

BY-LAW NO. 21-25

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a by-law to repeal and replace By-Law 55-97 with By-Law 21-25 being a by-law for prescribing standards for the maintenance and occupancy of property in the Town of Aylmer

WHEREAS Section 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23, as amended (hereinafter the “Building Code Act”), authorizes the council of a municipality to pass a By-Law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the prescribed standards;

AND WHEREAS Section 15.6 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, requires that a By-Law passed under Section 15.1 of the Building Code Act shall provide for the establishment of a Property Standards Committee;

AND WHEREAS the Council of the Town of Aylmer deems it desirable to prescribe standards for the maintenance and occupancy of properties within the Municipality;

AND WHEREAS Council of the Town of Aylmer is authorized to require that a property that does not conform with the prescribed standards 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 a graded and levelled condition;

AND WHEREAS Council of the Town of Aylmer wishes to repeal and replace By-Law 55-97 in order to update the standards for maintenance and occupancy of property in the Town of Aylmer;

NOW THEREFORE be it resolved that the Council of the Town of Aylmer hereby enacts as follows:

1. Scope

- 1.1. This By-Law applies to all lands within the Town of Aylmer.
- 1.2. Where a provision of this By-Law conflicts with a provision of another Town of Aylmer By-Law, the provision of this By-Law shall prevail.
- 1.3. If any section of this By-Law is held to be invalid, that section shall be deemed to be severable, and the remaining sections shall remain in effect until repealed.

2. Short Title

- 2.1. This By-Law may be referred to as the “Property Standards By-Law”.

3. Interpretation

- 3.1. References in this By-Law or in any of the schedules attached hereto and forming part of this By-Law to any legislation or municipal By-Law means as may be amended or replaced from time to time and will thus include any regulations thereunder.

4. Definitions

- 4.1. All words used in this By-Law shall be interpreted as defined in this By-Law. Where definitions are not provided herein, the words shall be defined as provided in the most current editions of the Building Code Act, the Ontario Building Code, and the Ontario Fire Code.

- 4.2. In this By-Law:

- 4.2.1. **“Accessory Structure”** means a building or structure, the use or occupancy of which is incidental to the main use or occupancy of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises.
- 4.2.2. **“Basement”** means the portion of a building from a floor to the underside of a ceiling that is located partially or entirely below the adjacent finished ground level.
- 4.2.3. **“Bathroom”** means a room containing one lavatory, sink, or hand basin, one toilet and either one bathtub, with or without a shower, or one shower.
- 4.2.4. **“Building Code”** or **“Building Code Act”** means the Building Code Act, 1992, S.O. 1992, c.23, or its successor legislation and any regulations made under that act or successor legislation.
- 4.2.5. **“By-Law Appeals Committee”** or **“Property Standards Committee”** or **“Committee”** means a property standards committee established under Section 15.6 of the Building Code Act.
- 4.2.6. **“Corporation”** means the Corporation of the Town of Aylmer.
- 4.2.7. **“Chief Fire Official”** means the person duly appointed as Chief Fire Official for the Corporation of the Town of Aylmer, or their designate.
- 4.2.8. **“Chief Building Official”** means the Chief Building Official duly appointed by the Council of the Town of Aylmer and having jurisdiction for the enforcement of the Building Code Act, or their designate.
- 4.2.9. **“Debris”** means the remains of anything broken or discarded.

- 4.2.10. **“Derelict”** means any building or structure that is vacant and has experienced structural failure in whole or in part.
- 4.2.11. **“Dwelling”** means a building or structure, or part thereof, used or designed to be used as a residence and containing one or more dwelling units.
- 4.2.12. **“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.
- 4.2.13. **“Egress”** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, lobby, exterior passageway, balcony, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge, usually located outside of a building.
- 4.2.14. **“Good Repair”** means that a building, structure or appurtenances thereto shall be installed and maintained in such conditions so as to be:
- (a) Free from accident or fire hazard;
 - (b) Structurally sound;
 - (c) In good working order; and,
 - (d) Not unsightly by reason of deterioration, damage, or defacement.
- 4.2.15. **“Habitable Room”** means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway, basement, storage room, furnace room or other accessory space used for service, maintenance or access within a building.
- 4.2.16. **“Kitchen”** means a room or part of a property appropriated to preparing and cooking food for human consumption.
- 4.2.17. **“Municipality”** means the Corporation of the Town of Aylmer.
- 4.2.18. **“Non-habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway, basement, storage room, furnace room or other accessory space used for service, maintenance or access within a building.

