

THE CORPORATION OF THE TOWN OF GRAVENHURST BY-LAW NO. 2026-XX

Being a By-law to Register Vacant Buildings and Land

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001 authorize the Town of Gravenhurst to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001 authorize the Town of Gravenhurst to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS subsection 10(2), paragraphs 5, 6, 8 and 10 of the Municipal Act, 2001 authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and structures;

AND WHEREAS section 128 of the Municipal Act, 2001 authorizes the Town to prohibit and regulate matters that, in the opinion of Council, are or may become public nuisances;

AND WHEREAS sections 391, 436, 437 and 446 of the Municipal Act, 2001 authorize the Town to impose fees and charges; conduct inspections; issue orders requiring the discontinuance of activities or the performance of work; carry out work at an owner's expense; and recover costs in a manner permitted by law;

AND WHEREAS this By-law forms part of a suite of municipal by-laws enacted by the Town of Gravenhurst to regulate and maintain minimum standards for buildings and properties, including, without limitation, the Property Standards By-law, the Clean and Clear By-law, and the Signage By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1) SHORT TITLE

1.1 This By-law may be referred to as the "Vacant Building and Land Registry By-law".

2) APPLICATION

2.1 This By-law applies only to lands that are:

- (a) Located within the Community Improvement Area; and
- (b) Not primarily zoned for residential use under the Town's comprehensive zoning by-law, as amended.

2.2 Nothing in this By-law shall be interpreted as limiting or replacing the application of any other Town by-law or any provincial or federal statute or regulation that may apply to the property.

3) DEFINITIONS

3.1 In this By-law

“**Building**” means all or part of:

- (a) a structure occupying an area greater than 10 m² consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto; or
- (b) a structure occupying an area of 10 m² or less that contains plumbing, including the plumbing appurtenant thereto;

“**Catastrophic Event**” means a sudden and unexpected event that is beyond the control of the owner, including but not limited to fire, flood, structural failure, or natural disaster, which renders a building unsafe, uninhabitable, or otherwise incapable of lawful occupancy, as determined by the Director.

“**Community Improvement Area**” means the area designated by Council as a community improvement project area, as amended from time to time.

“**Director**” means the Town’s Director of Development Services or their designate, or successor in office. For the purposes of administering the registry, the Director may designate another Town division or employee to receive applications and maintain the registry.

“**Farm**” shall mean land use for the tillage of soil and the growing of vegetables, fruits, grains, and other staple crops including livestock raising, dairying, maple sugar bush or woodlots, and includes roadside facilities for the retail sale of produce grown on the farm;

“**Officer**” means an individual appointed by the Town, or designated by the Director, to administer or enforce this By-law is deemed to be an “Officer” for the purposes of the Administrative Monetary Penalty System By-law only in respect of the administration and enforcement of this By-law.

“**Owner**” includes, but is not limited to:

- (a) the registered Owner of the Property;
- (b) the Owner of a Building;
- (c) the person managing or receiving the rent of the Property on which a Building is situated or of a Building, or who would receive the rent if the Property or Building were let, whether on the person’s own account or as agent or trustee or receiver of any other person;

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- (d) a vendor of a Building under an agreement for sale who has paid any municipal taxes on the Building after the effective date of the agreement;
- (e) the person for the time being receiving instalments of the purchase price if a Building were sold under an agreement for sale;
- (f) a lessee or occupant of the Property on which a Building is situated who, under the terms of a lease, is required to repair and maintain the Building; and
- (g) an Owner as defined by the Condominium Act, 1998;

“Person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

“Property” means land within the Town and includes buildings and structures.

“Seasonal” means occupancy or operation of a Building on a non-year-round basis, including building intended or designed for seasonal use and otherwise maintained in compliance with applicable statutes and Town by-laws.

“Street” shall mean a public road;

“Vacant Property” means Property to which this By-law applies that is:

- (a) Vacant Land; or
- (b) contains a Vacant Building.

