

# Considered at the January 14, 2025, Regular Council meeting

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## Memorandum

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Date: January 14, 2025  
 Submitted by: Community Development Department – Policy Planning Division  
 Subject: Standards of Maintenance Bylaw No. 3467 – Amended Third Reading

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At the October 22, 2024, Regular Council Meeting, the Policy Planning Division presented the draft Standards of Maintenance Bylaw (**Attachment 1**). During the question period, Council inquired about section 7.13 “Landlords and Tenants of Residential Properties must not allow conditions that encourage or tolerate infestation of pests such as mice, rats, bed bugs, cockroaches, and other vermin”. Council asked about the tenants being listed in this bylaw when it is a standards of maintenance bylaw for a landlord to uphold. Staff responded to confirm a tenant could not be fined under this bylaw, but staff would investigate the inclusion of the tenant in this section.

The Policy Planning Division sought legal clarification, and were advised to keep the tenant listed as the requirement of section 7.13 applies to tenants as well as landlords per the *Community Charter*. “Section 63 (f) [protection of persons and property - rental units and residential property]” and “Section 64 (a) [regulation of nuisances] and (g) [unsanitary conditions], do not limit a municipality to regulating only owners of property”.

Staff sought further legal clarification on wording that could be added to section 7.13 to clarify when a tenant or when a landlord is responsible for pests. The recommended additional wording to provide this clarity is included in a red-lined version of the proposed draft bylaw included as **Attachment 2**.

Draft City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467, as amended (**Attachment 3**)—a Bylaw to prescribe standards for the maintenance of rental residential premises within the City of Port Moody—will be before Council for consideration of rescinding third reading and re-reading the bylaw a third time as amended. The recommended resolutions are:

**THAT third reading of City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467 be rescinded as recommended in the memo dated January 14, 2025, from the Community Development Department – Policy Planning Division regarding Standards of Maintenance Bylaw, No. 3467 – Amended Third Reading;**

**AND THAT City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467 be read a third time as amended.**

### Attachment(s)

1. Report considered at the October 22, 2024, Regular Council Meeting – Standards of Maintenance Bylaw.
2. Tracked Changes in Draft Bylaw No. 3467.
3. Draft City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467.

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## Report Approval Details

Document Title:	Standards of Maintenance Bylaw No. 3467 – Amended Third Reading.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment 1 - Report considered at the Oct. 22, 2024, RC meeting - Standards of Maintenance Bylaw.pdf</li> <li>- Attachment 2 - Tracked Changes in Draft Bylaw No. 3467.pdf</li> <li>- Attachment 3 - Draft City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467.pdf</li> </ul>
Final Approval Date:	Dec 17, 2024

This report and all of its attachments were approved and signed as outlined below:

Mary De Paoli, Manager of Policy Planning - Dec 12, 2024

Kate Zanon, General Manager of Community Development - Dec 12, 2024

Tracey Takahashi, Deputy Corporate Officer, for Stephanie Lam, City Clerk and Manager of Legislative Services - Dec 13, 2024

Lindsay Todd, Manager of Communications and Engagement - Dec 13, 2024

Paul Rockwood, General Manager of Finance and Technology - Dec 16, 2024

Anna Mathewson, City Manager - Dec 17, 2024

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# City of Port Moody

## Report/Recommendation to Council

Date: October 22, 2024  
Submitted by: Community Development Department – Policy Planning Division  
Subject: Proposed Standards of Maintenance Bylaw – Bylaw Nos. 3467 and 3488

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### Purpose

To present a proposed Standards of Maintenance Bylaw and related amendments to the Municipal Ticket Information Authorization Bylaw for Council's consideration of first, second, and third readings.

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### Recommended Resolution(s)

**THAT City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467 and City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 16, 2024, No. 3488 (Standards of Maintenance) be read a first, second, and third time as recommended in the report dated October 22, 2024, from the Community Development Department – Policy Planning Division regarding Proposed Standards of Maintenance Bylaw – Bylaw Nos. 3467 and 3488;**

**AND THAT \$25,000 be allocated from the Development Process Reserve into a new operating project created to track staff time required to implement the Standards of Maintenance Bylaw.**

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### Background

At the July 14, 2020, Regular Council Meeting, Council passed the following resolution:

RC20/285-286

THAT staff be directed to carry out the eight recommendations of the Affordable Housing Task Force as presented and recommended in the report dated June 16, 2020, from the Affordable Housing Task Force regarding Final Report from the Port Moody Affordable Housing Task Force;

AND THAT staff report back on timeline implications, and how the recommendations will be implemented.

As part of the Final Report, the Affordable Housing Task Force recommended that Port Moody staff be directed to liaise with Burnaby after their staff completed a review of best practices in minimum standards of rental maintenance, and present to Council for comparison with

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Port Moody's current practices. At that time, Port Moody did not have a minimum standard of rental maintenance. As of August 2024, Burnaby has not developed a standard of maintenance bylaw.

At the July 19, 2022, Committee of the Whole Meeting, Council endorsed the City's *Housing Action Plan*, in which one of the recommended actions is Action 14: to develop a Standards of Maintenance Bylaw ("Bylaw") to ensure that rental accommodations are free from hazards and kept to accepted health, fire, and building requirement minimum standards.

This is of particular importance because in the 2021 Census, 5.3% of Port Moody's rental housing stock required major repairs. The proposed Standards of Maintenance Bylaw will also support Port Moody's *Housing Action Plan* Strategic Direction to Catalyze Rental Housing by encouraging the renewal of rental housing.

Enabled under the *Community Charter*, the Standards of Maintenance Bylaw will apply to all residential rental properties including rental apartments, rented condo units, secondary suites, detached accessory dwelling units, and unauthorized suites. In turn, this Bylaw will set minimum levels that a property needs to maintain for building systems, including plumbing, building exteriors, floors, vector control, mould, heating, cooling, and electrical. The Standards of Maintenance Bylaw includes more detail than what the *Residential Tenancy Act's* ("RTA") lists for health and safety for residential properties and links these specific standards to enforcement measures to hold landlords accountable as the Bylaw may be used as evidence in Residential Tenancy Branch ("RTB") dispute resolution hearings.

In April 2023, CitySpaces was procured to assist with the development of the Bylaw. Internally, staff have reviewed the Bylaw drafts with department leads and communicated the required revisions to the Bylaw. Staff have also incorporated Council comments regarding cooling and heating into the revisions of the Bylaw. The resulting documents and bylaws are summarized in the Discussion section:

- Municipal Scan: Minimum Standards of Maintenance Bylaws (**Attachment 1**)
- Minimum Standards of Maintenance Bylaw Enforcement Options (**Attachment 2**)
- City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467 (**Attachment 3**)
- City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 16, 2024, No. 3488 (Standards of Maintenance) (**Attachment 4**)

## Discussion

Minimum standards of maintenance bylaws from six BC municipalities were reviewed and analyzed in the drafting of Port Moody's proposed Standards of Maintenance Bylaw. These bylaws were chosen as they represent a range of approaches from municipalities of different sizes and include bylaws with unique elements, such as varying levels of penalty for specific offences, municipal ticketing, and protection measures for tenants. While all six municipalities have bylaws that set out minimum standards of maintenance, not all contain enforcement mechanisms and tenant protections. The bylaws reviewed include:

- City of Abbotsford, *Good Neighbour Bylaw No. 1256-2003*;
- City of Nanaimo, *Property Maintenance and Standards Bylaw No. 7242*;

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- City of New Westminster, *Business Regulations and Licensing (Rental Units) Bylaw No. 6926*;
- District of North Vancouver, *Standards of Maintenance Bylaw No. 6917*;
- City of Victoria, *Rental Property Standards of Maintenance Bylaw No. 20-091*; and
- City of Vancouver, *Standards of Maintenance Bylaw No. 5462*.

The scan of municipal bylaws also included lessons learned that helped to shape Port Moody's draft Bylaw, including:

- establish municipal enforcement and compliance because this reduces relying on the Residential Tenancy Branch for enforcement and compliance, and better address the specific needs of community members;
- dedicate City resources for inspection and enforcement rather than just providing information-based support;
- high fines for offences are necessary to motivate landlords into action; and
- ensure tenant protection measures from eviction provides some accountability to landlords attempting to renovate tenants.

The full list of lessons learned is available in the attached Municipal Scan: Minimum Standards of Maintenance Bylaws Options (**Attachment 2**) report prepared by CitySpaces.

### Proposed Standards of Maintenance Bylaw, 2024, No. 3467

The purpose of this Bylaw is to provide the City with the mechanisms to require improvements for rental properties where tenants are living in unsafe and/or unhealthy accommodations. This Bylaw applies to all living areas within a residential rental property and will help ensure maintenance of rental accommodations is upheld to a set of standards for building systems including plumbing, building exteriors, floors, pests, mold, heating, and electrical systems. In addition, this Bylaw may help to maintain affordable housing stock in Port Moody and protect it from premature demolitions.

The Bylaw was informed through the municipal scan, discussion with Port Moody staff, legal review, as well as the Ministry of Municipal Affairs and Housing [Standards of Maintenance Guide](#) and the [Standards of Maintenance Bylaw: Sample Bylaw](#). As such, Port Moody's Bylaw includes similar sections for the administration, enforcement, and maintenance standards to the Sample Bylaw. However, the Bylaw was customized, such as the Definitions section and inclusion of a section 7.2 Cooling Requirement, to meet the needs of Port Moody.

### Addition of Cooling Requirements

Since the 2021 western Canada heat dome and the subsequent trend toward hotter summer temperatures, cooling in rental apartments have become an area of concern. As such, cooling requirements were added as an area to be researched and included in Port Moody's Standards of Maintenance Bylaw.

Cooling requirements are a new area that the Ministry of Housing is exploring as the RTA currently only covers heating requirements. Therefore, in Port Moody's Bylaw, a separate section 7.2 Cooling Requirement has been added that aligns with the recent [August 2024 RTB Air Conditioning \(AC\) Units](#) resource and the [Residential Tenancy Policy Guideline 8: Unconscionable, Unlawful, and Material Terms](#) resource. These resources note that the RTA

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does not have maximum temperatures for rental units and does not require landlords to allow air conditioning (AC) in rental units. However, an outright prohibition on AC units in a tenancy agreement without a rational basis for such a term to exist would be considered unconscionable if it grossly impacts the health and quality of life for the tenant. Therefore, unless the landlord can demonstrate a safety or building issue with having an AC unit, the landlord of a residential property where air conditioning is not provided must not unreasonably prohibit or prevent a tenant from using a portable device designed to cool internal temperature in a rental unit. The RTB encourages landlords to find solutions that consider the health and quality of life for tenants if an AC unit is not a viable option. They have suggested cooling rooms and investments in electrical upgrades to accommodate the use of AC units.

For new buildings, March 2024 updates to the BC *Building Code* to include a new cooling requirement of providing one indoor living space that does not exceed 26 degrees Celsius in new buildings now apply. However, under the *Building Act*, Section 5, a local government regulation on a provincial building regulation, such as the *Building Code*, is not enforceable. Nonetheless, Port Moody's Standards of Maintenance Bylaw, section 7.6.b requires the air conditioning unit to be maintained in good working order.

## Enforcement and proposed Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 16, 2024, No. 3488 (Standards of Maintenance)

Typically, tenants with unit maintenance and repair issues that have not been rectified by the landlord have pursued the [Repairs and maintenance – Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/industry/repairs_maintenance) path with the Residential Tenancy Branch. However, research has shown that this process is lengthy and can lead to the tenant being exposed to potentially unhealthy and unsafe living environments. The proposed Standards of Maintenance Bylaw can operate separate from the RTB process and tenants can approach the municipality with evidence that the landlord is in non-compliance with one or more of the maintenance standards in section 7. City staff would investigate and follow up on the reported non-compliance and issue notice to the landlord. Depending on the outcome, fines could be applied in accordance with the proposed Municipal Ticketing Authorization Bylaw Amendment, No. 3488. The proposed fine schedule was set based on a review of other municipal standards of maintenance bylaws and an assessment of feasibility for the Port Moody context.

Tenants can pursue both the municipal bylaw path and the [Repairs and maintenance – Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/industry/repairs_maintenance) path with the provincial Residential Tenancy Branch. In this case, Port Moody's Bylaw may be used as evidence of failure to meet Section 32 of the *Residential Tenancy Act* where a landlord must provide a rental unit and property that is healthy, safe and secure for a tenant to live in. The Bylaw may also be used in Section 32, which identifies that a landlord must comply with other applicable laws.

It is important to note that the intent of this Bylaw is not to immediately fine landlords, but to establish standards that a property should be maintained to for the purpose of ensuring a safe and healthy rental accommodation. Landlords can dispute a municipal ticket issued for the Standards of Maintenance Bylaw by completing a [Quash Request form](#).

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This Bylaw is also intended to extend the lifespan of existing purpose-built market rental housing stock through maintenance upkeep. Throughout this process, the City's 2018 Rental Protection Policy and the Tenant Relocation Assistance Policy will continue to apply. In addition, section 6.13 of the City's Business Licensing and Regulation Bylaw provides additional tenant protections. Under this bylaw, landlords must provide documentation to confirm that renovation or repair cannot be safely implemented unless a unit is vacated and outlines that the tenant is allowed to move back into the unit at the same rental rate, including any increases in rent permitted annually under the *Residential Tenancy Act*.

### Impact to Port Moody

While Port Moody does not currently track complaints from tenants regarding maintenance issues, staff have anecdotally reported approximately two to three calls a month from tenants regarding their living situation. Should the proposed Standards of Maintenance Bylaw and related amendments to the Municipal Ticket Information Authorization (MTIA) Bylaw be adopted, it is unknown how many more calls could be received by the City. Given this uncertainty, it is recommended that a new operating project with a budget of \$25,000 be created to track staff time related to the implementation of these bylaws.

