



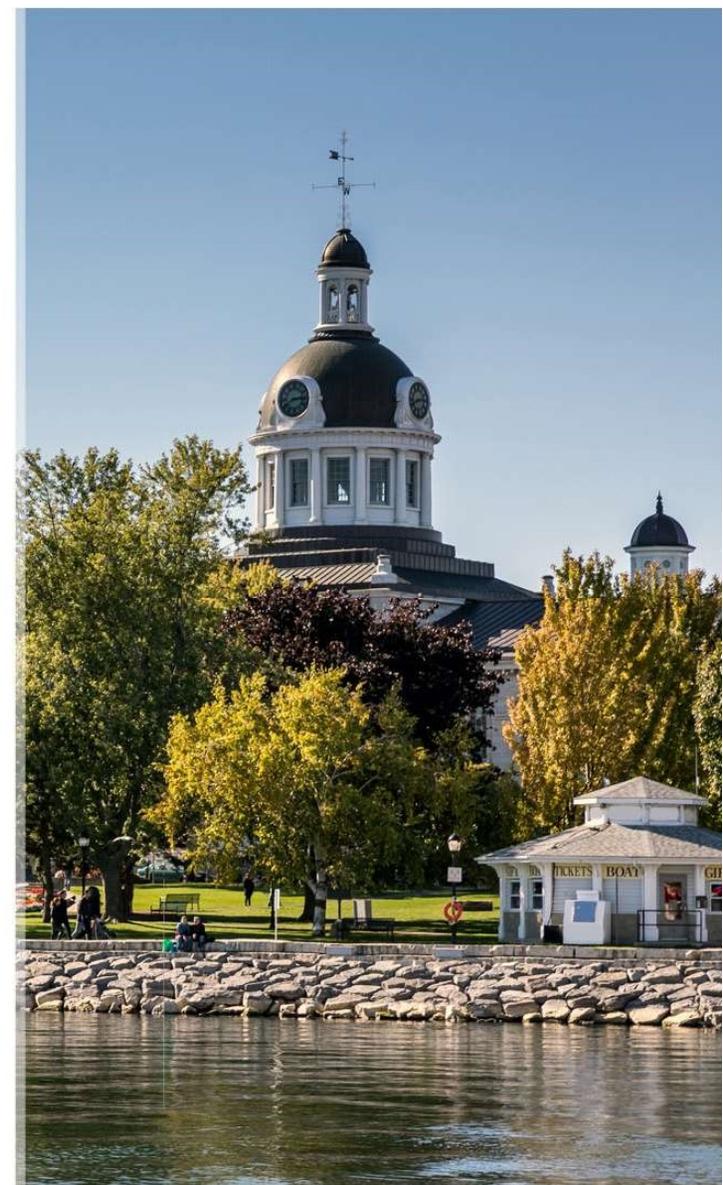
Proposed Amendments to the City of Kingston Nuisance Party By-Law – Information for Landlords

