

**THE CORPORATION OF THE TOWN OF BANCROFT
BY-LAW NO. 30-2023**

**Being a By-Law to provide for standards of
the physical condition, maintenance and
occupancy, of property located within the
Town of Bancroft.**

WHEREAS the Council of the Corporation of the Town of Bancroft deems it expedient to pass a by-law pursuant to the Building Code Act, 1992, S.O. 1992, c. 24 s. 15.1 to 15.8 inclusive, the council of a municipality may pass a by-law to prescribing standards for the maintenance and occupancy of property within the municipality and require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

AND WHEREAS the Council of the Corporation of the Town of Bancroft deems it expedient to pass a by-law pursuant to the Building Code Act, S.O. 1992, c. 24 s. 15.2 permitting officers of the municipality to, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine whether the property conforms with the standards, or, to determine if an order has been complied with.

AND WHEREAS a committee shall hear appeals made by owners or occupants who have been served with an order made by an officer of the Corporation of the Town of Bancroft, who is not satisfied with the terms or conditions of said order, as prescribed by the Building Code Act, S.O. 1992, c. 24 s. 15.3

AND WHEREAS the County of Hastings Official Plan, 2018, references allowable property standards set by the municipality.

AND WHEREAS it is desirable for the protection of the safety, health and well-being of the stakeholders of the Town of Bancroft that Council enact a by-law regulating the standards for property.

NOW THEREFORE the Council of the Corporation of the Town of Bancroft hereby enacts the following:

1.0 DEFINITIONS

In this By-Law the following can be interpreted to mean:

“accessory building” means a building or structure, the use of which is secondary to the main use any building on the same lot, or if there is no other building on the lot, is incidental to the use of the lot and which is not intended for occupancy.

“Approved” shall be interpreted as applied to grade, material, device, or method of construction, approved by an officer of the municipality under the provisions of this by-law, or approved by the Chief Building Official or Building Inspector under the provisions of the Building Code Act, 1992, as it may be amended, or approved by another person designated by by-law to give approval to the matter in question.

“bathroom” means a room, or a combination of two rooms, containing a minimum of one (1) toilet, basin, and either a bathtub or shower.

“building” means any building or structure, other than an accessory building as herein defined, used or intended to be used for any purpose.

“committee” means a property standards committee established pursuant to the Building Code Act, 1992, as it may be amended. See Section 23.0.

“council” means the Council of the Corporation of the Town of Bancroft.

“dwelling” means a building or structure, or part of a building or structure, capable of being occupied for human habitation, this includes a building which could be intended to be used for such purpose except for its state of disrepair and shall include mobile homes.

“dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“fire-resistance rating” means the time in minutes or hours that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived from that test and performance as prescribed in the Ontario Building Code, as it may be amended.

“ground cover” means organic or non-organic materials applied to prevent the erosion of the soil such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“habitable room” means a room designed to provide living, sleeping, kitchen and/or dining accommodation for persons. This definition shall not include any garage, carport, porch, veranda, attic, cellar, bathroom, recreation room, storage room, furnace room, lobby, foyer, stairwell or other space for the service or maintenance of a dwelling.

“lot” means a parcel of land under distinct and separate ownership from adjoining lands and being described in a deed or legal document which has the authority to convey land.

“municipality” or “town” means the Corporation of the Town of Bancroft.

“natural lawn” means planted, cultivate and indigenous plants and flowers that are organized, contained within the property boundaries and appearing in an appealing manner, not containing poisonous plants and noxious weeds and cultivated in a controlled manner. It is designated under Areas of Natural and Scientific Interest (ANSI) of both a Life Science and Earth Science nature, as designated by the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry.

“noxious” means any structure, weed, shrub, animal, insect or rodent which creates a nuisance or is liable to create a nuisance, or is offensive through the creation of noise, objectionable odor, dust, or by reason of its unsightly nature or habits. Without limiting the foregoing noxious shall also include any structure, weed, shrub, animal, insect, or rodent which may be declared by the Property Standards Committee to be noxious.