“Vacant Land” means property to which this By-law applies on which:

- a) there is no Building; and
- b) the land is not being actively used in accordance with a lawful permitted use, for a period of more than ninety (90) consecutive days.

“Town” means the Corporation of the Town of Gravenhurst;

3.2 In this By-law “Vacant Building”, subject to subsections 3(2) and 3(3), means a Building, or any portion of a Building that is designed, intended, or used for commercial or mixed-use purposes, that in the opinion of the Director reasonably appears not to be actively used for its intended commercial purpose, and without limiting the generality of the foregoing, includes a Building or portion of a Building that, in the opinion of the Director, is deemed to be vacant where one or more of the following circumstances exist:

- (a) that is not protected from the entry of unauthorized persons;
- (b) that is not protected from the entry of rain, snow, vermin or birds into the interior of the Building;

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- (c) where the supply of any one or more of the electricity, gas or water utilities serving the Building is discontinued or disconnected;
- (d) where one or more of the electricity, gas or water utilities serving the Building is not being used;
- (e) where twenty-five (25) per cent or more of the door and window openings to the Building are partially or completely boarded up (for example, if there are 8 door and window openings to a building and 2 or more of the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening);
- (f) where an Application for Rebate of Property Taxes for the entire Building has been submitted to the Town's Tax Section; or
- (g) the Building or a vacant portion thereof is not occupied and is creating either a nuisance or safety concern to the public.

3.3 For the purposes of this By-law;

- (a) a Building shall not be deemed to be occupied solely because a residential dwelling unit within the Building is occupied, where a commercial portion of the Building is otherwise vacant;
- (b) where a Building includes more than one (1) unit Vacant will be defined as a Building with 50% or more of the primary use space unoccupied;
- (c) where a Building contains more than one commercial unit or commercial use area, each such unit or area may be assessed independently to determine whether it constitutes a Vacant Building or vacant portion thereof; and
- (d) the occupancy or use of one commercial unit or portion of a Building does not preclude a determination that another commercial unit or portion of the same Building is vacant.

3.4 A Vacant Building does not include a Building where the Owner satisfies the Director that:

- (a) a use permitted under the Town's Zoning By-law is occurring;
- (b) a permit has been issued by the Town for construction or demolition of the Building and construction or demolition has commenced and has not been suspended or abandoned within the meaning of the *Building Code Act, 1992* and applicable municipal by-laws;
- (c) the Building is not a dwelling and is on Property used as a Farm; or
- (d) the Building is occupied by the Owner, or a person authorized by the Owner, on a seasonal basis.

4) REGISTRATION

4.1 Every owner of a Vacant Property shall register the Vacant Property within ninety (90) days after the commencement of vacancy.

4.2 For the purposes of this By-law, “Commencement of Vacancy” means:

- (a) for a Vacant Building, the earliest date on which, in the opinion of the Director, one or more of the circumstances set out in subsection 3.2 first existed; and
- (b) for Vacant Land, the first day on which, in the opinion of the Director, the Land first met the definition of Vacant Land.

4.3 Every registration expires:

- (a) on the one-year anniversary date of issuance, unless renewed before expiry;
- (b) when the registration is revoked under this By-law;
- (c) when the Vacant Property is transferred to a new Owner; or
- (d) when the Director is satisfied and provides written notice to the Owner that the Property is no longer a Vacant Property.

4.4 To register or renew a registration, the Owner shall:

- (a) complete and submit an application in the form required by the Director, including any supporting documentation required; and
- (b) pay the applicable registration fee set out in Schedule A.

4.5 Every Owner of a Vacant Property shall notify the Town of any material change to information provided in the application within ten (10) business days of the change.

4.6 The Town may refuse an application to register or renew where the application is incomplete or contains false or misleading information.

