

The Corporation of the Township of Guelph/Eramosa

By-law Number 66/2022

A By-law Respecting Inspection Fees Related to Non-Compliant Properties

WHEREAS Section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended authorizes a municipality to impose fees or charges on persons to recover certain costs.

AND WHEREAS Section 436 of the Act permits a municipality to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a By-law passed under the Act, or a direction or order made under such a by-law are being complied with;

AND WHEREAS Section 446 of the Municipal Act 2001, SO 2001 c. 25 permits a municipality to enact a by-law to require that a matter or thing be done by a person and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes;

NOW THEREFORE, the Council of the Corporation of the Township of Guelph-Eramosa enacts as follows:

1 SHORT TITLE

1.1 This **By-law** may be cited as the "Inspection Fees By-law"

2 CONFLICT

2.1 Where the provisions of this **By-law** conflict with the provision of any other **By-law** in force in the **Township** the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

2.2 Where the provisions of this **By-law** conflict with any Act, the provisions of the provincial standard shall prevail.

3 APPLICATION

3.1 This **By-law** applies to all persons and property within the geographic boundaries of the **Township**.

4 DEFINITIONS

"**By-law**" means this By-law.

"**Costs**" means all monetary expenses incurred by the **Township** during and throughout the process of any **remedial work**, including interest and may include an administrative surcharge amount as determined by the **Township Fees and Charges By-law**.

"**Council**" means the **Council** of the **Township** of Guelph/Eramosa.

"**Owner**" shall mean:

- (a) the **person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **person's** own account or as agent or trustee of any other **person**, or who

- would receive the rent if the land and premises were let; and
- (b) a lessee or occupant or tenant of the **property** who, under the terms of a lease, is required to repair and maintain the **property** in accordance with the standards for the maintenance and occupancy of **property**;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representatives;

“**Property**” means a building or accessory building, or part of a building or accessory building, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected and includes **Vacant Land**;

“**Township**” means the Corporation of the **Township** of Guelph-Eramosa or the land within the geographic limits of the Corporation of the **Township** of Guelph-Eramosa as the context requires;

4 INSPECTION FEES

- 4.1 The **Township** may recover its **Costs** of remedying a violation of any **Township** by-law by invoicing the **owner**, by initiating court proceedings or by adding the **costs**, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the Municipal Act, 2001 and the exercise of any one remedy shall not preclude the exercise of any other available remedy.
- 4.2 The **Township** may charge a fee for an inspection and re-inspection of a non-compliant property in relation to the violation of all **Township** by-laws, and a fee for administration services pursuant to the **Township's** Fees and Charges by-law.

5 SEVERABILITY

- 5.1 Notwithstanding any section, subsections, clause, paragraph or provision of this **By-law**, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of **Council** to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this **By-law** are separate and independent therefrom and enacted as such as a whole. The same shall not affect the validity or enforceability of any other provisions of this **By-law** or of the **By-law** as a whole.

6 ENACTMENT

- 6.1 This **By-law** shall come into full force and effect on the day it is passed.

READ three times and finally passed
this 19th day of **December, 2022**.

Chris White, Mayor

Amanda Knight, Clerk