“occupant” means any person or persons over the age of 18 years in possession of the property.

“officer” means any person appointed by the Corporation of the Town of Bancroft to administer and enforce this by-law including a Property Standards Officer, or By-Law Enforcement Officer.

“owner” includes,

- (a) the person for the time being managing or receiving the rent of the land or premises, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let;

- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (c) the person, corporation or organization named in a legally recognized land conveyance document as the purchaser for which no subsequent document has been issued.

“person” means any individual, association, firm, partnership, company, corporation, agent, trustee, heirs, executors, or other legal representatives of a person.

“plumbing” and “plumbing fixtures” means a system of connected pipes, fittings, valves, equipment, fixtures and appurtenances and also may include a receptacle or equipment that receives or collects water, liquids or sewage and discharges water liquid or sewage.

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed by the Council of the Corporation of the Town of Bancroft.

“sewage system” means a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system, a greywater system, a cesspool, a leaching bed system, or a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system, which has a design capacity of 10,000 litres per day or less and are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.

“sidewalk” means a strip of land paved, or otherwise, used for travel adjacent to a road or highway, and is physically set apart or designated and intended for pedestrian use.

“vehicle” means an operational or non-operational motor vehicle, trailer, boat, motorized all-terrain vehicle, or motorized snowmobile.

“yard” means the land, other than that which is publicly owned, ancillary to the whole or any part of a building that is: used, intended to be used, or capable of being used whether in part or wholly, in connection with that building.

2.0 MAINTENANCE OF YARDS

2.1 All yards shall be clean from:

- rubbish, garbage, waste, and other debris;
- objects, holes, and conditions which present a risk to health, or possibility of fire or injury;
- inoperable, unsafe, or unused vehicles, trailers, machinery, or parts thereof, except where a business is licensed or authorized to operate undertakings which would require such items;
- refrigerators, freezers, or similar appliances which may be stored or left on porches, decks or similar areas in rear or side yards, unless the appliance is in working order, and not equipped with any self-locking or self-latching device;
- dilapidated or collapsed structures;

- dead, decaying, or damaged trees or other similar growth where the branches or limbs may create an unsafe condition;
- unprotected wells;
- noxious weeds;
- noxious smells except for those related to horticulture or agriculture, including smells which may occur through the growth of cannabis, as prescribed under the Cannabis Act, S.C. 2018, c. 16;
- grass or other similar vegetation which is taller than 25 cm (approximately 10 inches) in height visible from any lot line, save and except for natural lawns, as defined herein.

2.3 Every owner shall ensure that vegetation is kept from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or passage of the public, wholly or partially conceal or interfere with the use of any hydrant or water valves or constitute an obstruction of view for vehicular traffic.

3.0 LANDSCAPING

- 3.1 Hedges, plants, other landscaping required by the Municipality as a condition of development, redevelopment, or rearrangement of property shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance.
- 3.2 Suitable ground cover shall be provided to prevent erosion of soil and where grass forms a part of the ground cover, any grass which has died, or is no longer growing shall be re-sodded, or re-seeded as often as required so as to restore the grass as a suitable form of ground cover;
- 3.3 Areas within a yard not covered by buildings or structures, sidewalks, driveways, and parking areas shall be maintained to a standard at least compatible with the adjoining properties;
- 3.4 All privately owned lands used for vehicular traffic, parking or for loading and unloading shall be maintained in good repair, and adequately drained except for property zoned residential, or used for residential purposes; and
- 3.5 Lawns, hedges, and bushes shall be kept and trimmed to a suitable height in accordance with a standard at least compatible with the adjoining properties.

4.0 GARBAGE

- 4.1 Garbage, rubbish, ashes, and waste shall be contained in an appropriate receptacle. The receptacles shall be made of watertight construction, provided with a tight-fitting cover, and maintained in a clean state.
- 4.2 Every property shall be kept free of unsightly or unsafe refuse and litter.
- 4.3 Every non-residential building shall provide sufficient and proper receptacles in good repair and appearance to contain all refuse and litter as may be left by customers or other persons.