5) GENERAL PROVISIONS

5.1 All measurements in this By-law are given in the metric short form.

5.2 In this By-law, unless the context otherwise requires, words used in the singular include the plural and words used in the plural include the singular, and words importing one gender include all genders, in accordance with the *Legislation Act, 2006*.

5.3 In this By-law, unless the context otherwise requires, the word “and” is conjunctive, and the word “or” is disjunctive; however, where the context permits, “or” shall be read as inclusive.

5.4 Any reference in this By-law to a statute, regulation, or by-law includes that legislation and any amendments to it, as well as any successor legislation.

5.5 Any notice or document given to the Town in respect of this By-law shall be in writing and delivered in the following manner:

**Economic Development Division – Town of Gravenhurst,
3-5 Pineridge Gate
Gravenhurst, ON
P1P 1Z3.**

6) EXEMPTIONS

6.1 The following Vacant Properties are exempt from payment of the registration fee, provided the Owner registers the Property and provides satisfactory evidence to the Director of the exemption:

- (a) Catastrophic Event: where the Property became vacant as a direct result of a catastrophic event, for a maximum period of two (2) years following Catastrophic Event.
- (b) Death of Owner: where the Property became vacant due to the death of the Owner, for a maximum period of two (2) years following the death of the Owner, provided the owner's authorized representative registers the property.

6.2 The following Vacant Properties are exempt from registration under this By-law:

- (a) a Property where a valid building non-residential permit or demolition permit has been issued and the work is being carried out in accordance with the *Building Code Act, 1992*; or
- (b) such other classes of property as Council may exempt by resolution, if any.

6.3 The burden of establishing an exemption rests with the Owner.

6.4 A Vacant Building does not include a Building that is owned or controlled by the federal, provincial, district or Town government.

7) OWNER RESPONSIBILITIES – VACANT BUILDINGS

7.1 Every owner of a Vacant Building shall:

- (a) register the Vacant Property in accordance with this By-law;

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- (b) ensure that the Property complies with all applicable statutes, regulations, and Town by-laws, including, but not limited to, the *Building Code Act, 1992*, and the *Fire Protection and Prevention Act, 1997*;
- (c) protect the Property against the risk of fire, accident, or other damage;
- (d) ensure the Building is secured against unauthorized entry;
- (e) ensure window coverings are of a dark matte material to resemble window glass, or other material approved by the Director, and are properly fitted and maintained during the vacancy;
- (f) ensure all exterior walls and their components, including coping and flashing:
 - (i) are maintained in good repair;
 - (ii) are free of holes, breaks, loose or rotting boards or timbers and any other condition that might permit the entry of insects, rodents or other pests;
 - (iii) have wood surfaces adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
 - (iv) have no more than twenty-five (25) per cent of any painted area blistered, cracked, flaked, scaled, or chalked away; and
 - (v) have loose material removed from exterior walls, doors and window openings;
- (g) ensure that all exterior walls, doors, windows, fences, accessory structures, and other exterior surfaces of the Building and Property are kept free of graffiti, and that any graffiti is removed or covered within a reasonable time as directed by the Director;
- (h) maintain a minimum of one million dollars (\$1,000,000) of general liability insurance per occurrence with coverage including property debris removal for the Vacant Building and provide proof of insurance upon request of the Director;
- (i) maintain the exterior of the Property, including yards, driveways, parking areas, walkways and exterior stairs, in a safe and orderly condition, including:
 - (i) keeping grass, weeds, and other vegetation cut and maintained;
 - (ii) removing snow and ice from walkways, driveways, and other areas accessible to the public or required for emergency access; and
 - (iii) preventing the accumulation of conditions that may create a nuisance, safety hazard or adverse visual impact;
- (j) keep the Property clear of all garbage, refuse, debris and undesirable material;
- (k) where the Property has remained a Vacant Property for more than two (2) years, comply with additional requirements or conditions imposed by the Director in accordance with this By-law;
- (l) post at least one sign on the Vacant Building that:
 - (i) bears the words "for information or inquiries" and the information of the Owner, including a name and telephone number, in black letters on a white retro-reflective background as illustrated in the following figure:

FOR INFORMATION OR INQUIRIES
CONTACT:
NAME:
TELEPHONE NUMBER:

- (ii) is readable from each adjacent Street;
- (m) satisfy the Director that an individual retained by the Owner attends at the Property to monitor the building condition a minimum of once every 2 weeks or more frequently as required in writing by the Director; and
- (n) provide a report from a qualified individual as to the condition of the Building as required in writing by the Director.