For enforcement, existing Bylaw Enforcement Officers, Building Officials, and Licence Inspectors will be authorized to issue tickets and related fines in accordance with the proposed amendments to the MTIA bylaw. With respect to fire safety, a Fire Inspector may inspect a residence under the *Fire Safety Act*. Fines can be applied following existing bylaw ticketing procedures for each maintenance standard included in section 7 of the proposed Standards of Maintenance Bylaw. Depending on the occurrence and reoccurrence of the violation, the fines will be between \$250.00 to \$1,000.00 per infraction. Escalation of fines per offence is included to motivate landlords into action.

### Other Option(s)

There are no alternative options for consideration. Should this Bylaw not be adopted, staff could pursue other options as directed by Council.

### Financial Implications

Impacts to staffing are anticipated with the implementation of these bylaws, however, the volume of infractions and enforcement actions are unknown. As such it is recommended that up to \$25,000 be allocated from the Development Process Reserve into a Standards of Maintenance operating project to which staff related enforcement activities can be charged and tracked over time. Staff will report back on the volume and staffing impacts and through a future budget process will establish a permanent budget request associated with implementation of the Standards of Maintenance Bylaw.

### Communications and Public Engagement Initiatives

Once adopted, information on the new Bylaw, including links to provincial resources on RTA [Repair and Maintenance](#), will be made publicly available on the City's website.

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### Council Strategic Plan Goals

The recommendations in this report align with the following Council Strategic Plan Goal:

- Strategic Goal 3.1 – Create complete and connected communities through balanced growth.

### Attachment(s)

1. Municipal Scan: Minimum Standards of Maintenance Bylaws.
2. Minimum Standards of Maintenance Bylaw Enforcement Options.
3. Draft City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467.
4. Draft Municipal Ticket Information Authorization Bylaw, 2020 Amendment, No. 3488 (Standards of Maintenance).

### Report Author

Shareen Chin, RPP, MCIP, PMP  
Social Planner I



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**Report Approval Details**

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Attachments:	<ul style="list-style-type: none"> <li>- Attachment 1 - Municipal Scan Minimum Standards of Maintenance Bylaws.pdf</li> <li>- Attachment 2 - Minimum Standards of Maintenance Bylaw Enforcement Options.pdf</li> <li>- Attachment 3 - Draft City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467.pdf</li> <li>- Attachment 4 - Draft Municipal Ticket Information Authorization Bylaw, 2020 Amendment, No. 3488 (Standards of Maintenance).pdf</li> </ul>
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This report and all of its attachments were approved and signed as outlined below:

Mary De Paoli, Manager of Policy Planning - Oct 9, 2024

Kate Zanon, General Manager of Community Development - Oct 9, 2024

Stephanie Lam, City Clerk and Manager of Legislative Services - Oct 9, 2024

Lindsay Todd, Manager of Communications and Engagement - Oct 9, 2024

Paul Rockwood, General Manager of Finance and Technology - Oct 10, 2024

Anna Mathewson, City Manager - Oct 10, 2024

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**DRAFT**  
**Municipal Scan:**  
**Minimum Standards of**  
**Maintenance Bylaws**

City of Port Moody | December 2023

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## Introduction

At the July 19, 2022 Committee of the Whole Meeting, Council endorsed the City's Housing Action Plan, in which one of the recommended actions was to develop a Minimum Standards of Maintenance (MSM) Bylaw to ensure rental accommodations are maintained to basic and minimum standards including being free from hazards and properly maintained in conformity with accepted health, fire, and building requirements. The intent is for the MSM Bylaw to apply to all residential rental properties including rental apartments, rented condo units, secondary suites, detached accessory dwelling units, and unauthorized suites. The Bylaw will set minimum levels that a property must maintain for building systems, including plumbing, building exteriors, floors, pests, mold, heating, and electrical.

Census 2021 identified 5.3% of Port Moody's rental housing stock requires major repairs. Developing the MSM Bylaw will support Port Moody's Housing Action Plan strategic direction to catalyze rental housing; specifically, encouraging the renewal of rental housing.

### Catalyze Rental

Encourage the renewal and expansion of Port Moody's rental housing supply to improve stability, choice, and affordability for renters. Purpose-built rental apartments will be encouraged, which offer high levels of security and stability for renters.

When encouraging renewal and expansion of housing, there are potential negative impacts on tenants. For example, bylaw enforcement could result in displacement and risk of homelessness. Reducing these impacts will be a key consideration moving forward with the MSM Bylaw.

## Provincial Legislative Context

### Residential Tenancy Act

The Government of BC's *Residential Tenancy Act* (RTA) sets out health and safety standards for residential properties. However, the Act does not define specific standards. The MSM Bylaw can establish essential detail and enforcement measures to hold landlords accountable. The bylaw can also be used as evidence at Residential Tenancy Branch (RTB) dispute resolution hearings.

As of July 1, 2021, the RTA includes regulations on ending a tenancy due to renovations. In this case, the landlord must apply to the Residential Tenancy Branch for an Order of



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Possession. An arbitrator will make the final decision on whether ending the tenancy is required. The RTA also requires a landlord who gave notice to end a tenancy due to renovations or repairs compensation to the tenant, which is equivalent to one month's rent. A tenant may apply for additional compensation if the landlord does not renovate the unit as specified or within a reasonable timeframe after ending the tenancy. If the landlord cannot prove they accomplished the work, they must pay twelve times the monthly rent.

Additionally, if the landlord of a residential building with five or more rental units ends tenancy for renovations or repairs, they must provide the tenants with a first right of refusal when the units are complete.<sup>1</sup>

## Other Legislative Tools

There are several legislative tools that provide authority for municipalities to enforce minimum standards of maintenance. Depending on preference, different enforcement tools may be used to ensure compliance with a MSM bylaw (see Appendix for legislation details).

**The Offense Act:** Prosecute property owner in court for contravening the bylaw. Maximum fine currently allowable is up to \$50,000.

**Bylaw Notices:** Prosecute property owner by issuing a bylaw notice. Penalties can also be enforced by bylaw notice with maximum fines capped at \$500. A local Government must create the adjudication system. The authority and process for bylaw notices is established under the *Local Government Bylaw Notice Enforcement Act*.

**Municipal Ticketing:** Implement a ticketing system to enforce the MSM bylaw and deal with offenses. A local government may adopt a municipal ticketing bylaw and impose fines up to \$3000 (\$1000 for young persons). Ticket enforcement must be processed in the courts rather than the local government adjudication system. The authority and process for municipal ticketing is established under the *Community Charter Bylaw Enforcement Ticket Regulation*.

**Business Licensing System:** Require a license to operate a rental unit and enforce offenses of the MSM bylaw by suspending or revoking the license to operate. The authority to regulate businesses is established under the *Community Charter*.

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<sup>1</sup> "Renovictions." July 5, 2021. Province of British Columbia. <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy/renovictions>.



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**Notice on Title:** File a note in the land titles office against a property that does not comply with the MSM bylaw; this method can incentivize owners to maintain their properties as it warns future buyers of potential deficiencies.

## Provincial Context

In 2014, the Government of British Columbia developed a Standards of Maintenance Guide<sup>2</sup> and Sample MSM Bylaw<sup>3</sup> as resources for municipalities, which can serve as a starting point in drafting an MSM bylaw. Considerations will need to be made for other local regulations and the local context. Suggested considerations include:

- Match the definitions with municipal zoning and other related bylaws, as well as the RTA;
- Consider who has responsibility for bylaw enforcement and the required technical knowledge of electrical, gas, and plumbing building standards;
- Develop a protocol for a notice to comply and consequences of failure to comply;
- Consider using methods currently available to enforce other bylaws and additional resources as needed;
- Consider inclusion of hotels and other accommodations;
- Include an appeal process, timeframes, and valid reasons; and
- Standards included in the MSM bylaw cannot exceed those in the BC Building Code.

In 2018, the BC Rental Task Force was created to advise on how to improve security for renters and rental housing.<sup>4</sup> The Task Force published a report titled *Rental Housing Review: Recommendations and Findings*.<sup>5</sup> Relevant recommendations to consider include:

- Recommendation 1: Stop renovictions;

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<sup>2</sup> Government of BC. 2014. "Standards of Maintenance Guide." <https://vancouver.ca/people-programs/protecting-tenants.aspx>.

<sup>3</sup> Government of BC. 2014. "Standards of Maintenance Bylaw: Sample Bylaw." <https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/tools-for-government/uploads/sombylawvfin.pdf>.

<sup>4</sup> City of Vancouver. 2018. *Memo – Rental Housing Task Force's Final Report*. <https://vancouver.ca/files/cov/2018-12-14-rental-housing-task-force%27s-final-report.pdf>.

<sup>5</sup> BC Rental Housing Task Force. 2018. *Rental Housing Review: Recommendations and Findings*. [https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHIF-Recommendations-and-WWH-Report\\_Dec2018\\_FINAL.pdf](https://engage.gov.bc.ca/app/uploads/sites/121/2018/12/RHIF-Recommendations-and-WWH-Report_Dec2018_FINAL.pdf).



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- Recommendation 2: Work with local governments to develop tenant compensation and relocation guidelines in the case of demolition of purpose-built rental to reduce dislocation and homelessness of affected tenant;
- Recommendation 3: Set a clear timeline for a tenant's decision on the use of a right of first refusal;
- Recommendation 15: Require landlords who are filing for eviction for cause, or for renovation, to provide all evidence with any eviction notice to the affected tenants;
- Recommendation 16: If repairs are needed to maintain a rental home and the landlord is refusing to make them in a timely way, have the Residential Tenancy Branch proactively reduce the rent of affected tenants until the repairs are completed; and
- Recommendation 21: Ensure it is clear for all landlords and renters where to go to get help for all forms of residential tenancy.

In 2022, the Province of BC invested \$15.6 million over three years into the RTB to accelerate dispute resolution by hiring 50 new staff, which was a response to the COVID-19 pandemic and high wait times.<sup>6</sup> The investment follows another made in 2018 that added more RTB staff, an online service portal, and a Compliance and Enforcement Unit (CEU). The CEU is not an alternative to the RTB dispute resolution process and does not operate through court orders. The CEU conducts investigations on repeated or serious offenses, issues warnings and monitors for compliance. The investigation process involves a written notice to the property owner on the outcome but may escalate the complaint to an investigator. The CEU can administrative monetary penalties up to \$5000 per day.<sup>7</sup>

## Research Methodology

This memorandum provides a summary of municipal best practices for Minimum Standards of Maintenance (MSM) bylaws, including enforcement practices and tenant protection measures. Bylaws from six municipalities in BC have been reviewed and summarized. The examples were developed through desktop research and a scan of news articles was conducted for each municipality to understand impacts on the community.

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<sup>6</sup> "Improved processes will help renters, landlords." Province of BC. 2022. Accessed December 4, 2023. <https://news.gov.bc.ca/releases/2022HOUS0071-001946#:~:text=This%20new%20investment%20of%20as,up%20waiting%20times%20for%20hearings.>

<sup>7</sup> "Compliance and Enforcement." Province of BC. 2023. Accessed December 4, 2023.



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While all the municipalities have bylaws that set out minimum standards of maintenance, not all contain enforcement mechanisms and tenant protections. Bylaws included were chosen based on client request as well as containing unique elements, such as varying levels of penalty for specific offenses, municipal ticketing, and protection measures for tenants.

The six municipalities reviewed include:

1. City of Victoria – Rental Property Standards of Maintenance Bylaw No. 20-091;
2. City of New Westminster – Business Regulations and Licensing (Rental Units) Bylaw No. 6926;
3. City of Vancouver – Standards of Maintenance Bylaw No. 5462;
4. District of North Vancouver – Standards of Maintenance Bylaw No. 6917;
5. City of Nanaimo - Property Maintenance and Standards Bylaw No. 7242; and
6. City of Abbotsford - Good Neighbour Bylaw No. 1256-2003.





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## Municipal Best Practices and Examples

### City of Victoria

The City of Victoria developed its Rental Property Standards of Maintenance Bylaw No. 20-091<sup>8</sup> in 2021 to ensure liveable conditions for renters. The bylaw provides maintenance standards but does not set out rules for inspection and enforcement.

The City hired a Tenant Assistance Planner to be a support and resource to tenants. However, the role does not include supporting evidence collection or representation for tenants. The City points to the recent investment by the Province to improving the RTB, including a compliance and enforcement portal for online disputes.

The City's Tenant Assistance Policy<sup>9</sup> provides guidelines for developers and property owners to provide additional supports for tenants when impacted by redevelopment. The property owner must create a Tenant Assistance Plan that covers early communication, compensation, relocation assistance, moving costs, and right of first refusal. The Renters' Advisory Committee<sup>10</sup> was also developed to provide recommendations to Council on rental housing issues.

Table 1: City of Victoria MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
Standards of Maintenance	No measures	<ul style="list-style-type: none"> <li>Tenant Assistance Planner</li> <li>Other policies: Tenant Assistance Policy, Renters' Advisory Committee</li> </ul>

Shortly after the bylaw came into effect, housing advocates are quoted in Victoria News stating, "Without the ability to inspect or issue fines for non-compliance this bylaw will again let the worst of the worst landlords off the hook."<sup>11</sup> Concerns center around eviction and

<sup>8</sup> City of Victoria. 2021. *RENTAL PROPERTY STANDARDS of MAINTENANCE BYLAW*. <https://www.victoria.ca/media/file/20-091.pdf>.

<sup>9</sup> "Tenant Assistance Policy." n.d. City of Victoria. Accessed November 30, 2023. <https://www.victoria.ca/community-culture/housing/resources-renters/tenant-assistance-policy#:~:text=The%20Tenant%20Assistance%20Policy%20provides>.

<sup>10</sup> Renters' Advisory Committee. (n.d.). City of Victoria. Retrieved November 30, 2023, from <https://www.victoria.ca/city-government/boards-and-committees/renters-advisory-committee>

<sup>11</sup> "Critics Question Effectiveness of New Victoria Rental Maintenance Bylaw." 2021. Victoria News. February 10, 2021. <https://www.vicnews.com/news/critics-question-effectiveness-of-new-victoria-rental-maintenance-bylaw-81120>.



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renoviction, as well as inspections for units that do not fall under the RTA such as long-stay motels and shelter.