5.0 PASSAGEWAYS, SIDEWALKS & ROOFS

- 5.1 Steps, walkways, driveways, parking spaces, and similar uses shall be maintained so as to afford safe passage for persons and vehicles under normal use and typical weather conditions.
- 5.2 Between the dates of November 01 and April 30 inclusive, every owner shall, where applicable, remove snow, ice and slush, within 24 hours of accumulation, from:
 - roofs which are within 5m of a sidewalk
 - sidewalks directly surrounding the owner's
- 5.3 Snow and slush shall not be deposited in any way as to obstruct access to any fire hydrant.
- 5.4 Snow shall not be deposited on sidewalks, walkways, parking spaces adjacent to a public roadway, or parking spaces designated for use by persons with disabilities.

6.0 DRAINAGE

- 6.1 Exterior property areas shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of storm water or surface water thereon and shall be cultivated or protected with suitable groundcover to prevent the erosion of soil.
- 6.2 No drainage from roofs or sump pumps shall be discharged onto sidewalks, roadways, stairs, neighbouring property or into a municipal sewer.

7.0 SEWER

- 7.1 Sewage shall be discharged into a municipal sanitary sewer and at no time shall sewage be discharged onto the surface of the ground whether into a natural or artificial surface drainage ditch or otherwise.
- 7.2 Despite Section 7.1 of this by-law, where a municipal sanitary sewer is not available for a property, all sewage shall be discharged into a private sewage system approved by the Chief Building Official, Building Inspector, or the Ontario Building Code.

8.0 SIGNS

- 8.1 All signage displayed in public view shall be maintained in a good state of repair and be maintained per the requirements of the Town of Bancroft Sign By-Law 23-2016.
- 8.2 Signs which are damaged, excessively weathered, faded or upon which the finish is worn, peeled, or cracked, shall be removed, or refinished and put in a good state of repair.

9.0 ACCESSORY BUILDINGS

- 9.1 Accessory buildings including garages, carports and fences shall be kept in good repair and free from health, fire and accident hazards.
- 9.2 Accessory buildings including garages, carports and fences shall be protected by paint, preservatives, or other weather-resistant material, except for wooden cladding or fences made of cedar, redwood or treated wood.
- 9.3 Where an accessory building or any condition in a yard may harbour noxious insects or rodents, all necessary steps shall be taken to deter them and prevent their reappearance.
- 9.4 Where an accessory building is not maintained in accordance with these standards it shall be removed from the yard.

10.0 STRUCTURAL CAPABILITY

- 10.1 Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it normally may be subject.
- 10.2 Materials or objects which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.
- 10.3 The foundations, walls, columns, beams, floor and roof slabs of a building, including ancillary structures such as parking garages, shall be maintained in good repair.
- 10.4 If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, or other licensed professional as determined by the Officer, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination be submitted to the Officer.
- 10.5 For the purposes of this section, "structure" includes a fence, shed,

permanent sign or other small building in addition to structures defined in the Ontario Building Code.

11.0 FIRE AND ACCIDENT PREVENTION

- 11.1 There shall be provided one (1) means of egress from every floor area, where in the opinion of an Officer the existing exits are inadequate for the safety of every person in the building.
- 11.2 All means of egress shall be maintained in good repair and free of objects or conditions which constitute an accident hazard.
- 11.3 Materials of a flammable nature shall be safely stored or removed at once from the property.
- 11.4 In the event of fire or other disaster to a building or accessory building, measures shall be taken as soon as reasonably possible after such fire or disaster to make the damaged building or accessory building compatible with its surrounding environment.

12.0 PEST PREVENTION

- 12.1 All buildings shall be maintained free from rodents, vermin, and pests at all times and methods used for exterminating rodents, vermin, or pests or both shall conform to the provisions of The Pesticides Act R.S.O. 1990, c. P.11.
- 12.2 A basement or cellar window used or intended for ventilation and any other opening in a basement or cellar that might let in rodents or pests shall be screened with wire mesh or such other material as will effectively exclude rodents and pests.
- 12.3 During the time of year when insects may enter a building, every window, including a window in a door, used or intended to be used for ventilation shall be appropriately screened with wire mesh or such other material as will effectively exclude insects.