7.2 Where an Owner fails to post or maintain a sign required by this By-law, the Town may post such sign and recover the cost in accordance with this By-law.

8) OWNER RESPONSIBILITIES – VACANT LAND

8.1 Every Owner of Vacant Land shall:

- (a) register the Vacant Property in accordance with this By-law;
- (b) ensure that the Property complies with all applicable statutes, regulations, and Town by-laws, including, but not limited to, the Property Standards By-law and the Clean and Clear By-law;
- (c) protect the Property against the risk of fire, trespass, accident, or other danger;
- (d) maintain a minimum of one million dollars (\$1,000,000) of property debris and general liability insurance per occurrence for the Vacant Land and provide proof of insurance upon request of the Director;
- (e) keep the Property clear of all garbage, refuse, debris, and undesirable material;
- (f) ensure that all fences, retaining walls, accessory structures, signage, and other improvements located on the Property are maintained in good repair and free of hazards;
- (g) ensure that all fences, retaining walls, accessory structures, signage, and other exterior surfaces on the Property are kept free of graffiti, and that any graffiti is removed or covered within a reasonable time as directed by the Director;
- (h) maintain the Property in a safe and orderly condition, including:
 - (i) keeping grass, weeds, and other vegetation cut and maintained;
 - (ii) preventing overgrowth that may create sightline issues, harbour vermin, or create a nuisance;

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- (iii) removing snow and ice from walkways, driveways, and other areas accessible to the public or required for emergency access; and
- (iv) preventing conditions that may create a safety hazard, nuisance, or adverse visual impact;
- (i) where the Property has remained a Vacant Property for more than two (2) years, comply with any additional requirements or conditions imposed by the Director in accordance with this By-law.

9) INSPECTION

9.1 An Officer may, at any reasonable time and upon producing identification, enter onto land to carry out an inspection for the purpose of determining compliance with this By-law.

9.2 An Officer shall not enter into a Building or any part of a Building that is being used as a dwelling without the informed consent of the occupier, except under the authority of a warrant or other lawful authority.

9.3 For the purposes of subsection 9.2, informed consent requires that the occupier be advised that:

- (a) entry is voluntary;
- (b) the occupier is not required to permit entry; and
- (c) if entry is refused, the Town may seek a warrant authorizing entry.

10) MUNICIPAL ACT ORDERS

10.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention, or the Owner of the Property on which the contravention occurred, to:

- (a) discontinue the contravening act; and/or
- (b) do work to correct the contravention

10.2 For greater certainty, an order issued under this section is an order made pursuant to the *Municipal Act, 2001*, and does not include a notice of violation, order for voluntary compliance, or administrative penalty issued under the Town's Administrative Monetary Penalty System By-law.

10.3 An order under section 10.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Property; and
- (b) the work to be completed;
- (c) the date or dates by which there must be compliance.

10.4 An order made under Section 10.1 this By-law shall be served personally or by registered mail to the last known address of:

- (a) the Owner of the Property where the contravention occurred; and/or
- (b) to such other persons affected by it as the Officer making the order determines.

10.5 Service by registered mail shall be deemed to have taken place five (5) business days after the date of mailing.

10.6 In addition to service given in accordance with section 10.5, an order made under this By-law may be served by an Officer placing a placard containing the order in a conspicuous place on the Property where the contravention occurred.