Presented by Kyle
Compeau, Manager,
Enforcement, Building &
Enforcement Services



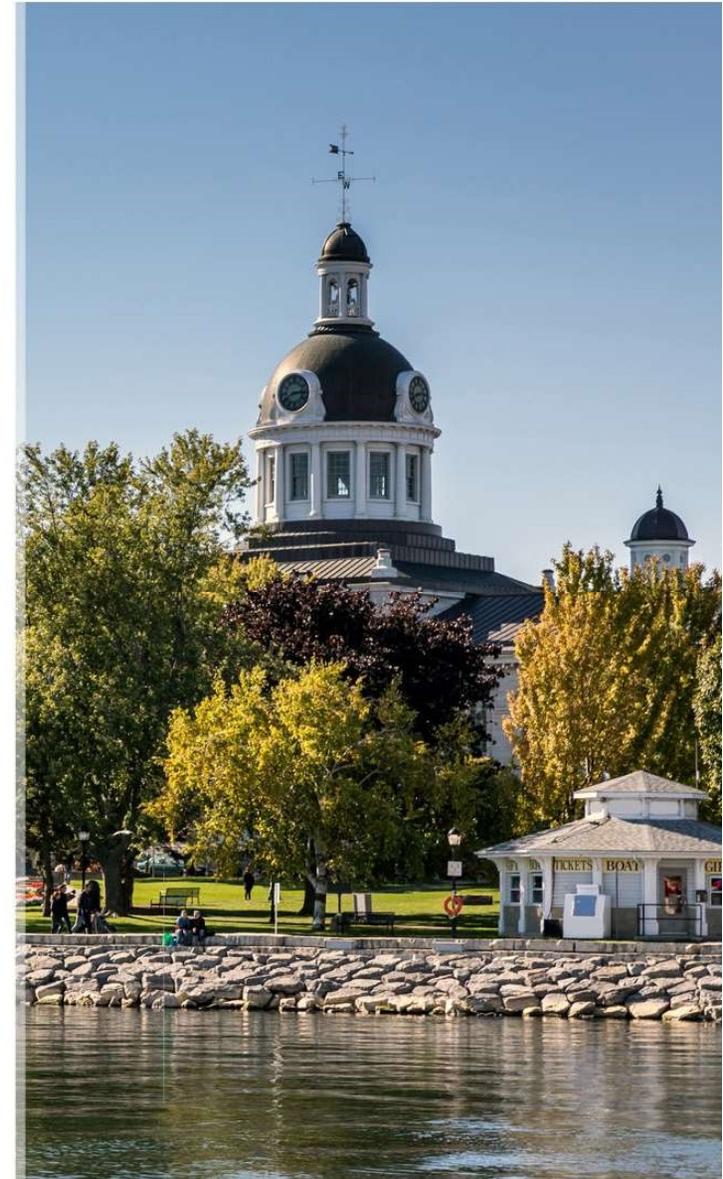
What is the Purpose of the Nuisance Party By-Law?

- Purpose of the Nuisance Party By-Law is to create an enforcement tool to address the negative impacts of large social gatherings involving nuisance behaviours, such as public intoxication, property damage, and excessive noise.
- Nuisance parties pose a significant safety risk to the public and place a strain on community partners and emergency services, such as Kingston Police, Kingston Fire & Rescue, paramedics and hospital staff.
- In 2021, Kingston Police spent approximately \$970,000 responding to nuisance parties in the City of Kingston.
- The City of Kingston's by-law enforcement department incurred costs of approximately \$83,000 in investigating and enforcing nuisance party complaints over the same period.
- This is a persistent and growing problem in Kingston



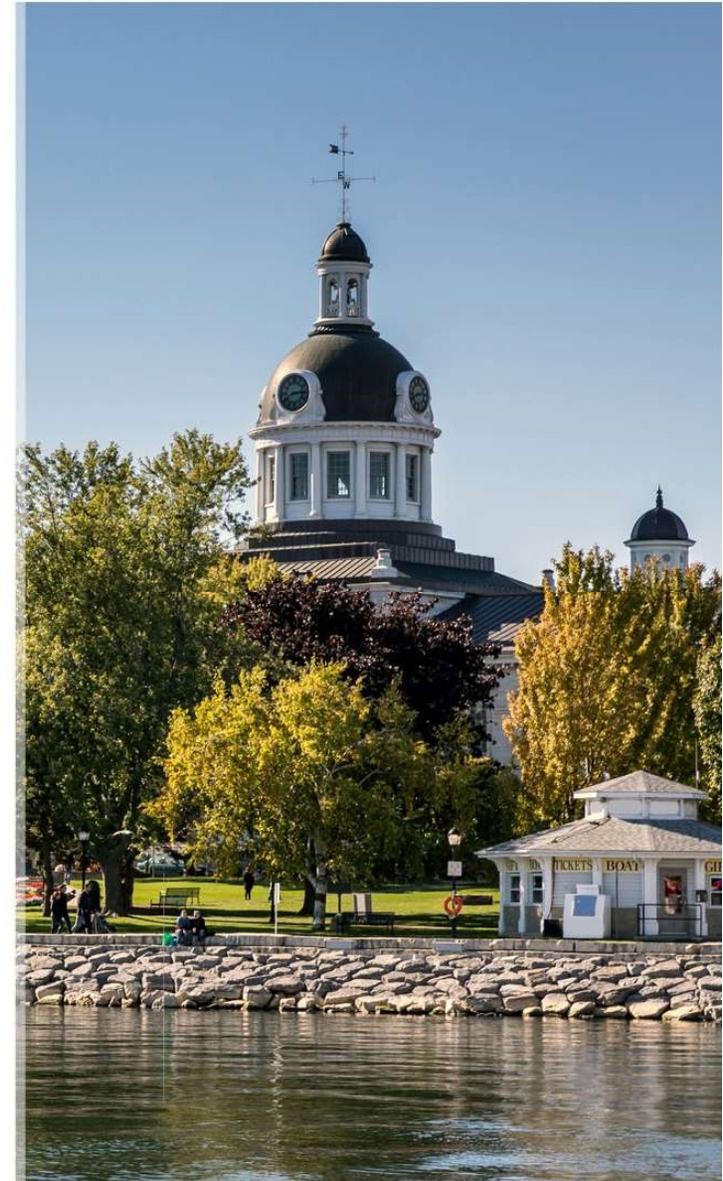
Can Landlords be Charged under the Existing Nuisance Party By-Law?