13.0 VENTILATION AND LIGHTING

- 13.1 Adequate lighting fixtures shall be installed and maintained in all areas within a building so that the activities, work, or operations normally carried out in such areas can be undertaken in safety and without undue eye strain.
- 13.2 Every habitable room and every bathroom and toilet shall have adequate ventilation.
- 13.3 Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, closed and kept closed.
- 13.4 Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading to outside the building has been installed in a building, the system shall be maintained in good working order.

14.0 FOUNDATIONS

- 14.1 The foundation walls shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- 14.2 Every building, except the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 14.3 All footings, foundation walls, piers and slabs-on-grade shall be of masonry or other suitable material.
- 14.4 The provisions of section 14.1 and 14.2 shall not apply to accessory buildings where the Building Code specifies that no foundation is required.

15.0 EXTERIOR WALLS, DOORS, AND WINDOWS

- 15.1 All exterior walls and components thereof shall be maintained in good repair, weathertight and free from loose, rotten, wrapped, broken or unsecured objects and materials and in a manner to prevent deterioration due to weather, dry rot, insects, pests, or vermin.
- 15.2 Exterior doors and windows on a building shall be maintained in good repair, reasonably draft free and weathertight.
- 15.3 Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material, or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- 15.4 Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original condition.
- 15.5 All canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be,
- maintained in good repair;
 - properly anchored; and
 - protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- 15.6 The following items shall be repaired or replaced:
- missing glass;
 - broken glass;
 - missing door hardware;
 - defective door hardware;
 - missing window hardware; and
 - defective window hardware.

16.0 ROOFS

- 16.1 The roof of a building and all accessories including the fascia boards, soffits, cornices and flashing shall be maintained in a weathertight condition so as to prevent leakage of water into the building.
- 16.2 Dangerous accumulations of snow or ice or both shall be removed from the roof of a building including an accessory building.

17.0 WALLS, CEILINGS, AND FLOORS

- 17.1 Interior walls and ceilings in a building shall be maintained in good condition, free of mold, loose coverings, holes or cracks.
- 17.2 Walls around a bathtub or shower shall be so maintained as to be water-resistant and readily cleaned.
- 17.3 Floors in a building or accessory building shall be maintained in a reasonably clean, smooth and level condition and free of loose, warped or decayed boards, depressions, protrusions, holes, deterioration or other defects which are or may create health, fire, or accident hazards.
- 17.4 Where floors are covered, the covering shall be maintained in a safe condition, free from worn, torn, damaged, or holed parts which create or may create a health or accident hazard.
- 17.5 Bathroom floors, shower-room floors, and toilet room floors shall be maintained so as to be reasonably impervious to water.

18.0 STAIRS AND PORCHES

- 18.1 Any inside or outside stair, balcony, porch, or canopy shall be maintained so as to be free of holes, cracks, and other defects which may constitute possible safety hazards. Maintenance includes repairing or replacing

treads or risers that show excessive wear or are broken, warped or loose or otherwise defective, and supporting or replacing structural members that are rotted or deteriorated and includes painting or coating with a preservative unless constructed or material inherently resistant to deterioration.

18.2A handrail or banister shall be installed to guard against accident or injury on the open side or a balcony, landing, stairwell and stairway, as required in the Ontario Building Code.

19.0 CHIMNEYS AND FIREPLACES

19.1 Every fireplace, chimney, smoke pipe, flue, vent and similar construction shall be maintained so as to be free from defects and shall prevent gases and smoke from leaking into the building.

19.2 Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.

19.3 Every fireplace shall be WETT Certified by a licensed WETT certified installer.

20.0 GENERAL CLEANLINESS AND AESTHETICS

20.1 Every floor, wall, ceiling, fixture and equipment in a building shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.

