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c 160 The City of Ottawa Act, 1970

Ontario

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CHAPTER 160

An Act respecting the City of Ottawa

Assented to June 26th, 1970

Session Prorogued November 13th, 1970

WHEREAS The Corporation of the City of Ottawa, ^{Preamble} herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 1 of *The City of Ottawa Act*, ^{1952, c. 130.} ^{s. 1, subs. 4} *1952*, as re-enacted by section 10 of *The City of Ottawa Act*, ^{(1966, c. 179,} ^{s. 10),} *1966*, and amended by section 3 of *The City of Ottawa Act*, ^{re-enacted} *1967*, is repealed and the following substituted therefor:

- (4) When the Corporation has advanced money as ^{Lien} provided in subsection 3, it shall, upon the registra- ^{for advances} tion of a certificate under subsection 5, have a lien ^{and} upon the dwelling in respect of which the advance ^{repayment} was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council of the Corporation, and the amount of the advance with the interest thereon is repayable to the Corporation by the owner of the dwelling in equal consecutive annual payments, which shall be collected over a period of years to be determined by the council of the Corporation and which period shall not exceed ten years but need not be the same in the case of each advance, and, if default is made with respect to any of the payments hereinbefore provided, the whole of the balance of the advance, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest, shall be deemed to be taxes and shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as municipal taxes.

1952, c. 130,
s. 1, subs. 6
(1956, c. 112,
s. 1, subs. 3),
re-enacted

(2) Subsection 6 of the said section 1, as re-enacted by subsection 3 of section 1 of *The City of Ottawa Act, 1956*, is repealed and the following substituted therefor:

Performance
by
Corporation
and collec-
tion of costs

(6) If any owner of a dwelling fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the dwelling conform to the standard required by a by-law passed under this section or to demolish all or any part of any building, structure or erection forming part of the dwelling as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, shall have the right to make the dwelling conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the dwelling, and to do any work on adjoining property necessitated by the work involved in making the dwelling conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended, and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be deemed to be taxes and added to the collector's roll of taxes for the current year and shall be collected as taxes.

1952, c. 130,
s. 1, subs. 7,
re-enacted

(3) Subsection 7 of the said section 1 is repealed and the following substituted therefor:

Enforcement

(7) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*, provided that the fine prescribed in section 482 of that Act may be increased to an amount not exceeding \$1,000.

R.S.O. 1960,
c. 249

1952, c. 130,
s. 1,
amended

(4) The said section 1 is amended by adding thereto the following subsections:

Authority
to issue
certificate

(16) A by-law passed under the authority of this section may authorize a Standards Officer named in the by-law to issue a certificate as to what proceedings, if

any, are being taken as to the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide a minimum standard for existing dwellings, and may authorize the collection of a fee for the issue of any such certificate.

- (17) Where a Standards Officer is unable to locate or serve the owner or any other person on whom he desires to serve a notice and order or where it is ascertained that the owner or any such person is not within Ontario, the Standards Officer may send or cause to be sent by prepaid registered mail, a copy of such notice and order addressed to such owner or other persons at his, or their last known address, and he may place a placard containing the terms of the notice and order in a conspicuous place on the dwelling, and the sending of the copy of the notice and order and the placing of the placard shall be deemed to be sufficient service of the notice and order on the owner or other persons. Service of notice, placing of placard, etc.

2.—(1) Subsection 4 of section 4 of *The City of Ottawa Act, 1966, c. 179, 1966*, as amended by section 4 of *The City of Ottawa Act, 1967, s. 4, subs. 4, re-enacted* is repealed and the following substituted therefor:

- (4) When the Corporation has advanced money as provided in subsection 3, it shall, upon the registration of a certificate under subsection 5, have a lien upon the non-residential property in respect of which the advance was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council, and the amount of the advance with the interest thereon is repayable to the Corporation by the owner of the non-residential property in equal consecutive annual payments, which shall be collected over a period of years to be determined by the council and which period shall not exceed ten years but need not be the same in the case of each advance, and, if default is made with respect to any of the payments hereinbefore provided, the whole of the balance of the advance, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest shall be deemed to be taxes and shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as municipal taxes. Lien for advances and repayment

(2) Subsection 6 of the said section 4 is repealed and the following substituted therefor: 1966, c. 179, s. 4, subs. 6, re-enacted

Performance
by
Corporation
and collec-
tion of cost

- (6) If any owner of non-residential property fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the non-residential property conform to the standard required by a by-law passed under this section or fails to demolish all or any part of any building, structure or erection forming part of the non-residential property as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, has the right to make the non-residential property conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the non-residential property, and to do any work on adjoining property necessitated by the work involved in making the non-residential property conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal is liable to compensate the owner or any person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal in this subsection, the Corporation is entitled to a lien upon the non-residential property in respect of which the amount was expended, exercisable in the same manner as a lien for an advance under subsection 3, and, subject to the appeal provided by subsection 9, the certificate of the clerk of the Corporation as to the amount expended is final, and such amount shall be deemed to be taxes and added to the collector's roll of taxes for the current year and shall be collected as taxes.

1966, c. 179,
s. 4, subs. 7,
re-enacted

- (3) Subsection 7 of the said section 4 is repealed and the following substituted therefor:

Enforce-
ment

R.S.O. 1960,
c. 249

- (7) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*, provided that the fine prescribed in section 482 of that Act may be increased to an amount not exceeding \$1,000.

1966, c. 179,
s. 4,
amended

- (4) The said section 4 is amended by adding thereto the following subsections:

Authority to
issue
certificate

- (16) A by-law passed under the authority of this section may authorize a Standards Officer named in the

by-law

by-law to issue a certificate as to what proceedings, if any, are being taken as to the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide a minimum standard for non-residential buildings, and may authorize the collection of a fee for the issue of any such certificate.

- (17) Where a Standards Officer is unable to locate or serve the owner or any other person on whom he desires to serve a notice and order or where it is ascertained that the owner or any such person is not within Ontario, the Standards Officer may send, or cause to be sent, by prepaid registered mail, a copy of such notice and order addressed to such owner or other persons at his or their last known address, and he may place a placard containing the terms of the notice and order in a conspicuous place on the non-residential building, and the sending of the copy of the notice and order and the placing of the placard shall be deemed to be sufficient service of the notice and order on the owner or other persons.
- Service of notice, placing of placard, etc

3.—(1) In this section, “health studio” means any building, room, place or establishment where physical massage of the person, physical exercise, a steam bath or hot box, including turkish and sauna bath, magnetic bath, whirlpool bath, exercising or reducing machines or equipment or any other similar facilities commonly rendered by such establishments for health purposes are provided, but does not include a hospital, nursing home, medical doctor’s office or clinic, school premises where the school is in receipt of a grant from the Province of Ontario, Young Men’s-Young Women’s Christian Association premises, church premises, and the lands and buildings of the Central Canada Exhibition Association and of the Corporation.

Interpretation

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing the owners and operators of health studios, for limiting the number of such licences and for revoking them and for refusing any applicant for a licence where the applicant is not of good character.

Authority to pass by-laws

4. This Act comes into force on the day it receives Royal Assent.

Commencement

5. This Act may be cited as *The City of Ottawa Act, 1970*. Short title