- Under the current Nuisance Party By-Law, it is an offence to “permit” a nuisance party to occur.
- If there is evidence that a landlord “permitted” a nuisance party to occur on their premises, the landlord can be charged under the Nuisance Party By-Law.
- The current Nuisance Party By-Law also provides for the delivery of a warning notice to the landlord after a nuisance party occurs and prohibits the landlord from permitting a subsequent nuisance party to occur on the premises within two years.



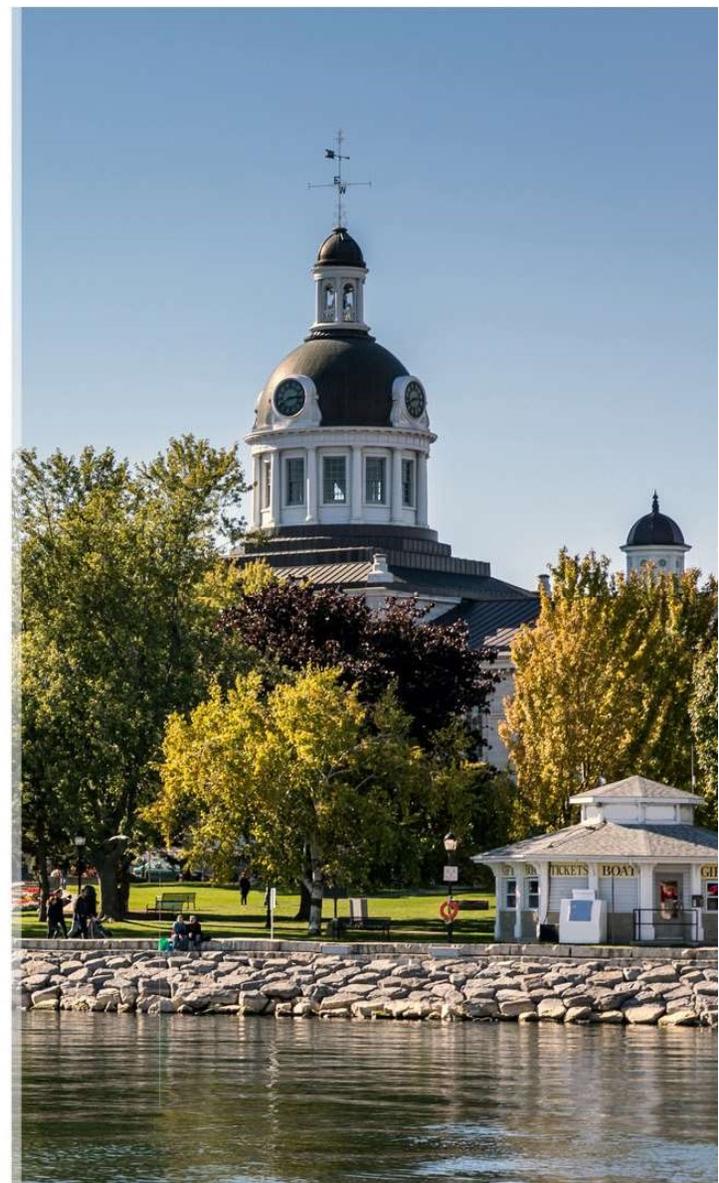
Why is the City Proposing to Eliminate the Warning Notice Requirement?

