- 20) The **Rental Replacement Agreement** shall be registered on title to each property to which the **Rental Replacement Agreement** applies and may be enforced against the owner and any subsequent owners of the **Residential Rental Property**. The preparation and registration of the **Rental Replacement Agreement** shall be to the satisfaction of the **City Solicitor**. The registered owner of the **Residential Rental Property** or **Applicant** may, at the discretion of the **City Solicitor**, be required to provide such registerable postponements of interest as may be required to ensure that the agreement is registered in such priority as may be required to ensure its proper enforcement by the **City**.

- 21) At the discretion of the **Director**, the **City** may register an Application to Annex Restrictive Covenants pursuant to section 118 of the *Land Titles Act*, R.S.O. 1990, c. L.5, as amended on the title to the property which is subject to the **Rental Replacement Agreement** to impose restrictions on the transfer or charge of such property until confirmation is received from the City that the obligations imposed by the **Rental Replacement Agreement** have been met and/or that the **Rental Replacement Agreement** is in good standing.
- 22) The restrictive covenants imposed in accordance with section 21 of this By-law will not be released, waived, or otherwise lifted until such time as the registered owner comes into compliance with the obligations set out in the **Rental Replacement Agreement**.
- 23) No decision shall be made regarding any application made pursuant to this By-law until the notice provisions set out in section 11 of this By-law have been complied with and have been served on the Tenants in accordance with the **Guidelines**.
- 24) Where the provisions of Part V of this By-law have been met, the **Director** shall approve a **Rental Replacement Permit**.

Referral to Council by Director

- 25) The **Director** may refer an application to Council for a decision if, in the **Director's** opinion, the application should be considered by Council with a **Related Planning Application**, or if in the opinion of the **Director**, the application requires **Council** consideration.
- 26) If a decision regarding an application has been referred to **Council** by the **Director** under section 25 of this By-law, the **Director** shall submit a report respecting the application to **Council**.
- 27) **Council** may refuse the application or approve the application subject to any of the conditions set out in section 18 of this By-law.

Rental Replacement Permit Issuance

- 28) Subject to section 33 of this By-law, if **Council** or the **Director** approves a **Rental Replacement Permit**, the **Director** is authorized to issue the **Rental Replacement Permit** after all the conditions have been satisfied or secured by a registered **Rental Replacement Agreement**, to the satisfaction of the **Director**.

Application for Revision to Conditions

- 29) If the **Applicant** applies for revisions to the conditions on a **Rental Replacement Permit**, the **Director** may treat the request as a new application under this By-law or may otherwise require the **Applicant** to comply with the notice requirements of this By-law.

Revocation of Rental Replacement Permit

- 30) The **Director** may revoke a **Rental Replacement Permit** if:
- a) The **Rental Replacement Permit** was issued on mistaken, false or incorrect information;
 - b) The conditions to the **Rental Replacement Permit** are not complied with; or
 - c) The **Applicant** or registered owner of the **Residential Rental Property** or other holder of a **Rental Replacement Permit** has contravened this By-law.
- 31) Where a **Rental Replacement Permit** for **Demolition** has been issued under this By-law and the building permit for the new construction is revoked under the **Building Code Act, 1992**, the **Rental Replacement Permit** shall be deemed to be revoked and this By-law shall apply to any subsequent application for a **Demolition** of the **Residential Rental Property** for which the original **Rental Replacement Permit** was issued.
- 32) Section 31 of this By-law does not apply if the **Residential Rental Property** has been demolished under a **Rental Replacement Permit** before the building permit for the new construction was revoked.

Council or Director Decision Final

- 33) **Council's** or the **Director's** decision to approve, refuse or revoke a **Rental Replacement Permit**, or impose or revise conditions on a **Rental Replacement Permit** in accordance with this By-law is final, without any further right of appeal.

PART VII – ENFORCEMENT

Harassment of Tenant

- 34) No owner of **Residential Rental Property** or **Person** acting on the owner's behalf shall interfere with a **Tenant's** reasonable enjoyment of a **Rental Unit** in the **Residential Rental Property** with the intent of discouraging the participation of the **Tenant** in the application or approval process described herein or with the intent of otherwise facilitating the obtaining of the approval of **Council** or the **Director** on an application made under this By-law.

Powers of Entry and Inspection

- 35) Any **City** official may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- a) this By-law;
 - b) any direction or order issued under this By-law;
 - c) any **Rental Replacement Permit** condition imposed under this By-law;

- d) an order issued under section 431 of the **Municipal Act, 2001**.
- 36) Subject to the requirements under section 437 of the **Municipal Act, 2001** related to entry to dwellings, submission of an application for a **Rental Replacement Permit** is deemed to be the consent of the owner for any **City** official to enter at any reasonable time onto the **Residential Rental Property** for the purpose of carrying out an inspection.
- 37) Where an inspection is conducted under this By-law, any **City** official may:
- a) require the production of documents and things that may be relevant to the inspection;
 - b) inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;
 - c) require information from any **Person** concerning a matter related to the inspection, including but not limited to name(s), address(es), contact information, and proof of identity or other identification; and
 - d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take photographs necessary for the purpose of the inspection.
 - e) No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **City** Official from exercising any power or authority, or performing a duty as permitted under this By-law.
 - f) No **Person** shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by any **City** Official pursuant to this By-law.
 - g) Every **Person** from whom information, or any other thing, has been requested in relation to an inspection conducted under this By-law shall identify themselves to any **City** Official and failure to identify shall constitute hindering and/or obstructing under section 34.

Offences

- 38) Every **Person** who contravenes any section of this By-law, including an Order issued pursuant to this By-law or sections 444 or 445 of the **Municipal Act, 2001** is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended and the **Municipal Act, 2001**.
- 39) Every director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence.
- 40) Every **Person** who fails to comply with a term or condition of a **Rental Replacement Permit** under this By-law is guilty of an offence.
- 41) All contraventions of this By-law or an Order issued pursuant to this By-law are designated multiple and continuing offences pursuant to subsection 429(2) of the **Municipal Act, 2001**.

Penalty

42) Every **Person** who is charged with an offence under this By-law upon conviction is liable as follows:

- a) the maximum fine for an offence is \$100,000;
- b) in the case of a continuing offence, in addition to the penalty mentioned in subsection 50(1), for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
- c) in the case of a multiple offence, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and
- d) if a **Person** is convicted of an offence under this By-law, the potential for economic advantage acquired by or that accrued to the **Person** as a result of the commission of the offence may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the **Municipal Act, 2001**.
- e) If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the **Person** convicted.

PART VIII – TRANSITION

Effective Date

43) This By-law shall come into effect on the date of passage.

Applicability

44) This By-law applies to a proposal for **Demolition** or **Conversion** of a **Residential Rental Property** in any **Related Planning Application** except where:

- a) an application in respect of the **Demolition** has been issued under section 8 of the **Building Code Act, 1992** or section 33 of the **Planning Act** before the effective date.

PART IX – GENERAL

45) Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

46) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall

include the feminine and further, the converse of the foregoing also applies where the context so requires.

47) References in this By-law to any legislation (including but not limited to the **Guidelines** and by-laws) or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

48) This By-law may be referred to as the "Rental Replacement By-law".