The Victoria Tenant Action Group (VTAG) has an active online campaign calling on the City to:

1. Dedicate staff and resources for inspection of units and to support tenants in dispute resolution;
2. Protect tenants who may be at-risk of eviction and renoviction;
3. Apply these minimum standards and develop a process for complaints and inspection of units that do not fall under RTA legislation such as shelters, transitional housing, and long-stay motels.<sup>12</sup>

## Lessons Learned

- Relying on the Residential Tenancy Branch for enforcement and compliance is seen as insufficient by the community.
- Advocates prefer City resources for inspection and enforcement rather than information-based support.
- Without protection measures from eviction, tenants remain vulnerable to renoviction.

## City of New Westminster

The City of New Westminster developed its *Business Regulations and Licensing (Rental Units) Bylaw No. 6926*<sup>13</sup> in 2004, with the most recent amendment in 2019. The amendment included new regulations on controlling the process of renovations and restrictions on evictions.<sup>14</sup> The City became the first municipality in the province to impose restrictions and fines for renoviction.<sup>15</sup> Since then, these restrictions were repealed as the RTA was updated to include regulations on renovations.

<sup>12</sup> "Standards of Maintenance." n.d. Victoria Tenant Action Group. Accessed November 30, 2023.

<https://www.victoriatenants.com/som>.

<sup>13</sup> City of New Westminster. 2004. *Business Regulations and Licensing (Rental Units) Bylaw*.

[https://www.newwestcity.ca/city\\_hall/bylaws.php](https://www.newwestcity.ca/city_hall/bylaws.php).

<sup>14</sup> "City Council Adopts Bylaw Amendment That Deters Renovictions | City of New Westminster." n.d.

[www.newwestcity.ca](https://www.newwestcity.ca). Accessed November 30, 2023. <https://www.newwestcity.ca/2019/02/05/city-council-adopts-bylaw-amendment-that-deters-renovictions.php>.

<sup>15</sup> Hennig, Clare. 2019. "'It's Come to a Crisis Point': New Westminster Brings in Strong Rules against 'Renovictions.'" CBC. February 5, 2019. <https://www.cbc.ca/news/canada/british-columbia/new-westminster-bylaw-against-renoviction-1.5006828>.



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The bylaw defines Inspector as “the Chief License Inspector of the City appointed from time to time by Council or their designate, a bylaw officer and any public health inspector authorized by the Fraser Health Authority to assist in the administration and enforcement of this bylaw.” This allows the city to utilize resources from other areas to support enforcement. When there are issues required technical experts, a joint inspection is coordinated. Public Health is responsible for all pest related violations, regulated under the *Public Health Bylaw*. The Fire Department is responsible for fire separations and smoke detectors, regulated under the *Fire Protection Bylaw* with its own system for violation orders. Any written-up orders under the MSM bylaw will site compliance with Fire's Notice of Violation in the list of requirements. In cases where the issue is solely requiring a single technical expert, that department will follow up solo (Personal Communication, City of New Westminster Staff Member). The City has been praised in the news for following up on violations early and keeping buildings from falling into disrepair.<sup>16</sup>

The City is complimenting its MSM bylaw with its *Secured Market Rental Housing Policy*<sup>17</sup> that provides incentives for rental housing through Housing Agreements. The Policy utilizes the density bonus program to add additional secured market rental units with relaxed standards for parking and other measures. This Policy has been successful with many units completed or under construction; however, there have been tenant complaints around less parking and construction noise (Personal Communication, City of New Westminster Staff Member). In 2019, the City started to use their Draft Rental Replacement Policy<sup>18</sup> an interim guideline to slow redevelopment of older purpose-built rental buildings by requiring existing purpose-built market rental housing seeking rezoning to provide 100% secure market rental units with 10% below-market units.

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<sup>16</sup> *The Globe and Mail*. 2018. “New Westminster Did What Vancouver Couldn't: Fix up the Sahota Family's Problem Properties,” June 29, 2018. <https://www.theglobeandmail.com/canada/article-new-westminster-did-what-vancouver-couldnt-fix-up-the-sahota-family/>.

<sup>17</sup> City of New Westminster. 2017. *Secured Market Rental Housing Policy*.

<sup>18</sup> City of New Westminster. 2019. Review of Draft Rental Replacement Policy. January 14, 2019. <https://www.newwestcity.ca/housing/inclusionary-and-rental-housing-initiatives>.



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Table 2: City of New Westminster MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> <li>Administration and enforcement</li> <li>Regulation and licensing</li> <li>Standards of Maintenance</li> <li>Nuisances</li> <li>Building renovations (including restrictions on evictions)</li> </ul>	<ul style="list-style-type: none"> <li>Inspector (Chief License Inspector, bylaw officer, any public health inspector) and Building Inspector authorized to enter</li> <li>Rental units are required to have a business license and tenant register (exceptions apply for secondary suites and rentals where the property owner resides onsite)</li> <li>License fee is set by the Business License Bylaw</li> <li>Compliance Order by mail or in-person</li> <li>Fine or Penalty provided by Offense Act</li> <li>Each day constitutes a separate offense</li> <li>Potential to lose business license if failure to comply</li> <li>Nuisances may result in fees for owner if service calls occur more than three times within twelve months</li> </ul>	<ul style="list-style-type: none"> <li>Bylaw (Sec 47) includes restrictions on evictions and rent increases due to renovation or repair of the rental unit</li> <li>Other policies: Rental Replacement Policy and Secured Market Rental Housing Policy</li> </ul>

**Lessons Learned**

- Early sanctions for each violation can keep buildings from falling into disrepair.
- Enforced repairs can lead to unintended evictions, ensuing tenant protections are in place can provide some accountability to landlords attempting to renovate.
- Supplementing an MSM bylaw with incentive-based initiatives can reduce the burden on landlords and protect purpose-built rentals from falling into disrepair.
- Business licensing can provide a mechanism to hold landlords accountable for property standards with an additional enforcement measure to suspend the licenses and apply penalties.
- Recognition that the bylaw is one tool and the root issues are a shortage of rental housing and the financial viability of operating rental housing.



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## City of Vancouver

The City of Vancouver's Standards of Maintenance By-law No. 5462<sup>19</sup> was created in 1981 and most recently amended July 2022. In 2018, community members had accused the bylaw of lacking 'teeth' to enforce maintenance due to a 60-day wait period on infractions.<sup>20</sup> In one case, a single room occupancy (with a problem operator) was reported to have 60 charges under the bylaw, but no work had been done.<sup>21</sup> A City spokesperson suggested the courts are more effective with systemic challenges because they can assign higher penalties. The Mayor of Vancouver at that time highlighted the legal risks for the City if they conducted repairs for owners who will not pay, suggesting alternative actions could be a faster court process or increased fines in the bylaw. The Mayor also noted building more social housing is also a key part of the solution. Since then, the bylaw fines have increased up to \$10,000 per offense.

The City has alternative measures to protect tenants such as the Tenant Relocation and Protection Policy<sup>22</sup> that provides compensation based on the length of tenancy, assistance with moving costs, and assistance identifying at least three alternative accommodation options. Where redevelopment has occurred, tenants are offered first right of refusal with a 20% discount off starting market rents. The City also maintains a Rental Standards Database<sup>23</sup> that lists buildings with outstanding maintenance, health, or safety issues.

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<sup>19</sup> City of Vancouver. 2022. *Standards of Maintenance Bylaw*.

<sup>20</sup> "Councillor Wants to Add 'Teeth' to Bylaw Enforcing Vancouver Building Maintenance | Globalnews.ca." n.d. Global News. Accessed November 30, 2023. <https://globalnews.ca/news/8599331/vancouver-housing-standards-bylaw/>.

<sup>21</sup> The Globe and Mail. 2017. "City of Vancouver Files 60 Charges against Balmoral Hotel Owners," July 27, 2017. <https://www.theglobeandmail.com/news/british-columbia/city-of-vancouver-files-60-charges-against-balmoral-hotel-owners/article35825744/#:~:text=The%20City%20of%20Vancouver%20has>.

<sup>22</sup> City of Vancouver. n.d. Review of *City of Vancouver Tenant Relocation and Protection Policy*. Accessed November 30, 2023. <https://vancouver.ca/people-programs/protecting-tenants.aspx>.

<sup>23</sup> City of Vancouver. n.d. "Browse a List of All Buildings with Maintenance, Health, or Safety Issues." Vancouver.ca. Accessed November 30, 2023.



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Table 3: City of Vancouver MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> <li>Standards of Maintenance</li> <li>Lodging Houses</li> <li>Enforcement</li> <li>Appeal</li> </ul>	<ul style="list-style-type: none"> <li>Permit required to operate a lodging house or rental property (exceptions apply to certain forms of housing such as single detached houses and/or rooming houses with only 1 to 2 tenants)</li> <li>City Building Inspector authorized inspection</li> <li>Notice by mail or posted on premises</li> <li>Fine \$250 to \$10,000 for each offense (certain offenses min \$500)</li> <li>Each day constitutes a new offense</li> <li>Cost of work to be paid within 30 days or put into Real Property Tax</li> </ul>	<ul style="list-style-type: none"> <li>Database with properties with health and safety issues</li> <li>Other policies: Tenant Relocation and Protection Policy, Single Room Accommodation Bylaw</li> </ul>

Some issues remain – in 2023 the Vancouver Sun published an article suggesting tenants are prohibited from using air conditioners, citing a lack of rules in the bylaw on keeping units cool in summer heat.<sup>24</sup> The bylaw currently states that heating systems must be capable of maintaining temperatures at 22° Celsius, but does not specific for heating or cooling. The province adopted the *British Columbia Building and Fire Codes* which requires all new buildings to “provide one living space that is designed not to exceed 26 C.”<sup>25</sup>

### Lessons Learned

- High fines for offenses are necessary to motivate landlords into action.
- Tenant advocacy tools can supplement the bylaw, such as a database of problem properties.
- New challenges will arise over the years, such as climate change and the need for rules on keeping units cool.
- Recognition that the provision of social housing and lack of options are root causes.

<sup>24</sup> “Opinion: No one should be prevented from using air conditioners in their home.” 2023. Vancouver Sun. <https://vancouversun.com/opinion/op-ed/opinion-no-one-should-be-prevented-from-using-air-conditioners-in-their-home>.

<sup>25</sup> “New code will make buildings safer, more accessible and resilient to climate change.” Dec. 5, 2023. Government of BC. <https://news.gov.bc.ca/releases/2023HOUS0167-001923#:~:text=All%20new%20residential%20buildings%20must,on%20weather%20and%20site%20conditions>.



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## District of North Vancouver

The District of North Vancouver developed its Standards of Maintenance Bylaw No. 6917<sup>26</sup> in 1997, recently amended in 2022. The amendments included increasing the maximum penalty due to community feedback that penalties were too trivial to motivate compliance.<sup>27</sup>

The District's *Rental and Affordable Housing Strategy*<sup>28</sup> encourages maintaining purpose-built rentals and extending their service life while minimizing impacts to tenants. The City has a tenant relocation assistance policy<sup>29</sup> that provides financial support, support finding a new place to live, moving expenses, and more.

Table 4: District of North Vancouver MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> <li>Standards of Maintenance</li> <li>Lodging Houses</li> <li>Enforcement</li> <li>Municipal Ticketing</li> <li>Table of fines for specific offenses</li> </ul>	<ul style="list-style-type: none"> <li>Building inspection (Building inspectors, property use inspectors, bylaw enforcement officers, public health officers)</li> <li>Notice to comply</li> <li>Ability to carry out work at owner's expense (debt owing in accordance with Community Charter)</li> <li>Fine from \$1,000 to \$50,000 for each instance</li> <li>Each instance and each day constitute separate fines</li> <li>Enforcement by building inspectors, bylaw officers, public health officials</li> </ul>	<ul style="list-style-type: none"> <li>Other policies: Tenant Relocation Assistance Policy</li> </ul>

### Lessons Learned

- Utilize other internal resources for inspection and enforcement, such as building inspectors and public health officers for specific issues, such as pests.

<sup>26</sup> District of North Vancouver. 2022. *Standards of Maintenance Bylaw*.

<https://www.dnv.org/bylaws/standards-maintenance-bylaw>.

<sup>27</sup> "District of North Vancouver Looks to Target Negligent Landlords." 2018. North Shore News. January 1, 2018. <https://www.nsnews.com/local-news/district-of-north-vancouver-looks-to-target-negligent-landlords-3064572>.

<sup>28</sup> District of North Vancouver. 2016. Review of Rental and Affordable Housing Strategy. District of Vancouver. <https://www.dnv.org/sites/default/files/edocs/rental-affordable-housing-strategy.pdf>.

<sup>29</sup> "Residential Tenant Relocation Assistance Policy." n.d. District of North Vancouver. Accessed November 30, 2023.



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- If fees are too low, it will not motivate compliance.

## City of Nanaimo

The City of Nanaimo developed its Property Maintenance and Standards Bylaw No. 7242<sup>30</sup> in 2017, which was most recently amended November 2021. The amendment was targeted at graffiti after property owners were said to be using a loophole to avoid removal.<sup>31</sup> The original bylaw included wording on permission given by property owner, which could save them the costs of clean up. Concerns remain about putting the onus on property owners to pay the price for actions they did not commit.

Table 5: City of Nanaimo MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> <li>• Standards of Maintenance</li> <li>• Noxious weeds</li> <li>• Destructive insects</li> <li>• Temporary Shelter</li> <li>• Enforcement</li> <li>• Appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Complaint-based, verify with inspection</li> <li>• Notice to comply (issue letter)</li> <li>• Ability to carry out work (after 21 days)</li> <li>• Fine not more than \$50,000 plus the cost of prosecution (and any other penalty under the Community Charter and Offense Act)</li> <li>• Each instance and each day constitute a separate offense</li> </ul>	No Measures

### Lessons Learned

- Certain standards, such as graffiti, can put the onus on property owners to pay costs for situations beyond their control. Focusing on health and safety standards, versus more superficial issues can avoid unnecessary owner costs.

<sup>30</sup> City of Nanaimo. 2021. *Property Maintenance and Standards Bylaw*: <https://www.nanaimo.ca/ByLaws/ViewBylaw/7242.pdf>.