- There is an increasing prevalence of large and dangerous nuisance parties in Kingston.
- Landlords, as property owners and neighbours, are expected to do their part to deter dangerous nuisance party behaviours from occurring on their premises.
- Landlords should be taking reasonable *proactive* steps to deter these behaviours *before* they occur. Landlords should not be waiting for a warning notice to take appropriate action.



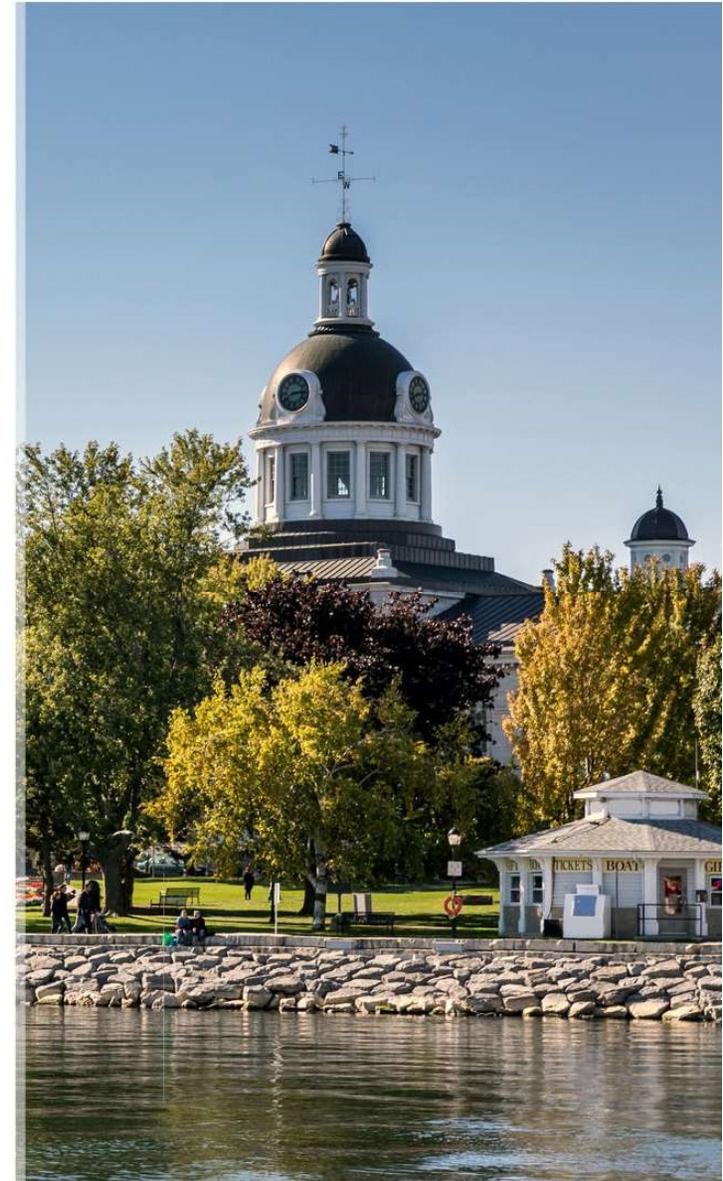
Why is the City Proposing to Eliminate the Warning Notice Requirement? Cont'd...

- The warning notice provision was intended, in part, to place an emphasis on education and prevention during the initial implementation of the Nuisance Party By-Law.
- The Nuisance Party By-Law has now been in effect for over four years in the City of Kingston.
- It is expected that all landlords in the City have familiarized themselves with the content of this By-Law and its requirements.