20.2 Every building shall be kept free from rubbish, debris or any condition which constitutes an accident or health hazard.

20.3 Property should be generally in-keeping with the style, cleanliness and tidiness of properties which may exist surrounding it.

21.0 STANDARDS OF FITNESS FOR OCCUPANCY: PLUMBING & FIXTURES

21.1 All installed plumbing, including plumbing fixtures, drains, vents, waterpipes, water closets and connecting lines to water and sewer systems, shall be maintained in good working order and repair free from any leaks or other defects.

21.2 All buildings shall have the sanitary facilities connected to a sewage system approved by the Chief Building Official or Building Inspector.

21.3 Within a dwelling unit there shall be provided, accessible and available for all occupants, a bathroom or toilet room with provision for privacy, have at least:

- one toilet;
- one bathtub or shower or combination bathtub and shower; and
- one wash basin, other than a kitchen sink, located in or immediately adjacent to every room containing a toilet or urinal;

that is:

- in good working order;
- served with hot and cold running water (cold water connecting only to toilets and urinals); and
- connected to an approved drainage system.

21.4 No facilities for the preparation, cooking, storage, or consumption of food, or for sleeping shall be contained within a room that contains a toilet.

22.0 STANDARDS OF FITNESS FOR OCCUPANCY: HEATING

22.1 Every dwelling unit shall have a heating system capable of maintaining a room temperature of 20 degrees Celsius from the first day of October in each year to the first day of June of the following year. The heating shall be maintained in good working condition to be capable of heating the

- dwelling unit safely.
- 22.2 Where a furnace or heating system is enclosed with walls, ceiling and door, it shall be provided with sufficient combustion air directly from the outside by ventilation duct.
- 22.3 Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of fuel shall be, a) provided and maintained in a convenient location; and b) properly constructed to be free from accident hazards.
- 22.4 An adequate supply of fuel shall be available at all times.
- 22.5 Every fireplace, chimney, smoke pipe, flue, vent and similar construction shall be maintained so as to be free from defects and shall prevent gases and smoke from leaking into the building.
- 22.6 No room heater shall be placed to create a fire hazard to walls, curtains, and furniture, or so as to impede the free movements of persons within the room where the heater is located.

23.0 PROPERTY STANDARDS COMMITTEE

- 23.1 The creation of a Property Standards Committee is hereby authorized to consist of three (3) individuals to be appointed by way of a schedule to this by-law, approved by Council.
- 23.2 The term of office for each member of the Committee shall correspond with the term of office for Council. All members shall continue to serve beyond their term of office as required until reappointed or replaced by the elected Council of the Municipality and when a member ceases to be member before the expiration of the term, the Council shall appoint another person for the unexpired portion of that term. Where other by-laws already exist to govern the matter of a Property Standards Committee, this by-law shall supersede those terms.
- 23.3 A member of Council, a member of a local board, or an employee of the Municipality is not eligible to be a member of the Committee, however, employees of the board of education or school board is not deemed to be an "employee" for the purpose of this Section.
- 23.4 The members of the Committee shall be paid such compensation as the Council may provide by resolution.
- 23.5 The members of the Committee:
- may provide for a Secretary for the Committee in which case the Secretary is to be an employee of the Municipality other than an officer.
 - The Secretary shall keep on file the minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 253(1) of the Municipal Act, R.S.O. 2001 applies with necessary modifications to such documents.
 - A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure, but before hearing an appeal under Section 25.0 of this Bylaw, shall give notice or direct that notice be given of such hearing to such persons as the Committee directs.
 - Any member of the Committee may administer oaths solely for the purposes of its own proceedings.

24.0 PROPERTY STANDARDS OFFICER

- 24.1 The ability to act as a Property Standards Officer shall form part of the By-Law Enforcement Officer's position and the person appointed from time to time to this office, or their delegate, shall be responsible for the administration and enforcement of this By-law.
- 24.2 The Officer and any person acting under their instructions may, at all reasonable times and upon producing proper identification, enter into and inspect any property provided however they shall not enter into any room

or place actually used as a dwelling unit without requesting and obtaining the consent of the occupant after having first informed the occupant that the right of entry may be refused, and entry may be made only under the authority of a search warrant.