11) ADMINISTRATIVE MONETARY PENALTY (AMP) ORDERS AND NOTICES

11.1 If an Officer is satisfied that a contravention of this By-law has occurred, they may make an AMP Order requiring the person who contravened the By-law or who has caused or permitted the contravention to discontinue the contravening activity.

11.2 An AMP Order issued under Section 11.1 shall set out:

- (a) the reasonable particulars of the contravention and the location on which the contravention occurred; and,
- (b) the nature of the action that must be taken to achieve compliance and the date and time by which there must be compliance with the Order, which may be of immediate effect or within five (5) business days.

11.3 An AMP Order issued under Section 11.1 shall be served upon the owner, occupant and/or person(s) the Officer determines to be responsible for the contravention by:

- (a) personal service, which shall be deemed effective on the day of service;
- (b) by emailing it to the last known email address, which shall be deemed effective the day after it is e-mailed; or
- (c) by mailing a copy of the AMP Order by registered mail to the last known address which shall be deemed effective 7 days after it is mailed.

12) ADMINISTRATION

12.1 The Director is authorized to administer and enforce this By-law, including prescribing the format and content of any forms or other documents required under this By-law.

12.2 Registration and other fees under this By-law shall be approved by Council from time to time and then included in the applicable by-law schedules.

13) ENFORCEMENT

Administrative Monetary Penalties System

13.1 This By-law in its entirety is designated as a by-law to which the Town's Administrative Monetary Penalties By-law applies.

Provincial Offences Fines

13.2 Every person who contravenes any provision of this By-law, or who obstructs or attempts to obstruct an officer of an employee or agent of the Town in carrying out their duties under this By-law is guilty of an offence and upon conviction is liable to a fine and any such other penalties as provided in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

13.3 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an Order:

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

13.4 No person to whom an order is issued under this By-law shall fail to comply with the order.

13.5 A contravention of the requirements set out in this By-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.

13.6 A person shall not be subject to both prosecution under section 10 and an administrative penalty under Section 11 in respect of the same contravention.

14) TOWN REMEDIAL WORK AND COST RECOVERY

14.1 Where a person does not comply with a direction, an order, or a requirement under this By-law to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction, order or requirement at the person's expense.

14.2 The Town may recover the costs incurred in carrying out work under section 14.1 by action or in any other manner permitted by law, including adding such costs to the tax roll of the Property where permitted by law and collecting them in the same manner as municipal taxes.

14.3 Costs recoverable under section 14.2 may include interest, calculated at a rate approved by Council from time to time, commencing on the day the Town incurs the costs and ending on the day the costs, including interest, are paid in full.

14.4 The Director is authorized to give immediate effect to any direction, order, or requirement where the expected costs of carrying out the work do not exceed \$50,000, and where the expected costs exceed \$50,000, only as Council may authorize.

14.5 The Town shall invoice the Owner for costs recoverable under section 14.2 and the invoice shall be payable within thirty (30) days of the date of issuance.

14.6 If the invoiced costs are not paid within the time required, the Town may recover the unpaid amount in accordance with section 14.2.

15) OBSTRUCTION

15.1 In accordance with the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, Section 426 (1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an Officer, employed by the Town of Gravenhurst lawfully exercising a power or duty under this by-law.

16) LIABILITY

16.1 The Town assumes no liability for property damage or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any person or property that is subject of this By-law.

17) VALIDITY AND SEVERABILITY

17.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

17.2 Nothing in this By-law shall be construed to relieve any person from compliance with any other applicable law, regulation, or Town by-law. In the event of a conflict between this By-law and any other Town by-law, the provision that establishes the higher standard shall prevail.

18) ENACTMENT

18.1 This By-law comes into force on the date of its passing.

18.2 Owners of Vacant Properties existing on the date this By-law comes into force shall have ninety (90) days from that date to register their properties in compliance with this By-law.

READ AND PASSED this 21st day of April, 2026.

Mayor

Clerk