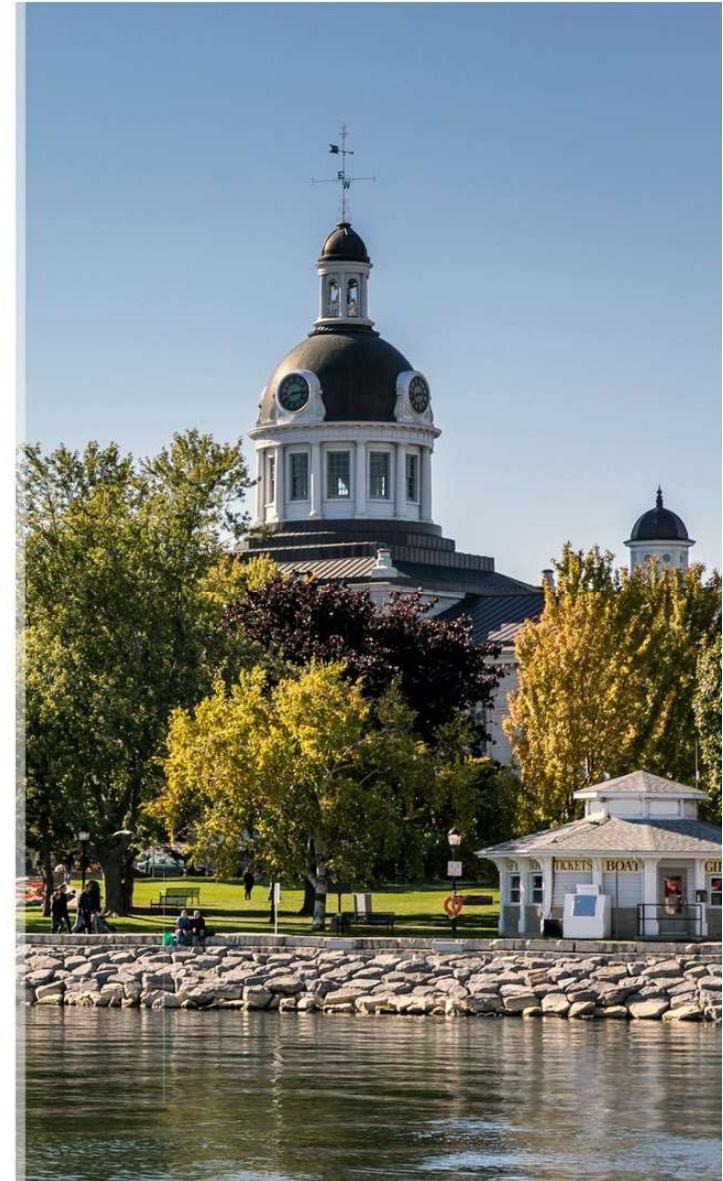
When can a Landlord be Held Legally Accountable under the Proposed By-Law?

- A landlord is only guilty of an offence if there is evidence that the landlord “permitted” or “allowed” a nuisance party to occur at their property.
- A landlord is only responsible for the fees and charges set out in the proposed by-law if there is evidence that the landlord “permitted” or “allowed” a nuisance party to occur.



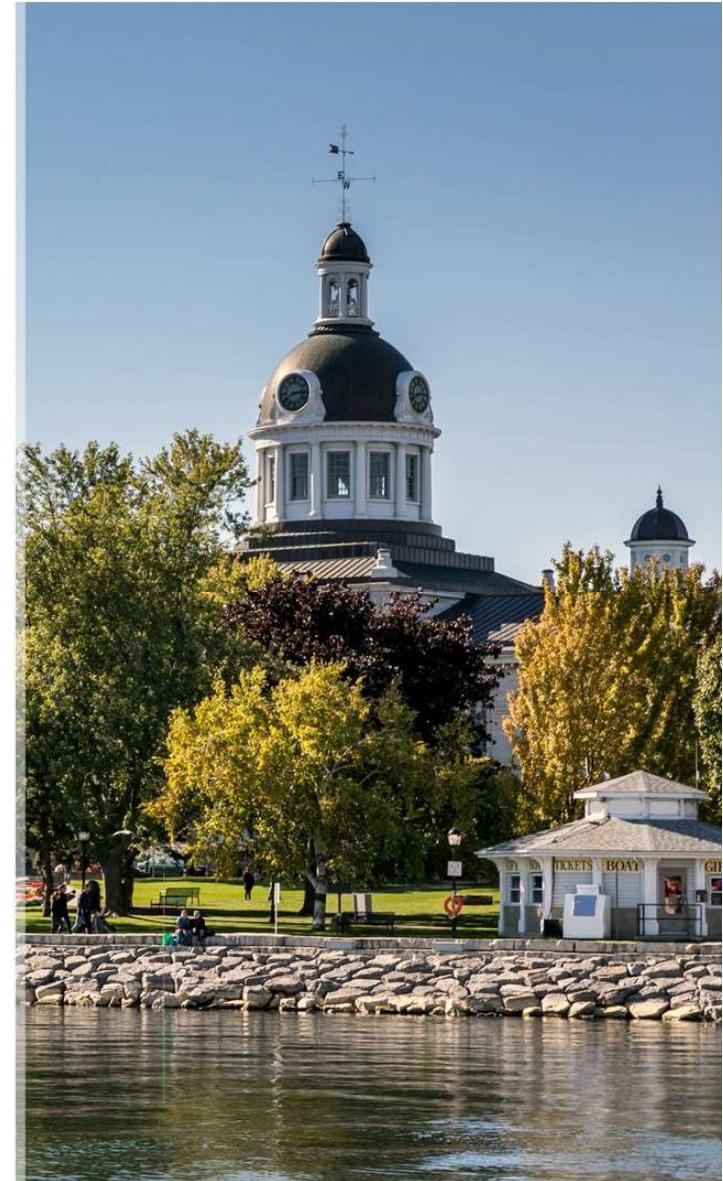
What Steps can Landlords take to Demonstrate that they have not “Permitted” or “Allowed” a Nuisance Party to Occur?