<sup>31</sup> "New Property Bylaw in Nanaimo Means City Will Sometimes Have to Judge What's Graffiti and What's Art." 2021. Nanaimo News Bulletin. July 7, 2021. <https://www.nanaimobulletin.com/news/new-property-bylaw-in-nanaimo-means-city-will-sometimes-have-to-judge-whats-graffiti-and-whats-art-1093095>.





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## City of Abbotsford

The City of Abbotsford developed its *Good Neighbour Bylaw No. 1256-2003*<sup>32</sup> in 2003, with the latest amendment in 2020.

The City created its *Good Neighbour Guide*<sup>33</sup> covering various bylaws, including the *Good Neighbour Bylaw*, to encourage responsibility and improve quality of life in Abbotsford. It includes common concerns and practical solutions in a simple format. The City further provided a video featuring local comedians to explain the Guide.

The *Good Neighbour Bylaw* includes vacant premises, requiring the owner maintain the physical condition for health, safety, and fire protection.

Table 6: City of Abbotsford MSM Bylaw

Bylaw Components	Enforcement	Tenant Protections
<ul style="list-style-type: none"> <li>Standards of Maintenance</li> <li>Littering</li> <li>Street Nuisances</li> <li>Enforcement and Penalty</li> </ul>	<ul style="list-style-type: none"> <li>Enforcement by any Bylaw Officer</li> <li>Compliance order</li> <li>City may bring property into compliance at the cost of the owner (failure to pay will go on property tax)</li> <li>Nuisances may result in fees for owner if service calls occur more than once within 24 hours or more than three times within twelve months</li> </ul>	<ul style="list-style-type: none"> <li>Good Neighbor Guide and accompanying video</li> </ul>

### Lessons Learned

- Tenant and property owner education can support understanding and responsibility for community members. Developing a simple guide and/or video can be a useful tool.
- Adding requirements for vacant buildings can ensure measures can be taken for unsightly premises, health, life safety, and fire protection standards.

<sup>32</sup> City of Abbotsford. 2020. *Good Neighbour Bylaw*.

<https://laws.abbotsford.ca/civix/document/id/coa/coabylaws/2003b1256>.

<sup>33</sup> City of Abbotsford *Good Neighbour Guide*. <https://www.abbotsford.ca/city-hall/news-media/introducing-city-abbotsford-good-neighbour-guide>.



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## Key Considerations for City of Port Moody's Bylaw

Key considerations have been identified based on the case study research, grouped by theme: Minimum Standards of Maintenance, Enforcement and Penalties, and Tenant Measures and Other Policies.

### Minimum Standards of Maintenance

- New challenges will arise over the years, it is good practice to keep maintenance standards up to date.
- Focusing on health and safety standards, versus more superficial issues can avoid unnecessary owner costs. Superficial issues are considered those that do not impact health and safety, such as graffiti.
- Adding requirements for vacant buildings can ensure measures can be taken for unsightly premises, health, life safety, and fire protection standards. Specific measure such as boarding up units will likely be covered under the Fire Department bylaws.

### Enforcement and Penalties

- Relying on the Residential Tenancy Branch for enforcement and compliance has been seen as insufficient.
- Advocates have indicated a preference for City resources for inspection and enforcement rather than information-based support.
- Early sanctions for each and every violation can keep buildings from falling into disrepair.
- High fines for offenses are necessary to motivate landlords into action. If fees are too low, it will not motivate compliance.
- Business licensing can provide an additional mechanism to hold landlords accountable for property standards with an enforcement measure to suspend or revoke the license meaning the rental must cease operations. It can also provide an opportunity to conduct unit inspections without needing a complaint.
- Municipalities may utilize other resources for inspection, such as public health officers, building inspectors, and the Fire Department depending on the complaint.

### Tenant Measures and Other Policies



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- In the past, tenants have been vulnerable to renoviction. Some MSM Bylaws include tenant protections to provide accountability to landlords attempting to renovict. However, others rely on the RTB which now regulates renovictions.
- In the case of major renovation and/or eviction, some MSM Bylaws provide mandatory supports from landlords to tenants, such as a tenant relocation policy.
- Supplementing an MSM bylaw with incentive-based initiatives such as a secured market rental policy to protect the purpose-built rental stock.
- Tenant advocacy tools can support tenant awareness and choice, such as a database of problem properties.
- Tenant and property owner education can support understanding and responsibility for community members. Developing a simple guide and/or video can be a useful tool.

## Concluding Thoughts

Many municipalities across BC have enacted MSM bylaws to enforce basic standards of maintenance. However, there have been some unintended consequences and lessons learned. Key success stories have come with clear standards, enforcement mechanisms, sufficient penalties, and support tools for tenants. Many municipalities and community members have recognized that MSM bylaws are only one tool to ensure livable rental conditions. Limited social housing, the lack of affordable options, and the financial viability of operating rental housing are root causes for tenants living in poor quality housing, as they have no alternative. As a best practice, municipalities can supplement the bylaw with tenant protection policies as well as incentives to protect and encourage purpose-built rental housing.



Attachment 1

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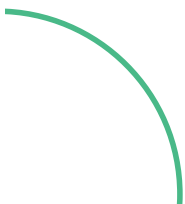
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Attachment 1



# APPENDIX A

## LIST OF RELEVANT LEGISLATION



The list of relevant legislation includes the Residential Tenancy Act, Local Government Act, Local Government Bylaw Notice Enforcement Act, and Community Charter. Under each Legislative Act is a list of relevant sections and brief overview of content.

### **Residential Tenancy Act**

#### Part 4 – How to End a Tenancy

##### Division 1 – Ending a Tenancy

Sec 49.2 outlines the process and the four requirements for requesting to end a tenancy due to renovations or repairs. This includes tenant compensation for tenants who are evicted for renovations, as well as the first right of refusal if the building has 5 or more rental units.

### **Local Government Act**

#### Part 12 – Regional Districts: Bylaw Enforcement and Challenges of Bylaws

##### Division 1 – Bylaw Enforcement and Related Matters

- Sec 413 allows bylaw enforcement including imposing fines, penalties, and costs. Payment of fines must be in accordance with the Community Charter.

### **Local Government Bylaw Notice Enforcement Act**

#### Part 2 – Enforcement of Bylaws by Bylaw Notice

- Sec 4 outlines the procedure for issuing a bylaw notice.
- Sec 5 sets a limitation period of not more than 6 months after the bylaw contravention.
- Sec 6 provides rules around penalties, which may not exceed \$500.
  - > A discount for payment of the penalty on or before the last day of the period established; and
  - > A surcharge for payment after the due date.

##### Part 4 – Collection of Bylaw Notice Penalties

- Sec 26 provides a local government the ability to recover costs through the Provincial Court.

##### Part 5 – General

- Sec 27 states that the *Offence Act* does not apply to a bylaw contravention if a bylaw notice was already issued.

## Community Charter

### Part 2 – Municipal Purpose and Powers

#### Division 3 – Ancillary Power

##### Licensing and standards authority

- Sec 15 grant authority for municipalities to provide a system of licenses prohibiting a certain activity until a license has been granted. Through licensing, terms and conditions can be established. Failure to comply can result in the suspension or cancellation of licenses.
- Sec 16 grants authority to enter property by officers or employees of the municipality, or other persons authorized by the council. Including limits on timing with due notice.
- Sec 17 authorizes a municipality to fulfill a requirement at the expense of the person and recover the costs incurred from that person as debt.

### PART 8 - Bylaw Enforcement and Related Matters

#### Division 1 – Bylaw Enforcement

- Sec 260 provides enforcement powers to the municipality to deal with bylaw contraventions.
  - > Prosecution of the offense in accordance with the Offense Act (see Division 2)
  - > Proceeding under Ticketing for Bylaw Offences by Bylaw Notice under the Local Government Act (see Division 3)
  - > Court action by civil proceedings (see Division 4)
- Sec 261 sets out that all penalties imposed under municipal bylaw must be paid to the municipality.
- Sec 262 provides actions when penalties are not paid: the justice or court may authorize the penalty or costs to be levied by distress and sale of the offender's goods and chattels; or the justice or court may commit the offender to imprisonment for the term specified in the bylaw.

#### Division 2 – Offense Act Prosecutions

- Sec 263 outlines prosecution under the Offense Act, including:
  - > A minimum fine
  - > A maximum fine up to \$50,000

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- > In the case of a continuing offence, for each day a minimum or maximum fine
- > Imprisonment for not more than 6 months

### Division 3 – Ticketing for Bylaw Offences

- Sec 264 sets out rules for ticket offenses allowing a bylaw enforcement officer may issue a ticket for contravention of the bylaw. If disputed, the council must refer the ticket to the Provincial Court for a hearing.
- Sec 265 establishes the following penalties:
  - > A fine not greater than the amount prescribed by regulation;
  - > In the case of a continuing offence, for each day that the offence continues, a fine not greater than the amount prescribed by regulation.

### Division 8 – Building Regulation

Note against land title that building regulations were contravened.

- Sec 57 – allows a building inspector to recommend to the council that a note against land title be issued as a result of contravention of a municipal bylaw, among other reasons.

### **Community Charter Bylaw Enforcement Ticket Regulation**

#### Part 2 – Enforcement of Bylaws by Bylaw Notice

- Sec 2 sets the maximum fine as \$1000 (the Government of BC states up to \$3000 and \$100 for young persons).<sup>34</sup>
- Sec 3 outlines who can enforce the bylaw: provincial police force, municipal police force, RCMP, local government corporate officers, bylaw enforcement officers, local assistants to the fire commissioner, licensing inspectors, animal control officers, other persons acting on behalf of a municipality.
- Sec 4 provides rules on issuing tickets.

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<sup>34</sup> "Municipal Ticketing." N.d. Government of BC. [Municipal ticketing - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca).

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**VANCOUVER OFFICE**

1111 West Hastings Street, #585  
Vancouver BC V6E 2J3

604-687-2281



**VICTORIA OFFICE**

821 Burdett Avenue, #302  
Victoria BC V8W 1B3

250-383-0304



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# MINIMUM STANDARDS OF MAINTENANCE BYLAW ENFORCEMENT OPTIONS

<b>SUBJECT</b>	City of Port Moody Minimum Standards of Maintenance Bylaw Enforcement Options
<b>TO</b>	Liam McLellan, City of Port Moody
<b>FROM</b>	Janelle Derksen, CitySpaces Consulting
<b>DATE</b>	January 5, 2024

## Current Port Moody Context

The content provided is based on current published bylaws located on the City of Port Moody webpage.

## Business Licensing Bylaw

The Business Licensing Bylaw (BL3000-C) provides definitions and regulations for Market Rental Apartments.

**Dwelling Unit** means one or more habitable rooms, constituting one self-contained unit with a separate entrance, used or intended to be used as a residence by one (1) or more persons and containing cooking, eating, living, sleeping, and sanitary facilities.

**Licence Inspector** means a person appointed from time to time by the City as a Licence Inspector for the City, or his/her designate.

**Market Rental Apartment** means a Multi-Residential Building that consists of five (5) or more rental dwelling units where rental costs are based on current market prices.

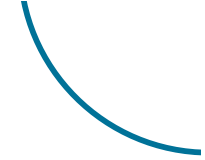
**Multi-Residential** means a residential use where the building consists of two (2) or more dwelling units, including semi-detached, triplex, quadruplex, townhouse, and apartment forms.

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**Residential Tenancy Act** means Chapter 78 of the Statutes of British Columbia 2002 and any successor legislation dealing with the relationship between residential landlords and their tenants.

**Tenant** refers to a person or persons who has the right of exclusive possession of a dwelling unit.

**Tenancy Agreement** means an agreement, whether written or oral, express or implied, between a landlord and tenant respecting possession of a rental unit, use of common areas, and services and facilities.

**SEC 6.13 MARKET RENTAL APARTMENTS**

- May not terminate tenancy due to renovation or repair until all permits approved and entered a new tenancy agreement with no rent increase (other than "additional rent increase" under RTA) and planned for temporary accommodation.
- Exemptions may be made if the Market Rental Apartment must be vacated for safety reasons during renovation or repair, or there are insufficient vacant suites in the unit for tenant relocation and the need to vacate for safety.

**OFFENCES AND PENALTY**

- Fine or penalty not exceeding \$2000 or imprisonment not exceeding 60 days.

**Graffiti Bylaw**

The Port Moody Graffiti Bylaw (BL2524) uses the authority from Section 725 of the *Local Government Act* to "prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly; and effect compliance at the expense of any person who has failed to comply with the Bylaw."

Offenses include placing Graffiti on walls, fences, buildings, or other structures on real property and adjacent to a street or public place.

The bylaw defines Graffiti are letters, symbols, or marks on any structure, not including accidental arks.

**ENFORCEMENT**

- City may enter property and remove Graffiti after 15 days of notice to owner by mail or posting a notice on the property.



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- Cost recovery via taxes payable for real property.
- Fine not less than \$100 and not more than \$1000 for each offense. Each day is a new offense.

**Municipal Ticket Information Authorization Bylaw**

The Port Moody Municipal Ticket Information Authorization Bylaw (BL3218-C) regulates fine amount for bylaw infractions. As well as designates Bylaw Enforcement Officers for each category of infraction.

**DESIGNATED BYLAW ENFORCEMENT OFFICERS**

- Business Licensing Regulations Bylaw – Bylaw Enforcement Officer
- Graffiti Bylaw – Bylaw Enforcement Officer, Port Moody Police
- Unsightly Premises Bylaw – Bylaw Enforcement Officer, Port Moody Police

**FEES**

- No Business Licence or not posted – \$100
- Eviction without permits – \$500
- Eviction without tenant relocation – \$500
- Failure to secure a vacant building – \$250
- Graffiti on property – first offense \$500, second offense \$1000
- Failure to maintain property free of graffiti – \$250

**Unsightly Premises Bylaw**

The Port Moody Unsightly Premises Bylaw (BL1488-C) provides rules for property tidiness.