- 24.3 If, after inspection, the Officer is satisfied that, in any respect a property does not conform to the standards prescribed in this By-Law, they shall serve or cause to be served to the owner of the property or such other persons affected by the order as the Officer determines, an order:
- stating the municipal address or legal description of such property.
 - giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.
 - indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the Owner's expense; and
 - indicating the final date for giving notice of appeal from the order. Such notice may be posted on the property to which the order applies.
- 24.4 No person shall obstruct or attempt to obstruct the officer or any person acting under the officer's instructions in the exercise of any power pursuant to this By-law.
- 24.5 An owner or occupant who has been served with an order made pursuant to the above and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a Notice of Appeal by registered mail to the Property Standards Committee within fourteen (14) days after being served with the Order.
- 24.6 An order that is not appealed within the time referred to in the above shall be deemed to be confirmed.
- 24.7 An Order may be registered in the proper Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the property subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was served and when the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper Registry of Land Titles Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such Order.

25.0 APPEALS

- 25.1 When an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of that Order, they may appeal to the Committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after service of the Order, and in the event that no appeal is taken, the Order shall be deemed to have been confirmed.
- 25.2 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this By-Law and of any other By-Law so passed by the Town.
- 25.3 The Committee may adopt its own rules of procedure but before hearing an Appeal the Committee shall give notice or direct that notice be given of such Hearing to such persons as the Committee considers should receive such Notice.
- 25.4 The Committee shall send a copy of its Decision to the Appellant and any other person who has requested notice of the Committee's decision and to any other person that the Committee determines should receive notice of its decision and the Notice of Decision shall specify the rights of Appeal set out in Section 15.3(4) the Building Code Act, S.O. 1992, c.23, where

applicable, and where no Appeal is taken within the prescribed time limits, the Decision of the Committee shall be deemed to have been confirmed.

26.0 POWER OF THE CORPORATION TO DEMOLISH OR REPAIR

- 26.1 Where an Order of the Officer is deemed to have been confirmed pursuant to Section 24.3 of this By-law or is confirmed or deemed to be confirmed or modified by the Committee or, in the event of an Appeal to a Judge the Order is confirmed or modified by the Judge, it shall be final and binding upon the Owner and Occupant and the Owner or Occupant shall make the repair or effect the demolition within the time and in the manner specified in the Order or Decision.
- 26.2 If the owner or occupant of the property fails to demolish the property or to repair in accordance with the Order as confirmed or modified, in addition to all other remedies.
- 26.3 The Corporation shall have the right to demolish or repair the property accordingly and for this purpose its servants and agents from time to time may enter in, on and upon the property.
- 26.4 The Corporation shall apply the cost of the repairs or demolition, if not so paid, to the municipal property taxes for the property for the current year and the amount so entered shall be collected as municipal taxes.
- 26.5 The Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation pursuant to the provisions of this By-Law.

27.0 PENALTIES

- 27.1 Any person who contravenes any provision of this By-law or fails to comply with an Order, Direction or other requirement made pursuant to this By-law is guilty of an offence and upon conviction is liable to be fined not more than \$25,000.00 for a first offence and to a fine of not more than \$50,000.00 for a subsequent offence.
- 27.2 Despite section 27.1 above, if a Corporation is convicted of any offence under this By-law, the maximum penalty that may be imposed upon the Corporation is \$50,000.00 for a first offence and \$100,000.00 for any subsequent offence and not as provided in section 27.1 above.
- 27.3 For the purpose of sections 27.1 and 27.2 above, an offence is a subsequent offence if there has been a previous conviction under this By-law.