- Obtain references from prospective tenants;
 - Include a provision in the tenancy agreement requiring tenants to comply with the City’s Nuisance Party By-Law;
 - Provide tenants with a copy of the City’s Nuisance Party By-Law;
 - Send communications to tenants educating them on their responsibilities and obligations under the Nuisance Party By-Law;
 - Monitor the property on a regular basis in accordance with the *Residential Tenancies Act*; and
 - Take reasonable action to address complaints regarding social gatherings at the property on a timely basis.
-



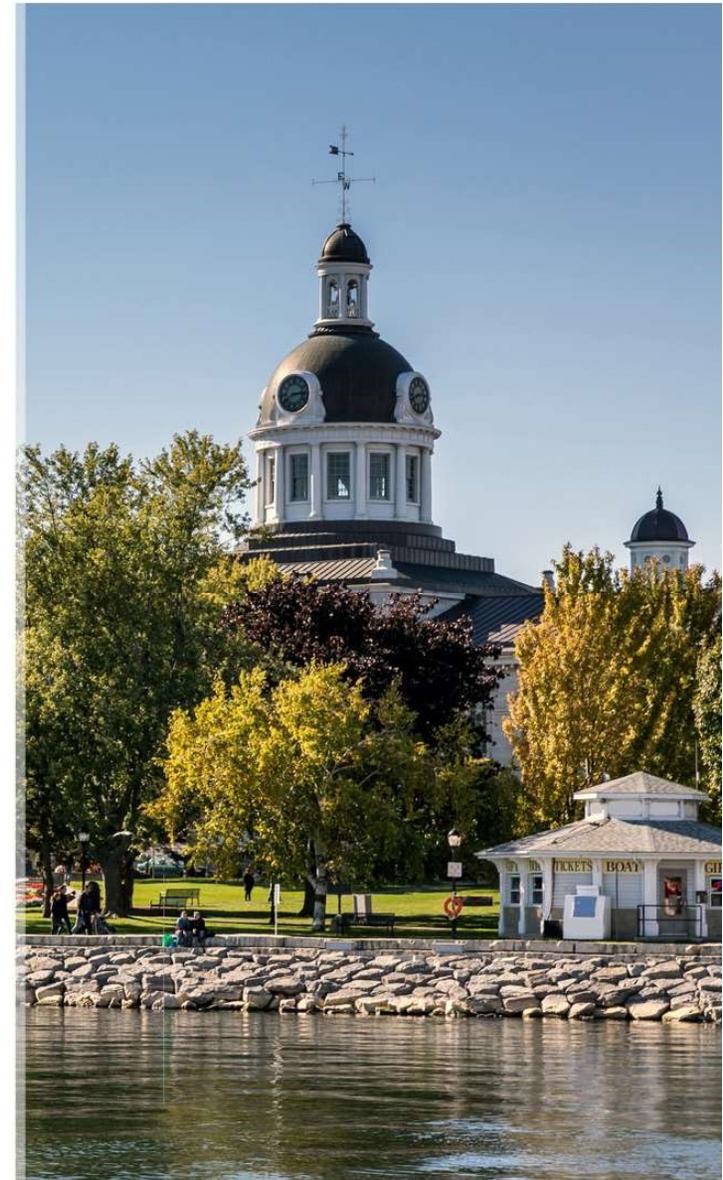
Will I be Charged Under the Nuisance Party By-Law if I don't Evict my Tenant after a Nuisance Party?