Offenses are described as “allow[ing] a property to become or remain untidy or unsightly... with a reasonable standard of maintenance prevailing in the neighborhood”. Specifically including overgrown with brush, noxious weeds, infested with caterpillars or other insects, discarded materials, graffiti, or rubbish.

An order to comply can be sent by mail or by posting on the property. Fines are not more than \$500. Each day is a separate offense.



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## MSM Bylaw Enforcement Options

The information presented in the table comes from the Municipal Scan: Minimum Standards of Maintenance Bylaws (December 2023) as well as from the Government of BC website.

Table 1 Enforcement Measures Comparison

Enforcement Measure	Enabling Legislation	Mechanisms	Steps / Resources Required	Pros + Cons
<b>Business Licensing System</b>	Community Charter	<ul style="list-style-type: none"> <li>System of licensing with terms and conditions</li> <li>Ability to revoke licences</li> </ul>	<ul style="list-style-type: none"> <li>Adopt a business regulation bylaw</li> <li>Establish a system of licences, permits, or approvals</li> </ul>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>Prohibit activity without licence</li> <li>Inspection without needing complaint</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>Time to develop/amend bylaw</li> <li>Administrative burden to license rental properties</li> <li>Enforcement can have unintended consequences of eviction (if licence revoked)</li> </ul>
<b>Bylaw Notice</b>	Local Government Bylaw Notice Act	<ul style="list-style-type: none"> <li>Fine up to \$500</li> <li>Local Government adjudication system</li> </ul>	<ul style="list-style-type: none"> <li>Establish the bylaw notice system with a neutral adjudicator</li> </ul>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>More accessible venue for simple bylaw contraventions</li> <li>Less expensive to administer than court process</li> <li>Bylaw notices can be send via mail</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>Low fine amounts</li> <li>Staff for enforcement</li> </ul>
<b>Municipal Ticketing</b>	Community Charter Bylaw Enforcement Ticket Regulation	<ul style="list-style-type: none"> <li>Fines up to \$3000</li> <li>Prosecuted via Courts</li> </ul>	<ul style="list-style-type: none"> <li>Adopt a municipal ticketing bylaw</li> <li>Staff for enforcement of tickets</li> </ul>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>Higher fines per offense</li> <li>Ability to enforce via Court if needed</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>Time to develop/amend bylaw</li> </ul>



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Enforcement Measure	Enabling Legislation	Mechanisms	Steps / Resources Required	Pros + Cons
			<ul style="list-style-type: none"> <li>Submit the tickets to the provincial court for hearing</li> </ul>	<ul style="list-style-type: none"> <li>Staff for system maintenance + enforcement</li> <li>Must deliver tickets in person to property</li> <li>Administrative burden/expense of court</li> </ul>
<b>Notice on Title</b>	Community Charter	<ul style="list-style-type: none"> <li>File a note against land title</li> </ul>	<ul style="list-style-type: none"> <li>Building inspector recommends to Council</li> </ul>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>Low administrative burden</li> <li>Warns potential buyers</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>No fines or required licences</li> </ul>
<b>Offense Act</b>	Community Charter	<ul style="list-style-type: none"> <li>Fine up to \$50,000 or imprisonment (not more than 6 months)</li> <li>Prosecuted via Courts (actual fine decided in court)</li> </ul>	<ul style="list-style-type: none"> <li>Submit a long form information for major bylaw contraventions (swearing in front of judge)</li> <li>provincial court for hearing (all parties typically represented by a lawyer)</li> </ul>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>High fine amounts or imprisonment</li> <li>Can be used whether or not other penalty system established</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>Administrative burden/expense of court</li> <li>Staff time in court</li> </ul>
<b>Residential Tenancy Branch (RTB)</b>	Residential Tenancy Act	<ul style="list-style-type: none"> <li>Compliance and Enforcement Unit (CEU) investigates serious violations</li> </ul>	<ul style="list-style-type: none"> <li>Tenant submits online claim (no local government role)</li> </ul>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>No staff resources required</li> <li>RTA regulates renovation</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>Slow and less effective for small repair issues</li> <li>Less direct option for tenants</li> </ul>



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## Key Considerations

- Port Moody already has a Business Licensing Bylaw and Municipal Ticketing Bylaw that include definitions and regulations around market rental apartments. Rules around renovation and repair include tenant protection measures and associated fees for non-compliance.
  - > Updating the Business Licensing Bylaw to include licensing for all rental properties can provide a tool for inspection and enforcement.
- Port Moody has separate bylaws for graffiti and unsightly premises with fines for offenses.
  - > MSM Bylaws are most effective when focused on health and safety measures to avoid unnecessary staff time or landlord cost; these bylaws can remain separate.
- The option for prosecution via Municipal Ticketing or the Offense Act can provide an avenue for major bylaw contraventions that cannot be resolved via local government processes.
  - > The benefit of Municipal ticketing is a max fee of \$3,000 per offense and the ability to prosecute in court.
  - > The benefit of the Offense Act is a max fee of \$50,000 useful for large problem properties that may not comply with lower fees.
- Adding Nuisance requirements to a MSM Bylaw can create cost savings by charging fees (undisputable) for service calls over certain limit.
  - > Nuisance service calls require police staff time; however, fees can recover costs. The benefit of including nuisance regulations adds another tool to motivate property owners to manage their properties and avoid negligence.
- Each tool has its own purpose that can be used in combination for a more effective approach on a case-by-case basis.
  - > Bylaw Notices – regulate most issues, can use mail service for notices, avoid the courts.
  - > Municipal Ticketing – use for higher fines and ability to take problem properties to courts for payment or imprisonment.
  - > Business Licensing – allows inspection of a property without needing a complaint.



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- Staff time and resources are required for all enforcement measures. However, the notice on title and bylaw notices may appear to be the streamlined option.
  - > Bylaw Notices can provide an easily accessible mechanism to enforce the MSM bylaw without the need to spend staff time and resources in court.
- The RTB operates a complaint system online portal and covers regulations for renovations.
  - > The RTB complaint process is onerous for tenants, especially for minor violations.
  - > The Compliance and Enforcement unit is used for major violations.
  - > Adopting a MSM bylaw with standards of maintenance provides a document for the RTB to reference for their investigations.



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# City of Port Moody

## Bylaw No. 3467

A Bylaw to prescribe standards for the maintenance of rental residential premises within the City of Port Moody.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467”.

### 2. Definitions

- 1.2 In this Bylaw,

“Bathroom” means a room containing at least one Toilet and Toilet tank, one Sink, one Bathing Fixture, and constructed so that complete privacy is available to the user.

“Bathing Fixture” means either a bathtub or Shower with hot and cold water connected thereto.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“*Building Code*” means the British Columbia *Building Code* as adopted by the Minister responsible under provincial legislation.

“Building Official” means the person holding that position for the City, and includes a Building inspector, plan checker, plumbing inspector, inspector designated or appointed by the City, and for certainty the Building Official is the “Building Inspector” referred to in the *Community Charter* and *Local Government Act*;

“Bylaw Enforcement Officer” means a person appointed to enforce bylaws for the City.

“City” means the City of Port Moody.

“Cooking Facility” means an appliance in or upon which food may be heated.

“Council” means the elected officials of the City.



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“Dwelling Unit” means one or more habitable rooms, constituting one self-contained unit with a separate entrance, used or intended to be used as a residence by one (1) or more Persons and containing Cooking Facility, eating, living, Sleeping Unit, and Sanitary Facilities.

“Fees Bylaw” means the City of Port Moody Fees Bylaw as amended from time to time.

“Fire Inspector” means a person qualified under the *Fire Safety Act* to carry out fire safety inspections.

“Heating System” means any system for heating the air in the rooms of a Rental Unit and does not include the Kitchen.

“Housekeeping Unit” means a Sleeping Unit containing a Sink and Cooking Facilities.

“Landlord” has the same meaning as in the *Residential Tenancy Act*.

“Licence Inspector” means a Person holding that position for the City or a person appointed to act in the place of the Licence Inspector.

“Owner” means Owner as defined in the *Community Charter*.

“Rental Unit” has the same meaning as in the *Residential Tenancy Act*.

“Residential Property” has the same meaning as in the *Residential Tenancy Act*.

“Repair” includes replacing, making additions or alterations, or taking action required for the premises to conform to the standards prescribed by this Bylaw.

“*Residential Tenancy Act*” means Chapter 78 of the Statutes of British Columbia 2002.

“Sanitary Facilities” means any Toilet and Toilet tank, urinal, Bathing Fixture, or Sink.

“Shower” means an area dedicated for bathing that uses a faucet with hot and cold water connected thereto, which produces a spray of water to stand under hot and cold water.

“Sink” means a plumbing fixture, primarily intended for the washing of dishes and utensils, with hot and cold water connected thereto.

“Sleeping Unit” means one or more rooms equipped to be used for sleeping and sitting purposes only, with no Cooking Facilities or Sanitary Facilities.

“Tenant” refers to a Person or Persons who have entered a Tenancy Agreement to rent a Rental Unit or manufactured home site.

“Tenancy Agreement” has the same meaning as in the *Residential Tenancy Act*.

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“Toilet” means a fixed receptacle, using a large bowl with a tank connected to the Building drain.

- 2.2 Except as otherwise defined herein, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *Community Charter*, the *Residential Tenancy Act*, and the *Interpretation Act*, as the context and circumstances require. A reference to an Act refers to a statute of British Columbia unless otherwise stated, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time.

## 3. Application

- 3.1 This Bylaw applies to Residential Properties in the City which are subject to a Tenancy Agreement as defined in the *Residential Tenancy Act*.

## 4. Responsibility for Administration

- 4.1 Any of the following City officials may administer and enforce this Bylaw:

- (a) Bylaw Enforcement Officer;
- (b) Building Official;
- (c) Licence Inspector; and
- (d) in respect of a fire safety inspection, a Fire Inspector.

- 4.2 A person must not obstruct or hinder a City official acting in the course of their duties under this Bylaw.

## 5. Right of Entry

- 5.1 A Bylaw Enforcement Officer, a Building Official, or a Licence Inspector, on showing proper identification, may enter on or into Residential Property in accordance with section 16 of the *Community Charter* to determine whether the requirements of this bylaw are being met.
- 5.2 A Fire Inspector, on showing proper identification, may enter on or into any Residential Property in accordance with the *Fire Safety Act* to determine whether the requirements of this Bylaw are being met.
- 5.3 A person qualified under sections 5.1 or 5.2 to enter on or into property may be accompanied by a person qualified by Technical Safety BC to determine whether the requirements of this bylaw relating to electrical systems and lighting are being met.

## 6. Landlord Duties and Obligations

- 6.1 A Landlord must ensure that each Rental Unit is maintained in accordance with the maintenance standards prescribed in this Bylaw.

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## 7. Maintenance Standards

### Basements and Garages

7.1 The Landlord of a Residential Property must ensure that:

- a) Basement floor drains are maintained in good working order; and
- b) Floors in a basement are kept dry and free from major cracks, breaks, or similar conditions which would create an accident hazard or allow the entrance of water, moisture, or soil gases into the basement.

### Cooling Requirements

7.2 The Landlord of a Residential Property where air conditioning is not provided must not unreasonably prohibit or prevent a Tenant from using a portable device designed to cool internal temperature in a Rental Unit.

### Electrical System and Lighting

7.3 The Landlord of a Residential Property must ensure that:

- a) Electrical wiring and lighting equipment including circuits, fuses, circuit breakers, electrical equipment, and electrical Heating Systems are maintained in good working order and in compliance with the *Electrical Safety Act* and pursuant regulations; and
- b) Adequate levels of artificial lighting, including enough lighting fixtures, are maintained in good working order in all Rental Units and common areas in residential properties.

### Elevators

7.4 The Landlord of a Residential Property must ensure that:

- a) Every elevator in a Residential Property is maintained in a safe, clean condition and certified to be in good working order and in compliance with the *Elevating Devices Safety Act* and regulations thereto; and
- b) All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators, and ventilation fans, are kept in good working order and operational.

### Exterior Doors and Windows

7.5 The Landlord of a Residential Property must ensure that:

- a) Exterior doors, windows, skylights, and hatchways are maintained in good working condition and are weather tight;
- b) Openings in exterior walls, other than doors and windows, are effectively protected to prevent the entry of weather, birds, rodents, insects, or vermin; and

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- c) Latching and locking devices on separate entrances to the rental accommodation, are maintained in good working order. Latching and locking devices on windows shall be maintained in good working order.

## Exterior Walls

- 7.6 The Landlord of a Residential Property must ensure that:
  - a) Exterior walls and their components are:
    - i) in good working order;
    - ii) weather tight;
    - iii) free from loose or unsecured objects and materials; and
    - iv) maintained in a manner to prevent or retard deterioration due to weather or infestations;
  - b) Canopies, marquees, awnings, screens, fire escapes, pipes, ducts, air conditioners, and all other similar equipment, attachments, extensions, and their supporting members are maintained in good working order, properly and safely anchored, and protected against deterioration and decay;
  - c) Exterior wall facings, projections, cornices, and decorative features are maintained in good working order and are safely and properly anchored; and
  - d) Mechanical ventilating systems and their supporting members are maintained in good working order and in a safe mechanical condition.

## Fire Escapes, Stairs, Balconies and Porches

- 7.7 The Landlord of a Residential Property must ensure that stairways, balconies, porches, landings, and guard/handrails are maintained:
  - a) in a safe and clean condition;
  - b) in good working order; and
  - c) free from holes, cracks, excessive wear, warping, and hazardous obstructions that may create health, fire, or accident hazards.

## Floors

- 7.8 The Landlord of a Residential Property must ensure that:
  - a) Floors are maintained in a clean condition, reasonably smooth, level, and free of loose, warped, or decayed boards, depressions, protrusions, deterioration, or other defects which may create health, fire, or accident hazards;
  - b) Where floors are covered, the covering is maintained in a safe condition, reasonably smooth and level, and free of loose, warped, or decayed boards, depressions, protrusions, deterioration, or other defects which may create health, fire, or accident hazards; and

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- c) Shower room, Toilet room, and Bathroom floors are covered with moisture resistant floor finishes and in such condition as to permit easy cleaning.

