

PROPERTY MAINTENANCE

Chapter 446 HEAT - RENTED DWELLINGS

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Article 1 INTERPRETATION

446.1.1 Adequate and suitable heat - defined

“adequate and suitable heat” means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 70 degrees Fahrenheit.

Article 2 ADEQUATE HEAT - PROVIDED

446.2.1 Every building - owner’s expense - during lease

Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord, shall, during the whole of the term of the said lease or tenancy, be provided with adequate and suitable heat by or at the expense of the landlord.

446.2.2 Inspection - Medical Officer of Health

The Medical Officer of Health, or any person acting under his/her instructions, upon the written request of any tenant or lessee, may enter, inspect and examine at any time the premises in which the dwelling or living accommodation of such tenant or lessee is located, for the purpose of determining whether adequate and suitable heat is being provided for such dwelling or living accommodation and any person in charge of such premises for the time being shall render such aid to the Medical Officer of Health, or person acting under his/her instructions, as may be necessary to make such inspection or examination.

446.2.3 Recording thermometer - used - to obtain proof

The said Medical Officer of Health, or any person acting under his/her instructions, may, at any time, place upon the said premises in a proper and suitable place a “recording thermometer” from which the average mean temperature on the premises shall be obtained and the reading thereof shall be conclusive proof of the temperature of the said premises over a specified period of time.

446.2.4 Obstruction - inspection - prohibited

No person shall obstruct, hinder, delay or prevent the Medical Officer of Health, or any person acting under his/her instructions, in the exercise of any power conferred or the performance of any duty imposed by this Chapter, nor tamper or otherwise interfere with any equipment of the Medical Officer of Health left on the said premises.

446.2.5 Notice - written - served

Where the owner or landlord, as the case may be, has failed to supply heat as required by this Chapter, the Medical Officer of Health may require him/her to do so by written notice served personally by the Medical Officer of Health or his/her representative, or delivered by prepaid registered mail to the last address of the owner or landlord disclosed by the last revised assessment roll of the City of Brantford, and failure to comply with this notice shall constitute and be an offence under the provisions of this Chapter. By-law 123-70, 21 September, 1970.

**Article 3
ENFORCEMENT****446.3.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*. By-law 55-92, 23 March, 1992.

**Article 4
REPEAL - ENACTMENT****446.4.1 By-law - previous**

By-law 4026 of the Corporation of the City of Brantford is hereby repealed.

446.4.2 Effective date

This Chapter shall come into force and take effect immediately upon the final passing thereof. By-law 123-70, 21 September, 1970.