File No.: 310/23

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

THE HONOURABLE	)	WEDNESDAY THE 31ST
	)	
JUSTICE MATHESON	)	DAY OF MAY, 2023

B E T W E E N:

WINDSOR HOUSING PROVIDERS INC.

Applicant

- and -

WINDSOR (CITY)

Respondent

ORDER

THIS MOTION for leave to appeal from the order of Howard J., made May 16, 2023, brought by the Applicant, was heard this day in writing at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the motion record and factum of the Applicant,

AND ON BEING ADVISED that the parties consent to this Order,

1. THIS COURT ORDERS that until the return of the of the Applicant's motion for a stay pursuant to section 273(4) of the *Municipal Act, 2001*, the City of Windsor may not subject persons to penalties for failing to comply with Residential Rental Housing By-Law 14-2023 ("RRH"), but may continue to do the following:

(a) encourage voluntary compliance with RRH; and

(b) advise homeowners of the requirement to apply for a license under RRH.

2. For greater clarity, nothing in this Order shall prohibit the City's Fire, Building or By-Law Enforcement officers from enforcing existing statutes and regulatory by-laws, including but not limited to the following statutes and City by-laws:

Building Code Act, *1992*;
Fire Protection and Prevention Act, *1997*;
Fence By-law 170-2012;
Ice and Snow Removal By-law 8544;
Noise By-law 6716;
Parking By-law 9023;
Property Standards By-law 9-2019;
Waste Collection and Disposal By-law 2-2006;
Yard Maintenance and Anti-Littering By-law 3-2006;
Zoning By-law 8600;
Keeping of Animals By-law 8156;
Feeding of Wild Animals By-law 67-2021;
Business Licensing By-law 395-2004 ;
Short-term Rental By-law 115-2022;
Registration, Licensing and Control of Dogs By-law 245-2004;
Fireworks By-law 37-2004;
Idling of Vehicles and Boats By-law 233-2001; and
Vital Services By-law 195-2011.

3. THIS COURT ORDERS that the motion for leave to appeal from the Order of Howard J., dated May 16, 2023 is hereby dismissed.

4. THIS COURT ORDERS that the costs of this motion for leave to appeal be left to the judge hearing the motion for a stay pursuant to section 273(4) of the *Municipal Act, 2001.*

JUSTICE MATHESON

File No.: 310/23

WINDSOR HOUSING PROVIDERS INC. and **WINDSOR (CITY)**

Applicant Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

Proceeding commenced at Windsor

ORDER

STEVEN PICKARD LAW
PROFESSIONAL CORPORATION
214 St. Clair Street
Chatham, Ontario N7L 3J7
Per: STEVEN PICKARD/LSO #67376A
Tel: 226-996-8770
Fax: 226-996-8771
steven.pickard@pickardlaw.ca
Lawyers for the Applicant