## Foundations

- 7.9 The Landlord of a Residential Property must ensure that foundation walls and other supporting members are maintained in good working order and to control the entrance of moisture.

## Gas Appliances and Systems

- 7.10 The Landlord of a Residential Property must ensure that:
  - a) All gas systems and appliances are maintained in safe working order and Repair in compliance with the *Gas Safety Act* and pursuant regulations;
  - b) All systems of appliance venting are maintained in safe working order to prevent the creation of a health, fire, or accident hazard; and
  - c) Carbon monoxide alarms in Residential Property that contains a fuel-burning appliance or contains a storage garage, are kept up to date in accordance with the *Building Code*.

## Heating Systems

- 7.11 The Landlord of a Residential Property must ensure that:
  - a) Heating equipment is maintained in a safe and good working condition to be capable of safely attaining and maintaining an adequate temperature standard, free from fire and accident hazards, and in all rental accommodation, capable of maintaining every room at a temperature of 22°C (72°F) measured at a point 1.5m (5ft) from the floor, and in the centre of the room; and
  - b) Where heating equipment or part thereof or any auxiliary Heating System burns solid or liquid fuel, a place or receptacle for the storage of such fuel is provided and safely maintained in a convenient location and so constructed as to be free from fire or accident hazards.

## Interior Fire and Health Safety Hazards

- 7.12 The Landlord of a Residential Property must ensure that fire safety inspections are conducted by Fire Inspectors under the *Fire Safety Act* to ensure walls, floors, and roof constructions, including fire protective closures, sprinkler systems, fire alarm and smoke detection systems and other means of fire protection, are maintained so that they continue to provide the fire resistive properties and protection for which they were designed.

## Pest Control

- 7.13 Landlords and Tenants of Residential Properties must not allow conditions that encourage or tolerate infestation of pests such as mice, rats, bed bugs, cockroaches, and other vermin.

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## Plumbing and Plumbing Fixtures

7.14 The Landlord of a Residential Property must ensure that:

- a) All plumbing, including plumbing fixtures, drains, vents, water pipes, Toilets, Toilet tanks, and connecting lines to the water and sewer system are maintained in good working order and Repair, free from leaks or other defects, and protected from freezing;
- b) Every Bathing Fixture and Sink has an adequate supply of hot and cold running water, and every Toilet and Toilet tank has an adequate supply of running water;
- c) Every Bathing Fixture is equipped with a device to limit the temperature of the water at point of discharge to not more than 49°C (113° F); and
- d) The service water heater supplying hot water to the plumbing fixtures must be capable of maintaining a maximum temperature of 60°C (140° F).

## Roofing

7.15 The Landlord of a Residential Property must ensure that the roof, including the flashing, fascia, soffit, and cornice are maintained in a weathertight condition to prevent the entrance of moisture or leakage of water into the rental premises.

## Sanitary Facilities

7.16 The Landlord of a Residential Property must ensure that:

- a) At least one Sink and one Toilet is provided and maintained in proper operating condition for every five (5) Sleeping Units or Housekeeping Units in a Residential Property, and that these facilities are provided in a room or rooms that are accessible from a common area within the Building;
- b) At least one Bathing Fixture is provided and maintained in proper operating condition for every ten (10) Sleeping Units or Housekeeping Units in a Residential Property, and that these facilities are provided in a room or rooms that are accessible from a common area within the Building;
- c) At least one Bathing Fixture, Toilet, and Sink is provided and maintained in proper operating condition in each Dwelling Unit;
- d) The floors and enclosures around Bathing Fixtures will have a smooth finish that is impervious to moisture;
- e) All walls and ceilings in rooms containing Sanitary Facilities will be finished with a smooth, washable surface; and
- f) All rooms containing Sanitary Facilities will be maintained in good working order, free of mould, and in a clean condition.

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## Structural Integrity

7.17 The Landlord of a Residential Property must ensure that Buildings and their structural members are maintained in good working order and in a manner that provides sufficient structural integrity to safely sustain its own weight and any additional loads and influences on which it may be subjected through normal use.

## Vacant Premises

7.18 An Owner of Residential Property must not:

- a) Cause, allow, or suffer a vacant Building on the Residential Property to fall into such a state of disrepair that it becomes unsightly or creates a safety hazard or nuisance to other residents or businesses in the vicinity; and
- b) Must not allow any vacant Building on the Residential Property to be subject to unauthorized entry.

## Ventilation

7.19 The Landlord of a Residential Property must ensure that all systems of ventilation, mechanical or natural, meet the manufacturers installation requirements, the *Building Code*, and be maintained in good working order.

## Walls and Ceilings

7.20 The Landlord of a Residential Property must ensure that interior walls and ceilings are maintained in good working order and free from holes, or loose or broken plaster that may create health, fire, or accident hazards.

## 8. Notice to Comply to Bylaw Standards

8.1 A Bylaw Enforcement Officer, Building Official, or Licence Inspector may order an Owner whose Residential Property fails to meet the requirements of this Bylaw to remedy the non-compliance within the time stated by the Inspector in a written notice to comply delivered to the Owner.

8.2 Service of the order referred to in section 8.1 will be sufficient if the notice:

- a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the Owner shown on the then current year's real property assessment roll for the Residential Property for which the order is issued; or
- b) in the case of service on a corporation, is served personally on a director, officer, or manager of the corporation or by leaving it at, or mailing it by registered mail, to the registered office of the corporation.

8.3 A person who has been served with an order under subsection 8.1 must fully comply within the time set out in the order.

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## 9. Offence and Penalty

9.1 Any Person who causes, permits, or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, has committed an offence against this Bylaw and each day the offence continues shall constitute a separate offence.

9.2 A person who is found guilty of an offence under this Bylaw is liable:

- (a) if proceedings are brought under the *Offence Act*, to pay a fine of up to \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*; or
- (b) if a ticket is issued under the City of Port Moody Municipal Ticket Information Authorization Bylaw, as amended from time to time, to pay a fine of up to a maximum of \$3,000.

## 10. Compliance with Other Bylaws

10.1 Compliance with this Bylaw does not excuse an Owner or any Person from the requirement to comply with all other municipal bylaws and regulations.

## 11. Severability

11.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

**Read a first time** this \_\_\_ day of \_\_\_\_\_, 2024.

**Read a second time** this \_\_\_ day of \_\_\_\_\_, 2024.

**Read a third time** this \_\_\_ day of \_\_\_\_\_, 2024.

**Adopted** this \_\_\_ day of \_\_\_\_\_, 2024.

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M. Lahti  
Mayor

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S. Lam  
City Clerk



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I hereby certify that the above is a true copy of Bylaw No. 3467 of the City of Port Moody.

\_\_\_\_\_  
S. Lam  
City Clerk

DRAFT

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# City of Port Moody

## Bylaw No. 3488

A Bylaw amendment to amend City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 to designate enforcement officers and add fines for violations related to City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 16, 2024, No. 3488 (Standards of Maintenance)”.

### 2. Amendment

- 2.1 City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 is amended by adding the following Designated Bylaw and corresponding Designated Bylaw Enforcement Officers in Schedule 1, in alphabetical order:

Standards of Maintenance Bylaw	<ul style="list-style-type: none"> <li>• Building Official</li> <li>• Bylaw Enforcement Officer</li> <li>• Licence Inspector</li> <li>• Fire Inspector</li> </ul>
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- 2.2 City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 is further amended by adding the following fines in Schedule 2, in alphabetical order:

<b>Standards of Maintenance Bylaw</b>	<b>Section(s)</b>	<b>Fines(s)</b>
Basement floor drain not maintained	7.1.a)	\$250.00
Basement floor integrity not maintained	7.1.b)	\$250.00
Landlord, without reason, prohibiting / preventing air conditioning in a rental unit	7.2	\$250.00
Electrical wiring and lighting equipment not maintained	7.3.a)	\$250.00
Adequate artificial lighting levels not provided	7.3.b)	\$250.00
Elevator not maintained / operational	7.4.a)	\$250.00

## Considered at the January 14, 2025, Regular Council meeting

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## Considered at the October 22, 2024, Regular Council meeting

849

Elevator part not maintained / operational	7.4.b)	\$250.00
Exterior door / window / skylight / hatchway not maintained	7.5.a)	\$250.00
Openings in exterior walls, other than doors and windows, not maintained	7.5.b)	\$250.00
Latching / locking device on entrance and windows not maintained	7.5.c)	\$250.00
Exterior wall / component not maintained	7.6.a)	\$250.00
Canopy / marquee / awning / screen / fire escape / pipe / duct / air conditioner / other equipment, not maintained	7.6.b)	\$500.00
Stairway / balcony / porch / landing / guard/handrail not maintained	7.7	\$500.00
Floor not maintained	7.8.a)	\$250.00
Floor covering not maintained	7.8.b)	\$250.00
Shower room / Toilet room / Bathroom floor not covered with moisture resistant floor finish	7.8.c)	\$250.00
Foundation wall / other supporting member not maintained	7.9	\$250.00
Gas system / appliance not maintained	7.10.a)	\$500.00
Venting system not maintained	7.10.b)	\$250.00
Carbon monoxide alarm not provided / maintained	7.10.c)	\$250.00
Heating equipment not maintained	7.11.a)	\$500.00
Safe receptacle for storage of heating system solid or liquid fuel not provided	7.11.b)	\$500.00
Failure to obtain fire safety inspection	7.12	\$500.00
Conditions encouraging pest infestations	7.13	\$250.00
Plumbing not maintained	7.14.a)	\$250.00
No adequate supply of running hot and cold water	7.14.b)	\$250.00
Bathing fixtures not equipped to limit temperature	7.14.c)	\$250.00
Service water heater not capable of maintaining maximum temperature of 60°C (140°F)	7.14.d)	\$250.00

## Considered at the January 14, 2025, Regular Council meeting

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## Considered at the October 22, 2024, Regular Council meeting

850

Roofing not maintained	7.15	\$500.00
Sink / toilet not provided / maintained (every 5 sleeping / housekeeping units)	7.16.a)	\$500.00
Bathing fixture not provided / maintained (every 10 sleeping / housekeeping units)	7.16.b)	\$500.00
Bathing fixture / toilet / sink not provided / maintained	7.16.c)	\$500.00
Floor / enclosure around bathing fixtures not impervious to moisture	7.16.d)	\$250.00
Wall / ceiling of sanitary facility not made of washable surfaces	7.16.e)	\$250.00
Sanitary facility not maintained	7.16.f)	\$500.00
Structural integrity of residential property not maintained	7.17	\$500.00
Vacant premise unsightly / hazardous	7.18.a)	\$500.00
Vacant building not secured	7.18.b)	\$500.00
Ventilation system not maintained	7.19	\$500.00
Interior wall / ceiling not maintained	7.20	\$250.00
Failure to comply with Notice	8.0	\$1,000.00

### 3. Severability

- 3.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

**Read a first time** this \_\_\_ day of \_\_\_\_, 2024.

**Read a second time** this \_\_\_ day of \_\_\_\_, 2024.

**Read a third time** this \_\_\_ day of \_\_\_\_, 2024.

**Adopted** this \_\_\_ day of \_\_\_\_, 2024.

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M. Lahti  
Mayor

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S. Lam  
City Clerk

Considered at the January 14, 2025, Regular Council meeting

216

Considered at the October 22, 2024, Regular Council meeting

851

I hereby certify that the above is a true copy of Bylaw No. 3488 of the City of Port Moody.

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S. Lam  
City Clerk

DRAFT



# City of Port Moody

## Bylaw No. 3467

A Bylaw to prescribe standards for the maintenance of rental residential premises within the City of Port Moody.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467”.

### 2. Definitions

- 1.2 In this Bylaw,

“Bathroom” means a room containing at least one Toilet and Toilet tank, one Sink, one Bathing Fixture, and constructed so that complete privacy is available to the user.

“Bathing Fixture” means either a bathtub or Shower with hot and cold water connected thereto.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“*Building Code*” means the British Columbia *Building Code* as adopted by the Minister responsible under provincial legislation.

“Building Official” means the person holding that position for the City, and includes a Building inspector, plan checker, plumbing inspector, inspector designated or appointed by the City, and for certainty the Building Official is the “Building Inspector” referred to in the *Community Charter* and *Local Government Act*;

“Bylaw Enforcement Officer” means a person appointed to enforce bylaws for the City.

“City” means the City of Port Moody.

“Cooking Facility” means an appliance in or upon which food may be heated.

“Council” means the elected officials of the City.

# Considered at the January 14, 2025, Regular Council meeting

“Dwelling Unit” means one or more habitable rooms, constituting one self-contained unit with a separate entrance, used or intended to be used as a residence by one (1) or more Persons and containing Cooking Facility, eating, living, Sleeping Unit, and Sanitary Facilities.

“Fees Bylaw” means the City of Port Moody Fees Bylaw as amended from time to time.

“Fire Inspector” means a person qualified under the *Fire Safety Act* to carry out fire safety inspections.

“Heating System” means any system for heating the air in the rooms of a Rental Unit and does not include the Kitchen.

“Housekeeping Unit” means a Sleeping Unit containing a Sink and Cooking Facilities.

“Landlord” has the same meaning as in the *Residential Tenancy Act*.

“Licence Inspector” means a Person holding that position for the City or a person appointed to act in the place of the Licence Inspector.

“Owner” means Owner as defined in the *Community Charter*.

“Rental Unit” has the same meaning as in the *Residential Tenancy Act*.

“Residential Property” has the same meaning as in the *Residential Tenancy Act*.

“Repair” includes replacing, making additions or alterations, or taking action required for the premises to conform to the standards prescribed by this Bylaw.

“*Residential Tenancy Act*” means Chapter 78 of the Statutes of British Columbia 2002.

“Sanitary Facilities” means any Toilet and Toilet tank, urinal, Bathing Fixture, or Sink.

“Shower” means an area dedicated for bathing that uses a faucet with hot and cold water connected thereto, which produces a spray of water to stand under hot and cold water.

“Sink” means a plumbing fixture, primarily intended for the washing of dishes and utensils, with hot and cold water connected thereto.