28.0 EMERGENCIES

- 28.1 Despite any other Section of this By-law to the contrary, if upon the inspection of a property the Officer is satisfied that there is non-conformity with the standards prescribed in this By-law to such an extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.
- 28.2 After making an Order under section 28.1 above, the Officer may either before or after the Order is served, take, or cause to be taken any measures they consider necessary to terminate the danger and for this purpose, the Municipality has a right through its employees and agents to enter in and upon the property from time to time.
- 28.3 The provisions of Section 15.7 of the Building Code Act, S.O., 1992, c.23 shall apply with the necessary modifications.

29.0 SCHEDULES

- 29.1 All schedules referred to in this By-Law and attached hereto are deemed

to be part of this By-Law.

30.0 ENFORCEMENT PROVISIONS

30.1 This By-Law shall be enforced by the Municipal By-Law Enforcement Officer or their designate.

31.0 ADMINISTRATIVE PENALTIES

31.1 An Officer who finds that a person has contravened any provision of this By-Law may issue a penalty notice addressed to that person.

31.2 Any person who contravenes any provision of this By-Law, upon issuance of a penalty notice pursuant to Section 5 of the Administrative Penalty System By-Law 93-2022, shall be liable to pay to the Municipality an administrative penalty as set out in Schedule "A"

31.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as reasonably practicable and shall include the following information:

- Particulars of the contravention, including to which property it applies;
- The amount of the administrative penalty; and
- A statement advising that an administrative penalty will constitute a debt to the Municipality.

31.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.

31.5 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the owner's property.

32.0 SERVICE OF DOCUMENT

32.1 The Municipality may serve any document under this By-Law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.

32.2 Service by registered or regular mail under section 31.0 shall be deemed to have been made on the fifth day after the day of mailing.

32.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.

33.0 OFFENCE & PENALTY PROVISIONS

33.1 Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

33.2 If this By-Law is contravened and a conviction entered, 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 that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

34.0 SEVERABILITY

34.1 If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-Law and it is hereby declared that the remainder of the By-Law shall be valid and shall remain in force.

34.2 Where this By-Law conflicts with any Provincial or Federal legislature, including the Ontario Building or Fire Code, the Provincial or Federal legislature shall prevail.

35.0 SHORT TITLE

35.1 This By-Law shall be referred to as the "Property Standards By-Law"

36.0 INTERPRETATION

36.1 Any reference in this By-Law to any statutes, regulations or By-Laws shall be deemed to be a reference to such statutes, regulations, or By-Laws, as amended, restated, or replaced from time to time.

37.0 GENDER

37.1 In this By-Law any words imparting the masculine gender shall include the feminine gender and neutral gender and vice versa and words imparting the singular shall include the plural where the context requires.

38.0 HEADINGS

38.1 The headings used in this By-Law are included solely for the convenience of reference and are not to be considered part of this By-Law and are not intended to be full or accurate descriptions of the contents of any section, clause or provision of this By-Law.

39.0 EFFECTIVE DATE & REPEALS

THAT this By-Law is enacted upon the third and final reading hereof and that all former By-Laws governing property standards are hereby repealed, except for the Town of Bancroft Comprehensive Zoning By-Law 27-2006, as amended.

THAT the Snow and Ice Removal By-Law, 05-2010, and any By-Law governing the same, shall be hereby repealed.

THAT the Clean Yards By-Law, 41-2019, and any By-Law governing the same, shall be hereby repealed, except for the comprehensive zoning By-Law and its amendments.

40.0 AUTHORIZATION

THAT the Mayor and Clerk be and are hereby authorized to sign this By-Law and affix the corporate seal thereto. Read a first, second and third time, and be finally passed, signed, sealed, and numbered By-Law 30-2023, on this 11th day of April, 2023.

Original Signed Copy on File
CHARLES MULLETT, DEPUTY MAYOR

Original Signed Copy on File
JENNIFER PEPLINSKI, ACTING CLERK

**Property Standards By-Law 30-2023 - Schedule "A"
Administrative Monetary Penalty System Penalties**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Failure to Comply: Yard Maintenance	Sections 2.1 and 2.2	\$100.00
2.	Failure to Comply: General	Sections 3.0 to 22.0, inclusive	\$150.00
3.	Obstructing an Officer	Section 24.4	\$250.00