

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 064-2026

A By-law to repeal and replace Standing Water By-law 143-2003 and its amendment 042-2025, and to regulate standing water in the City of Vaughan.

WHEREAS pursuant to section 11(2)6. of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act*"), a municipality may pass by-laws respecting the health, safety and wellbeing of persons;

AND WHEREAS health authorities, such as the Regional Municipality of York, Province of Ontario, Government of Canada, and World Health Organization, all recognize that standing water is a common breeding environment for mosquitoes which can spread various serious diseases, such as West Nile, as well as other pathogens;

AND WHEREAS section 434.1 of the *Municipal Act* states that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS sections 444 and 445 of the *Municipal Act*, provide that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and to do the work to correct the contravention;

AND WHEREAS pursuant to section 446 of the *Municipal Act*, a municipality may direct or require a person to do a matter or thing, and in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS the Council of the Corporation of the City of Vaughan considers it desirable to repeal and replace By-law 143-2003, as amended, with this updated standing water by-law to strengthen and clarify restrictions and enforcement with respect to standing water in the City;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 Short Title

- (1) This By-law shall be known as the Standing Water By-law.

2.0 Applicability and Scope

- (1) The provisions of this by-law apply to all *Properties* within the *City*.
- (2) Where any provision of this by-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

3.0 Definition and Interpretation

- (1) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(4) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (3) Any reference to a statute, regulation, by-law or other legislation shall include such statute, regulation, by-law or legislation as amended, re-enacted, replaced, or superseded.
- (4) For the purposes of this By-law:

“Administrative Penalties By-law” refers to the City Administrative Penalties By-law 240-2024;

“Administrative Penalty” means a penalty established under authority of the *Administrative Penalties By-law*;

“City” means The Corporation of the City of Vaughan;

“Debris” means any material whatsoever capable of holding water including, without limiting the generality of the foregoing, tires, cars, boats, garden fixtures and containers of any kind;

“Depression” means any natural condition on property that is capable of holding water, but does not include a municipally owned stormwater management facility;

“Designated By-law” has the same meaning as in the *Administrative Penalties By-law*;

“Excavation” means any man-made condition on property that is capable of holding water,

but does not include a municipally owned stormwater management facility;

“Municipal Act” refers to the *Municipal Act, 2001*, S.O. 2001, c. 25;

“Municipal By-law Enforcement Officer” means a Person appointed as a Municipal By-law Enforcement Officer, pursuant to section 15 of the *Police Services Act, R.S.O. 1990*, c. P.15 or section 55 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, to enforce the provisions of this By-law;

“Natural Body of Water” means a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains water;

“Owner” means the person(s) that appears on the last assessment roll of the *Property* for the City;

“Order” means a written notice issued by a *Municipal By-law Enforcement Officer* directing a person to take some action in order to comply with this By-law or correct a contravention of this By-law;

“Person” includes an individual, corporation, partnership or association;

“Property” means the land including all buildings and structures on the land;

“Provincial Offences Act” refers to the *Provincial Offences Act, R.S.O. 1990*, c. P.33;

“Standing Water” means any water that is in a *Depression, Excavation, Debris* or in or on any structure, excluding a *Natural Body of Water* and a municipally owned stormwater management facility;

4.0 General Provisions

- (1) From April 1st to October 31st, every *Property Owner* shall keep his or her *Property* clear of *Standing Water* except where any of the following apply:
 - (a) where keeping his or her *Property* clear of *Standing Water* would restrict a normal farm practice carried on as part of an agricultural operation;
 - (b) where *Standing Water* is located in rain barrels or other water collection equipment that have mesh or other coverings to prevent a breeding environment for insects, and which are not acting as a breeding environment for insects.
- (2) No *Property Owner* shall keep a swimming pool, hot tub, wading pool, artificial pond or fountain on his or her *Property* unless it is maintained in good repair and

working condition.