“Sleeping Unit” means one or more rooms equipped to be used for sleeping and sitting purposes only, with no Cooking Facilities or Sanitary Facilities.

“Tenant” refers to a Person or Persons who have entered a Tenancy Agreement to rent a Rental Unit or manufactured home site.

“Tenancy Agreement” has the same meaning as in the *Residential Tenancy Act*.

# Considered at the January 14, 2025, Regular Council meeting

“Toilet” means a fixed receptacle, using a large bowl with a tank connected to the Building drain.

- 2.2 Except as otherwise defined herein, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *Community Charter*, the *Residential Tenancy Act*, and the *Interpretation Act*, as the context and circumstances require. A reference to an Act refers to a statute of British Columbia unless otherwise stated, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time.

## 3. Application

- 3.1 This Bylaw applies to Residential Properties in the City which are subject to a Tenancy Agreement as defined in the *Residential Tenancy Act*.

## 4. Responsibility for Administration

- 4.1 Any of the following City officials may administer and enforce this Bylaw:
- (a) Bylaw Enforcement Officer;
  - (b) Building Official;
  - (d) Licence Inspector; and
  - (d) in respect of a fire safety inspection, a Fire Inspector.
- 4.2 A person must not obstruct or hinder a City official acting in the course of their duties under this Bylaw.

## 5. Right of Entry

- 5.1 A Bylaw Enforcement Officer, a Building Official, or a Licence Inspector, on showing proper identification, may enter on or into Residential Property in accordance with section 16 of the *Community Charter* to determine whether the requirements of this bylaw are being met.
- 5.2 A Fire Inspector, on showing proper identification, may enter on or into any Residential Property in accordance with the *Fire Safety Act* to determine whether the requirements of this Bylaw are being met.
- 5.3 A person qualified under sections 5.1 or 5.2 to enter on or into property may be accompanied by a person qualified by Technical Safety BC to determine whether the requirements of this bylaw relating to electrical systems and lighting are being met.

## 6. Landlord Duties and Obligations

- 6.1 A Landlord must ensure that each Rental Unit is maintained in accordance with the maintenance standards prescribed in this Bylaw.



## 7. Maintenance Standards

### Basements and Garages

7.1 The Landlord of a Residential Property must ensure that:

- a) Basement floor drains are maintained in good working order; and
- b) Floors in a basement are kept dry and free from major cracks, breaks, or similar conditions which would create an accident hazard or allow the entrance of water, moisture, or soil gases into the basement.

### Cooling Requirements

7.2 The Landlord of a Residential Property where air conditioning is not provided must not unreasonably prohibit or prevent a Tenant from using a portable device designed to cool internal temperature in a Rental Unit.

### Electrical System and Lighting

7.3 The Landlord of a Residential Property must ensure that:

- a) Electrical wiring and lighting equipment including circuits, fuses, circuit breakers, electrical equipment, and electrical Heating Systems are maintained in good working order and in compliance with the *Electrical Safety Act* and pursuant regulations; and
- b) Adequate levels of artificial lighting, including enough lighting fixtures, are maintained in good working order in all Rental Units and common areas in residential properties.

### Elevators

7.4 The Landlord of a Residential Property must ensure that:

- a) Every elevator in a Residential Property is maintained in a safe, clean condition and certified to be in good working order and in compliance with the *Elevating Devices Safety Act* and regulations thereto; and
- b) All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators, and ventilation fans, are kept in good working order and operational.

### Exterior Doors and Windows

7.5 The Landlord of a Residential Property must ensure that:

- a) Exterior doors, windows, skylights, and hatchways are maintained in good working condition and are weather tight;
- b) Openings in exterior walls, other than doors and windows, are effectively protected to prevent the entry of weather, birds, rodents, insects, or vermin; and

# Considered at the January 14, 2025, Regular Council meeting

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Attachment 2

- c) Latching and locking devices on separate entrances to the rental accommodation, are maintained in good working order. Latching and locking devices on windows shall be maintained in good working order.

## Exterior Walls

7.6 The Landlord of a Residential Property must ensure that:

- a) Exterior walls and their components are:
  - i) in good working order;
  - ii) weather tight;
  - iii) free from loose or unsecured objects and materials; and
  - iv) maintained in a manner to prevent or retard deterioration due to weather or infestations;
- b) Canopies, marquees, awnings, screens, fire escapes, pipes, ducts, air conditioners, and all other similar equipment, attachments, extensions, and their supporting members are maintained in good working order, properly and safely anchored, and protected against deterioration and decay;
- c) Exterior wall facings, projections, cornices, and decorative features are maintained in good working order and are safely and properly anchored; and
- d) Mechanical ventilating systems and their supporting members are maintained in good working order and in a safe mechanical condition.

## Fire Escapes, Stairs, Balconies and Porches

7.7 The Landlord of a Residential Property must ensure that stairways, balconies, porches, landings, and guard/handrails are maintained:

- a) in a safe and clean condition;
- b) in good working order; and
- c) free from holes, cracks, excessive wear, warping, and hazardous obstructions that may create health, fire, or accident hazards.

## Floors

7.8 The Landlord of a Residential Property must ensure that:

- a) Floors are maintained in a clean condition, reasonably smooth, level, and free of loose, warped, or decayed boards, depressions, protrusions, deterioration, or other defects which may create health, fire, or accident hazards;
- b) Where floors are covered, the covering is maintained in a safe condition, reasonably smooth and level, and free of loose, warped, or decayed boards, depressions, protrusions, deterioration, or other defects which may create health, fire, or accident hazards; and

# Considered at the January 14, 2025, Regular Council meeting

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Attachment 2

- c) Shower room, Toilet room, and Bathroom floors are covered with moisture resistant floor finishes and in such condition as to permit easy cleaning.

## Foundations

- 7.9 The Landlord of a Residential Property must ensure that foundation walls and other supporting members are maintained in good working order and to control the entrance of moisture.

## Gas Appliances and Systems

- 7.10 The Landlord of a Residential Property must ensure that:

- a) All gas systems and appliances are maintained in safe working order and Repair in compliance with the *Gas Safety Act* and pursuant regulations;
- b) All systems of appliance venting are maintained in safe working order to prevent the creation of a health, fire, or accident hazard; and
- c) Carbon monoxide alarms in Residential Property that contains a fuel-burning appliance or contains a storage garage, are kept up to date in accordance with the *Building Code*.

## Heating Systems

- 7.11 The Landlord of a Residential Property must ensure that:

- a) Heating equipment is maintained in a safe and good working condition to be capable of safely attaining and maintaining an adequate temperature standard, free from fire and accident hazards, and in all rental accommodation, capable of maintaining every room at a temperature of 22°C (72°F) measured at a point 1.5m (5ft) from the floor, and in the centre of the room; and
- b) Where heating equipment or part thereof or any auxiliary Heating System burns solid or liquid fuel, a place or receptacle for the storage of such fuel is provided and safely maintained in a convenient location and so constructed as to be free from fire or accident hazards.

## Interior Fire and Health Safety Hazards

- 7.12 The Landlord of a Residential Property must ensure that fire safety inspections are conducted by Fire Inspectors under the *Fire Safety Act* to ensure walls, floors, and roof constructions, including fire protective closures, sprinkler systems, fire alarm and smoke detection systems and other means of fire protection, are maintained so that they continue to provide the fire resistive properties and protection for which they were designed.

**Pest Control**

7.13 Landlords and tenants of residential properties must not allow conditions that encourage or tolerate infestation of pests such as mice, rats, bed bugs, cockroaches, and other vermin, and without limitation, for that purpose:

- a) the landlord is responsible for inspecting vacant or vacated dwelling units and any areas, equipment, exits, and exterior walls of the building and for remedial treatment of an infestation; and
- a)b) a tenant is responsible for remedial treatment of an infestation originating within the tenant's rental unit. ~~Landlords and Tenants of Residential Properties must not allow conditions that encourage or tolerate infestation of pests such as mice, rats, bed bugs, cockroaches, and other vermin.~~

**Plumbing and Plumbing Fixtures**

7.137.14 The Landlord of a Residential Property must ensure that:

- a) All plumbing, including plumbing fixtures, drains, vents, water pipes, Toilets, Toilet tanks, and connecting lines to the water and sewer system are maintained in good working order and Repair, free from leaks or other defects, and protected from freezing;
- b) Every Bathing Fixture and Sink has an adequate supply of hot and cold running water, and every Toilet and Toilet tank has an adequate supply of running water;
- c) Every Bathing Fixture is equipped with a device to limit the temperature of the water at point of discharge to not more than 49°C (113° F); and
- d) The service water heater supplying hot water to the plumbing fixtures must be capable of maintaining a maximum temperature of 60°C (140° F).

**Roofing**

7.15 The Landlord of a Residential Property must ensure that the roof, including the flashing, fascia, soffit, and cornice are maintained in a weathertight condition to prevent the entrance of moisture or leakage of water into the rental premises.

**Sanitary Facilities**

7.16 The Landlord of a Residential Property must ensure that:

- a) At least one Sink and one Toilet is provided and maintained in proper operating condition for every five (5) Sleeping Units or Housekeeping Units in a Residential Property, and that these facilities are provided in a room or rooms that are accessible from a common area within the Building;
- b) At least one Bathing Fixture is provided and maintained in proper operating condition for every ten (10) Sleeping Units or Housekeeping Units in a Residential Property, and that these facilities are provided in a room or rooms that are accessible from a common area within the Building;

# Considered at the January 14, 2025, Regular Council meeting

- c) At least one Bathing Fixture, Toilet, and Sink is provided and maintained in proper operating condition in each Dwelling Unit;
- d) The floors and enclosures around Bathing Fixtures will have a smooth finish that is impervious to moisture;
- e) All walls and ceilings in rooms containing Sanitary Facilities will be finished with a smooth, washable surface; and
- f) All rooms containing Sanitary Facilities will be maintained in good working order, free of mould, and in a clean condition.

## Structural Integrity

7.17 The Landlord of a Residential Property must ensure that Buildings and their structural members are maintained in good working order and in a manner that provides sufficient structural integrity to safely sustain its own weight and any additional loads and influences on which it may be subjected through normal use.

## Vacant Premises

7.18 An Owner of Residential Property must not:

- a) Cause, allow, or suffer a vacant Building on the Residential Property to fall into such a state of disrepair that it becomes unsightly or creates a safety hazard or nuisance to other residents or businesses in the vicinity; and
- b) Must not allow any vacant Building on the Residential Property to be subject to unauthorized entry.

## Ventilation

7.19 The Landlord of a Residential Property must ensure that all systems of ventilation, mechanical or natural, meet the manufacturers installation requirements, the *Building Code*, and be maintained in good working order.

## Walls and Ceilings

7.20 The Landlord of a Residential Property must ensure that interior walls and ceilings are maintained in good working order and free from holes, or loose or broken plaster that may create health, fire, or accident hazards.

## 8. Notice to Comply to Bylaw Standards

8.1 A Bylaw Enforcement Officer, Building Official, or Licence Inspector may order an Owner whose Residential Property fails to meet the requirements of this Bylaw to remedy the non-compliance within the time stated by the Inspector in a written notice to comply delivered to the Owner.

8.2 Service of the order referred to in section 8.1 will be sufficient if the notice:

- a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the Owner shown on the then

# Considered at the January 14, 2025, Regular Council meeting

current year's real property assessment roll for the Residential Property for which the order is issued; or

- b) in the case of service on a corporation, is served personally on a director, officer, or manager of the corporation or by leaving it at, or mailing it by registered mail, to the registered office of the corporation.

8.3 A person who has been served with an order under subsection 8.1 must fully comply within the time set out in the order.

## 9. Offence and Penalty

9.1 Any Person who causes, permits, or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, has committed an offence against this Bylaw and each day the offence continues shall constitute a separate offence.

9.2 A person who is found guilty of an offence under this Bylaw is liable:

- (a) if proceedings are brought under the *Offence Act*, to pay a fine of up to \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*; or
- (b) if a ticket is issued under the City of Port Moody Municipal Ticket Information Authorization Bylaw, as amended from time to time, to pay a fine of up to a maximum of \$3,000.

## 10. Compliance with Other Bylaws

10.1 Compliance with this Bylaw does not excuse an Owner or any Person from the requirement to comply with all other municipal bylaws and regulations.

## 11. Severability

11.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

**Read a first time** this 22<sup>nd</sup> day of October, 2024.

**Read a second time** this 22<sup>nd</sup> day of October, 2024.

**Read a third time** this 22<sup>nd</sup> day of October, 2024.

**Third reading rescinded** this \_\_\_ day of \_\_\_, 2025.

**Read a third time as amended** this \_\_\_ day of \_\_\_, 2025.

**Adopted** this \_\_\_ day of \_\_\_, 2024~~5~~.

# Considered at the January 14, 2025, Regular Council meeting

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M. Lahti  
Mayor

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S. Lam  
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3467 of the City of Port Moody.

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S. Lam  
City Clerk

DRAFT



# City of Port Moody

## Bylaw No. 3467

A Bylaw to prescribe standards for the maintenance of rental residential premises within the City of Port Moody.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Standards of Maintenance Bylaw, 2024, No. 3467”.

### 2. Definitions

- 1.2 In this Bylaw,

“Bathroom” means a room containing at least one Toilet and Toilet tank, one Sink, one Bathing Fixture, and constructed so that complete privacy is available to the user.

“Bathing Fixture” means either a bathtub or Shower with hot and cold water connected thereto.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“*Building Code*” means the British Columbia *Building Code* as adopted by the Minister responsible under provincial legislation.

“Building Official” means the person holding that position for the City, and includes a Building inspector, plan checker, plumbing inspector, inspector designated or appointed by the City, and for certainty the Building Official is the “Building Inspector” referred to in the *Community Charter* and *Local Government Act*;

“Bylaw Enforcement Officer” means a person appointed to enforce bylaws for the City.

“City” means the City of Port Moody.

“Cooking Facility” means an appliance in or upon which food may be heated.

“Council” means the elected officials of the City.