- No. A landlord is not required to commence eviction proceedings against its tenants to demonstrate that it has not “permitted” or “allowed” a nuisance party to occur at its property.
- There are a number of reasonable, free steps that landlords can take to demonstrate that they are acting with due diligence to deter nuisance party occurrences at their property.



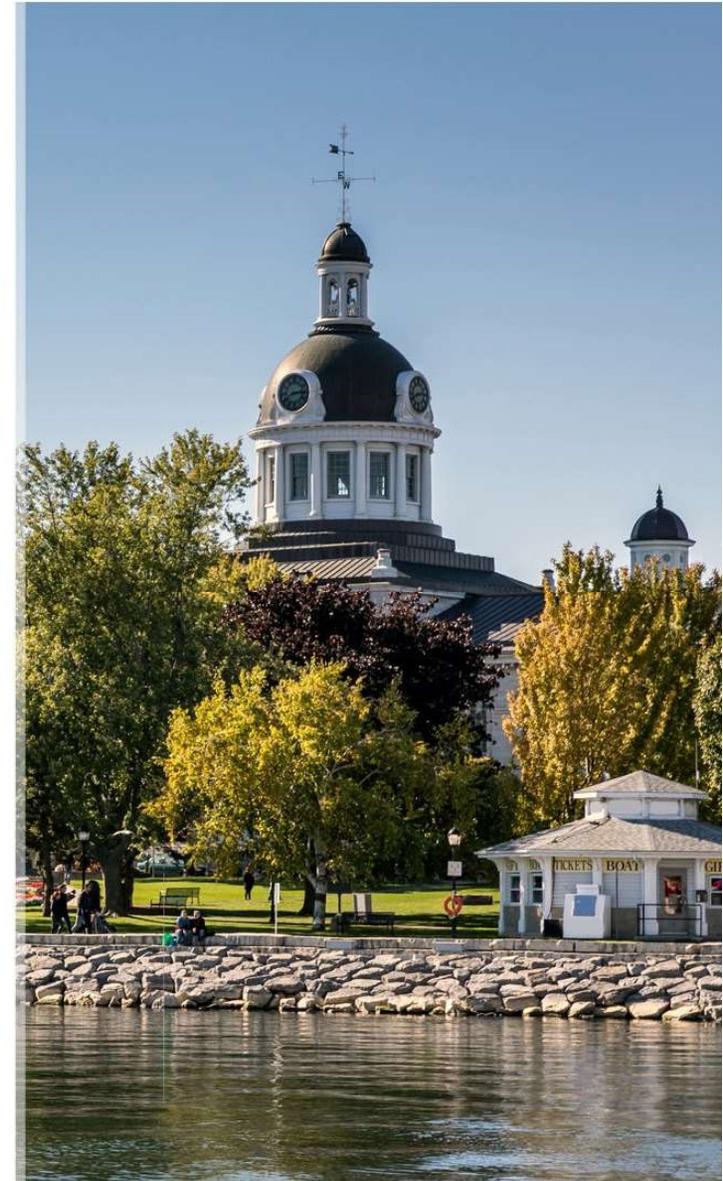
How will the Proposed By-Law Amendments Affect Landlords?

- Intent of the amendments is to ensure that landlords are fulfilling their obligations as property owners and neighbours to act with due diligence in deterring nuisance party occurrences on their property.
- Those who fail to do so could be held legally accountable under the Nuisance Party By-Law.
- Intent is not to penalize landlords who have taken reasonable steps to educate their tenants on the City's Nuisance Party By-Law and to deter nuisance party occurrences on their property.



Where can I Find More Information for Landlords?

- City staff are preparing an information brochure for local landlords outlining the steps they can take to deter nuisance party occurrences on their premises.



Questions?

