

Chapter 835

VITAL SERVICES, DISCONTINUANCE OF

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[**HISTORY: Adopted by the Council of the City of Toronto 1998-10-30 by By-law No. 749-1998.¹ Amendments noted where applicable.**]

§ 835-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER — The Commissioner of Urban Development Services.
[Amended 2000-10-05 by By-law No. 869-2000]

LANDLORD — Includes:

- A. The owner or other person permitting occupancy of a rental unit.
- B. The heirs, assigns, personal representatives and successors in title of a person referred to in Subsection A of this definition.
- C. A person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under the tenancy agreement or the *Tenant Protection Act, 1997*,² including the right to collect rent.

RENTAL UNIT — Any living accommodation used or intended for use as rented residential premises, and includes:

¹ Editor's Note: This by-law was passed under the authority of section 146 of the *Tenant Protection Act, 1997*, S.O. 1997, c. 24.

² Editor's Note: See S.O. 1997, c. 24.

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- A. A room in a boarding house, rooming house or lodging house and a unit in a care home.
- B. A site for a mobile home or a site on which there is a land lease home used or intended for use as rented residential premises.

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

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

VITAL SERVICE — Fuel, hydro, gas or hot or cold water.

§ 835-2. Advance written notice to Clerk required prior to discontinuance of vital services.

No supplier of a vital service shall cease to provide the vital service to a rental unit unless notice of the intended discontinuance of the vital service has been given in writing to the City Clerk at least 30 days before the supplier ceases to provide the vital service.

§ 835-3. Breach of contract with supplier by landlord.

Despite § 835-2, the notice of intended discontinuance shall be given only if the vital service is to be discontinued for a rental unit because the landlord has breached a contract with the supplier for the supply of the vital service.

§ 835-4. Restoration of service.

[Amended 2000-10-05 by By-law No. 869-2000]

The supplier of a vital service shall immediately restore the vital service when directed to do so by the Commissioner. The Commissioner shall issue such a direction when the vital service has been discontinued in a manner that is contrary to § 835-2.

§ 835-5. Responsibility of landlord to provide vital services.

[Added 2000-10-05 by By-law No. 788-2000]

Every landlord shall provide adequate and suitable vital services to each of the landlord's rental units.

§ 835-6. Cessation of vital services by landlord prohibited.

[Added 2000-10-05 by By-law No. 788-2000]

No landlord shall cease to provide a vital service for any rental unit.

§ 835-7. Failure of landlord to pay suppliers.

[Added 2000-10-05 by By-law No. 788-2000]

A landlord shall be deemed to have caused the cessation of a vital service for a rental unit if the landlord is obligated to pay the supplier for the vital service and fails to do so and, as a result of the non-payment, the vital service is no longer provided for the rental unit.

§ 835-8. Discontinuance of services for alterations and repairs.

[Added 2000-10-05 by By-law No. 788-2000]

A landlord may cease to provide a vital service only when such cessation is necessary to alter or repair the rental unit and only for the minimum period necessary to effect the alteration or repair.

§ 835-9. Maintenance of services by tenants.

[Added 2000-10-05 by By-law No. 788-2000]

This chapter does not apply to a landlord with respect to a rental unit to the extent that a tenant has expressly agreed to obtain and maintain the vital services.

§ 835-10. Offences.

[Amended 2000-10-05 by By-law No. 788-2000]

- A. Every person who contravenes or fails to comply with § 835-2, 835-4, 835-5, 835-6 or 835-8 is guilty of an offence for each day or part of a day on which the offence occurs or continues.³ **[Amended 2000-10-05 by By-law No. 869-2000]**
- B. Every director or officer of a corporation that is convicted of an offence who knowingly concurs in the commission of the offence is guilty of an offence.⁴

³ Editor's Note: Under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

⁴ Editor's Note: Under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.