## Considered at the January 14, 2025, Regular Council meeting

“Dwelling Unit” means one or more habitable rooms, constituting one self-contained unit with a separate entrance, used or intended to be used as a residence by one (1) or more Persons and containing Cooking Facility, eating, living, Sleeping Unit, and Sanitary Facilities.

“Fees Bylaw” means the City of Port Moody Fees Bylaw as amended from time to time.

“Fire Inspector” means a person qualified under the *Fire Safety Act* to carry out fire safety inspections.

“Heating System” means any system for heating the air in the rooms of a Rental Unit and does not include the Kitchen.

“Housekeeping Unit” means a Sleeping Unit containing a Sink and Cooking Facilities.

“Landlord” has the same meaning as in the *Residential Tenancy Act*.

“Licence Inspector” means a Person holding that position for the City or a person appointed to act in the place of the Licence Inspector.

“Owner” means Owner as defined in the *Community Charter*.

“Rental Unit” has the same meaning as in the *Residential Tenancy Act*.

“Residential Property” has the same meaning as in the *Residential Tenancy Act*.

“Repair” includes replacing, making additions or alterations, or taking action required for the premises to conform to the standards prescribed by this Bylaw.

“*Residential Tenancy Act*” means Chapter 78 of the Statutes of British Columbia 2002.

“Sanitary Facilities” means any Toilet and Toilet tank, urinal, Bathing Fixture, or Sink.

“Shower” means an area dedicated for bathing that uses a faucet with hot and cold water connected thereto, which produces a spray of water to stand under hot and cold water.

“Sink” means a plumbing fixture, primarily intended for the washing of dishes and utensils, with hot and cold water connected thereto.

“Sleeping Unit” means one or more rooms equipped to be used for sleeping and sitting purposes only, with no Cooking Facilities or Sanitary Facilities.

“Tenant” refers to a Person or Persons who have entered a Tenancy Agreement to rent a Rental Unit or manufactured home site.

“Tenancy Agreement” has the same meaning as in the *Residential Tenancy Act*.

# Considered at the January 14, 2025, Regular Council meeting

“Toilet” means a fixed receptacle, using a large bowl with a tank connected to the Building drain.

- 2.2 Except as otherwise defined herein, words and phrases in this Bylaw are to be construed in accordance with their meanings under the *Community Charter*, the *Residential Tenancy Act*, and the *Interpretation Act*, as the context and circumstances require. A reference to an Act refers to a statute of British Columbia unless otherwise stated, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time.

## 3. Application

- 3.1 This Bylaw applies to Residential Properties in the City which are subject to a Tenancy Agreement as defined in the *Residential Tenancy Act*.

## 4. Responsibility for Administration

- 4.1 Any of the following City officials may administer and enforce this Bylaw:
- (a) Bylaw Enforcement Officer;
  - (b) Building Official;
  - (d) Licence Inspector; and
  - (d) in respect of a fire safety inspection, a Fire Inspector.
- 4.2 A person must not obstruct or hinder a City official acting in the course of their duties under this Bylaw.

## 5. Right of Entry

- 5.1 A Bylaw Enforcement Officer, a Building Official, or a Licence Inspector, on showing proper identification, may enter on or into Residential Property in accordance with section 16 of the *Community Charter* to determine whether the requirements of this bylaw are being met.
- 5.2 A Fire Inspector, on showing proper identification, may enter on or into any Residential Property in accordance with the *Fire Safety Act* to determine whether the requirements of this Bylaw are being met.
- 5.3 A person qualified under sections 5.1 or 5.2 to enter on or into property may be accompanied by a person qualified by Technical Safety BC to determine whether the requirements of this bylaw relating to electrical systems and lighting are being met.

## 6. Landlord Duties and Obligations

- 6.1 A Landlord must ensure that each Rental Unit is maintained in accordance with the maintenance standards prescribed in this Bylaw.

## 7. Maintenance Standards

### Basements and Garages

7.1 The Landlord of a Residential Property must ensure that:

- a) Basement floor drains are maintained in good working order; and
- b) Floors in a basement are kept dry and free from major cracks, breaks, or similar conditions which would create an accident hazard or allow the entrance of water, moisture, or soil gases into the basement.

### Cooling Requirements

7.2 The Landlord of a Residential Property where air conditioning is not provided must not unreasonably prohibit or prevent a Tenant from using a portable device designed to cool internal temperature in a Rental Unit.

### Electrical System and Lighting

7.3 The Landlord of a Residential Property must ensure that:

- a) Electrical wiring and lighting equipment including circuits, fuses, circuit breakers, electrical equipment, and electrical Heating Systems are maintained in good working order and in compliance with the *Electrical Safety Act* and pursuant regulations; and
- b) Adequate levels of artificial lighting, including enough lighting fixtures, are maintained in good working order in all Rental Units and common areas in residential properties.

### Elevators

7.4 The Landlord of a Residential Property must ensure that:

- a) Every elevator in a Residential Property is maintained in a safe, clean condition and certified to be in good working order and in compliance with the *Elevating Devices Safety Act* and regulations thereto; and
- b) All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators, and ventilation fans, are kept in good working order and operational.

### Exterior Doors and Windows

7.5 The Landlord of a Residential Property must ensure that:

- a) Exterior doors, windows, skylights, and hatchways are maintained in good working condition and are weather tight;
- b) Openings in exterior walls, other than doors and windows, are effectively protected to prevent the entry of weather, birds, rodents, insects, or vermin; and

# Considered at the January 14, 2025, Regular Council meeting

- c) Latching and locking devices on separate entrances to the rental accommodation, are maintained in good working order. Latching and locking devices on windows shall be maintained in good working order.

## Exterior Walls

7.6 The Landlord of a Residential Property must ensure that:

- a) Exterior walls and their components are:
  - i) in good working order;
  - ii) weather tight;
  - iii) free from loose or unsecured objects and materials; and
  - iv) maintained in a manner to prevent or retard deterioration due to weather or infestations;
- b) Canopies, marquees, awnings, screens, fire escapes, pipes, ducts, air conditioners, and all other similar equipment, attachments, extensions, and their supporting members are maintained in good working order, properly and safely anchored, and protected against deterioration and decay;
- c) Exterior wall facings, projections, cornices, and decorative features are maintained in good working order and are safely and properly anchored; and
- d) Mechanical ventilating systems and their supporting members are maintained in good working order and in a safe mechanical condition.

## Fire Escapes, Stairs, Balconies and Porches

7.7 The Landlord of a Residential Property must ensure that stairways, balconies, porches, landings, and guard/handrails are maintained:

- a) in a safe and clean condition;
- b) in good working order; and
- c) free from holes, cracks, excessive wear, warping, and hazardous obstructions that may create health, fire, or accident hazards.

## Floors

7.8 The Landlord of a Residential Property must ensure that:

- a) Floors are maintained in a clean condition, reasonably smooth, level, and free of loose, warped, or decayed boards, depressions, protrusions, deterioration, or other defects which may create health, fire, or accident hazards;
- b) Where floors are covered, the covering is maintained in a safe condition, reasonably smooth and level, and free of loose, warped, or decayed boards, depressions, protrusions, deterioration, or other defects which may create health, fire, or accident hazards; and

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- c) Shower room, Toilet room, and Bathroom floors are covered with moisture resistant floor finishes and in such condition as to permit easy cleaning.

## Foundations

7.9 The Landlord of a Residential Property must ensure that foundation walls and other supporting members are maintained in good working order and to control the entrance of moisture.

## Gas Appliances and Systems

7.10 The Landlord of a Residential Property must ensure that:

- a) All gas systems and appliances are maintained in safe working order and Repair in compliance with the *Gas Safety Act* and pursuant regulations;
- b) All systems of appliance venting are maintained in safe working order to prevent the creation of a health, fire, or accident hazard; and
- c) Carbon monoxide alarms in Residential Property that contains a fuel-burning appliance or contains a storage garage, are kept up to date in accordance with the *Building Code*.

## Heating Systems

7.11 The Landlord of a Residential Property must ensure that:

- a) Heating equipment is maintained in a safe and good working condition to be capable of safely attaining and maintaining an adequate temperature standard, free from fire and accident hazards, and in all rental accommodation, capable of maintaining every room at a temperature of 22°C (72°F) measured at a point 1.5m (5ft) from the floor, and in the centre of the room; and
- b) Where heating equipment or part thereof or any auxiliary Heating System burns solid or liquid fuel, a place or receptacle for the storage of such fuel is provided and safely maintained in a convenient location and so constructed as to be free from fire or accident hazards.

## Interior Fire and Health Safety Hazards

7.12 The Landlord of a Residential Property must ensure that fire safety inspections are conducted by Fire Inspectors under the *Fire Safety Act* to ensure walls, floors, and roof constructions, including fire protective closures, sprinkler systems, fire alarm and smoke detection systems and other means of fire protection, are maintained so that they continue to provide the fire resistive properties and protection for which they were designed.

**Pest Control**

7.13 Landlords and tenants of residential properties must not allow conditions that encourage or tolerate infestation of pests such as mice, rats, bed bugs, cockroaches, and other vermin, and without limitation, for that purpose:

- a) the landlord is responsible for inspecting vacant or vacated dwelling units and any areas, equipment, exits, and exterior walls of the building and for remedial treatment of an infestation; and
- b) a tenant is responsible for remedial treatment of an infestation originating within the tenant's rental unit.

**Plumbing and Plumbing Fixtures**

7.14 The Landlord of a Residential Property must ensure that:

- a) All plumbing, including plumbing fixtures, drains, vents, water pipes, Toilets, Toilet tanks, and connecting lines to the water and sewer system are maintained in good working order and Repair, free from leaks or other defects, and protected from freezing;
- b) Every Bathing Fixture and Sink has an adequate supply of hot and cold running water, and every Toilet and Toilet tank has an adequate supply of running water;
- c) Every Bathing Fixture is equipped with a device to limit the temperature of the water at point of discharge to not more than 49°C (113° F); and
- d) The service water heater supplying hot water to the plumbing fixtures must be capable of maintaining a maximum temperature of 60°C (140° F).

**Roofing**

7.15 The Landlord of a Residential Property must ensure that the roof, including the flashing, fascia, soffit, and cornice are maintained in a weathertight condition to prevent the entrance of moisture or leakage of water into the rental premises.

**Sanitary Facilities**

7.16 The Landlord of a Residential Property must ensure that:

- a) At least one Sink and one Toilet is provided and maintained in proper operating condition for every five (5) Sleeping Units or Housekeeping Units in a Residential Property, and that these facilities are provided in a room or rooms that are accessible from a common area within the Building;
- b) At least one Bathing Fixture is provided and maintained in proper operating condition for every ten (10) Sleeping Units or Housekeeping Units in a Residential Property, and that these facilities are provided in a room or rooms that are accessible from a common area within the Building;

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- c) At least one Bathing Fixture, Toilet, and Sink is provided and maintained in proper operating condition in each Dwelling Unit;
- d) The floors and enclosures around Bathing Fixtures will have a smooth finish that is impervious to moisture;
- e) All walls and ceilings in rooms containing Sanitary Facilities will be finished with a smooth, washable surface; and
- f) All rooms containing Sanitary Facilities will be maintained in good working order, free of mould, and in a clean condition.

## Structural Integrity

7.17 The Landlord of a Residential Property must ensure that Buildings and their structural members are maintained in good working order and in a manner that provides sufficient structural integrity to safely sustain its own weight and any additional loads and influences on which it may be subjected through normal use.

## Vacant Premises

7.18 An Owner of Residential Property must not:

- a) Cause, allow, or suffer a vacant Building on the Residential Property to fall into such a state of disrepair that it becomes unsightly or creates a safety hazard or nuisance to other residents or businesses in the vicinity; and
- b) Must not allow any vacant Building on the Residential Property to be subject to unauthorized entry.

## Ventilation

7.19 The Landlord of a Residential Property must ensure that all systems of ventilation, mechanical or natural, meet the manufacturers installation requirements, the *Building Code*, and be maintained in good working order.

## Walls and Ceilings

7.20 The Landlord of a Residential Property must ensure that interior walls and ceilings are maintained in good working order and free from holes, or loose or broken plaster that may create health, fire, or accident hazards.

## 8. Notice to Comply to Bylaw Standards

8.1 A Bylaw Enforcement Officer, Building Official, or Licence Inspector may order an Owner whose Residential Property fails to meet the requirements of this Bylaw to remedy the non-compliance within the time stated by the Inspector in a written notice to comply delivered to the Owner.

8.2 Service of the order referred to in section 8.1 will be sufficient if the notice:

- a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the Owner shown on the then

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current year's real property assessment roll for the Residential Property for which the order is issued; or

- b) in the case of service on a corporation, is served personally on a director, officer, or manager of the corporation or by leaving it at, or mailing it by registered mail, to the registered office of the corporation.

8.3 A person who has been served with an order under subsection 8.1 must fully comply within the time set out in the order.

## 9. Offence and Penalty

9.1 Any Person who causes, permits, or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, has committed an offence against this Bylaw and each day the offence continues shall constitute a separate offence.

9.2 A person who is found guilty of an offence under this Bylaw is liable:

- (a) if proceedings are brought under the *Offence Act*, to pay a fine of up to \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*; or
- (b) if a ticket is issued under the City of Port Moody Municipal Ticket Information Authorization Bylaw, as amended from time to time, to pay a fine of up to a maximum of \$3,000.

## 10. Compliance with Other Bylaws

10.1 Compliance with this Bylaw does not excuse an Owner or any Person from the requirement to comply with all other municipal bylaws and regulations.

## 11. Severability

11.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

**Read a first time** this 22<sup>nd</sup> day of October, 2024.

**Read a second time** this 22<sup>nd</sup> day of October, 2024.

**Read a third time** this 22<sup>nd</sup> day of October, 2024.

**Third reading rescinded** this \_\_\_ day of \_\_\_\_\_, 2025.

**Read a third time as amended** this \_\_\_ day of \_\_\_\_\_, 2025.

**Adopted** this \_\_\_ day of \_\_\_\_\_, 2025.



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M. Lahti  
Mayor

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S. Lam  
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3467 of the City of Port Moody.

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S. Lam  
City Clerk

DRAFT