5.0 Orders and Enforcement

- (1) Any *Person* who contravenes or fails to comply with any provision of this by-law is guilty of an offence.
- (2) A *Municipal By-law Enforcement Officer* may enter onto lands at any reasonable time, for inspection to determine whether the provisions of this By-law, or an *Order* issued under this By-law, have been complied with.
- (3) If a *Municipal By-law Enforcement Officer* has reasonable grounds to believe that a contravention of this By-law has occurred, he or she may issue an *Order* to the *Property Owner*, requiring compliance with this By-law and require him or her to do work to correct the contravention of this By-law within the time period specified in the *Order*, and the *Property Owner* shall comply with the *Order*.
- (4) An *Order* issued by a *Municipal By-law Enforcement Officer* under this By-law to the *Property Owner* to remedy an issue with respect to *Standing Water*, may require a *Property Owner* to do, among other potential requirements, one or more of the following:
 - (a) drain or fill in a *Depression* or *Excavation* where *Standing Water* has accumulated;
 - (b) treat a body of water with larvicides or other action to destroy larvae and/or pathogens; and
 - (c) remove *Debris* or a structure in which *Standing Water* has accumulated.
- (5) An *Order* issued under the authority of this By-law, shall include:
 - (a) the municipal address of the *Property* on which the contravention occurred;
 - (b) the date of the contravention;
 - (c) a description of the contravention of the By-law;
 - (d) a description of the work required to bring the *Property* into compliance with the By-law;
 - (e) the date on which the work must be completed by; and
 - (f) notice that if the work is not completed by the required date, that the *City* may have the remedial work done at the expense of the *Property Owner* and recovered by adding the amount to the *Property Owner's* taxes.

- (6) The *Order* in 5.0(3) may be served in *Person* to whom it is directed or by registered mail to the last known address of that *Person*, in which case it shall be deemed to have been given on the fifth day after it is mailed.
- (7) If there is evidence that the *Person* in possession of the *Property* is not the *Property Owner*, the *Order* in 5.0(3) shall be served on both the *Property Owner* and the occupant.
- (8) If the *Property Owner* does not reside at the *Property* and his or her address of residence is unknown and the *City* is unable to serve him or her in person, or by registered mail as per section 5.0(6), or if the *Order* cannot be served to the *Owner* and occupant as per section 5.0(7), a placard stating the terms of the *Order* in 5.0(5) shall be placed in a conspicuous place on the *Property* and shall be deemed to be sufficient notice to the *Property Owner*.
- (9) If a *Property Owner* fails to comply with an order given under 5.0(3), the *City*, its employees, contactors, or authorized agents may do the work described in the *Order* and enter upon the *Property*, if necessary, at any reasonable time.
- (10) No *Person* shall hinder or obstruct, or attempt to hinder or obstruct *Municipal By-law Enforcement Officers* or any other person in the exercise of a power or performance of a duty under the *Municipal Act* or this By-law.

6.0 Fines

- (1) Every *Person* who is guilty of an offence under this By-law shall be subject to the following fines:
 - (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.

7.0 Administrative Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act* for a contravention of any provisions of this By-law, a *Municipal By-law Enforcement Officer* may issue an *Administrative Penalty* to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an *Administrative Penalty* under subsection 7.0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the *Administrative Penalty* for a first contravention under this By-law is \$350.
- (4) The amount of the *Administrative Penalty* for a second and any subsequent breach under this By-law is \$700.
- (5) Every *Person* who is issued an *Administrative Penalty* shall be subject to the procedures provided for in the *Administrative Penalties By-law*.

8.0 Cost Recovery and Unpaid Fines and Penalties

- (1) Where the *City*, its employees or authorized agents have performed the work required to bring a *Property* into compliance with this By-law, all expenses incurred by the *City* in doing the work as well as any related fees, shall be deemed to be a debt to the *City* and may be collected by the *City* or added to the tax roll for the *Property* and collected in the same manner as taxes.
- (2) The treasurer of the municipality may add any unpaid fine or *Administrative Penalty* to the tax roll for any *Property* in the *City* for which all of the *Owners* are responsible for paying the fines or *Administrative Penalties* and collect it in the same manner as municipal taxes.

9.0 Repeal

- (1) This By-law repeals Standing Water By-law 143-2003 and By-law 042-2025.

10.0 Transition

- (1) Notwithstanding the repeal of by-laws 143-2003 and 042-2025, those by-laws shall continue to apply to any acts, omissions, or occurrences, and to any offences that took place prior to this By-law coming into effect.

11.0 Severability

- (1) If any provision of this By-law or the application thereof to any person or circumstances is held to be invalid by a court of competent jurisdiction, the

invalidity does not affect other provisions or applications of the By-law which can be given effect without the invalid provisions or application, and to this end the provisions of this By-law are severable.

12.0 Designated By-law

- (1) This is a designated by-law as per Schedule 1 of the *Administrative Penalties By-law*.

13.0 Force and Effect

- (1) This By-law shall come into force and effect upon the date it is passed by Council.

Voted in favour by City of Vaughan Council this 28th day of April, 2026.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 2 of Report No. 20 of the Committee of the Whole.
Report adopted by Vaughan City Council on April 28, 2026.
City Council voted in favour of this by-law on April 28, 2026.
Approved by Mayoral Decision MDC 005-2026 dated April 28, 2026.
Effective Date of By-Law: April 28, 2026