- 4.2.19. **“Occupant”** means any person or persons over the age of 18 years old in possession of a property.
- 4.2.20. **“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 4.2.21. **“Officer”** means an appointed official of the Town of Aylmer, or their designate, or any other person designated by the Council of the Corporation of the Town of Aylmer as responsible for administering and enforcing this By-Law and the Ontario Building Code.
- 4.2.22. **“Order”** or **“Property Standards Order”** means an order made under this By-Law.
- 4.2.23. **“Owner”** includes:
- (a) An owner in fee simple;
 - (b) The person for the time being who is managing and receiving rent of the property in connection with which the word is used whether on the person’s own account, or as the agent or trustee of any other person, or who would receive the rent if the property were let;
 - (c) 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 the property.
- 4.2.24. **“Person”** means and includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.
- 4.2.25. **“Pest”** means any injurious or destructive insects such as termites, bed bugs, fleas, wasps, hornets, and/or any injurious or destructive rodents or vermin.
- 4.2.26. **“Premises”** means that portion of real property which is owned by a specific person or entity and includes all buildings and structure thereon.
- 4.2.27. **“Property”** means a building or structure, or part thereof, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, retaining walls and erections thereon, whether heretofore or hereafter erected, and includes vacant property.
- 4.2.28. **“Repair”** includes the provision of such 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 prescribed in this By-Law.

- 4.2.29. **“Safe Condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to the life, limb or health of any person on or about the property and includes structurally sound condition.
- 4.2.30. **“Sewage”** means liquid or water borne waste:
- (a) Of industrial or commercial origin; or
 - (b) Of domestic origin, including human bodily waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 4.2.31. **“Sewage System”** means:
- (a) The Town of Aylmer’s systems of storm, sanitary and combined sewers; or
 - (b) A private sewage disposal system approved by the Town of Aylmer’s Chief Building Official or other responsible authority.
- 4.2.32. **“Standards”** means the standards set out in this By-Law.
- 4.2.33. **“Stormwater”** means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation.
- 4.2.34. **“Town”** means the Corporation of the Town of Aylmer or the geographic area of the municipality of the Town of Aylmer.
- 4.2.35. **“Unsafe Condition”** means a condition that poses or constitutes an undue or unreasonable hazard or risk to the life, limb or health of any person on or about the property and includes structurally unsound condition.
- 4.2.36. **“Waste”** means a substance of material that is unusable or unwanted.
- 4.2.37. **“Yard”** means the land within the boundary lines of a property not occupied by any principal building.

5. Standards for All Properties

5.1. General Maintenance

- 5.1.1. No person shall occupy or use, or permit the occupancy or use of, any property that does not conform to the standards prescribed in this By-Law.

- 5.1.2. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards prescribed in this By-Law.
- 5.1.3. All buildings, structures, and components thereof shall be maintained in good repair. All repairs and maintenance of a property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction and repairs shall conform to the Ontario Building Code, Ontario Fire Code, and/or any other relevant legislation, as amended from time to time, where applicable.
- 5.1.4. The owner of any property which does not conform to the standards of this By-Law shall:
- (a) Repair and maintain the property to conform to the standards; or,
 - (b) Remove or demolish the whole or offending part of any property that is not in accordance with standards; or,
 - (c) Clear the site of all buildings and structures, debris and refuse, and leave the property in a graded and levelled condition; and,
 - (d) Where applicable, obtain the appropriate building or demolition permits prior to work commencing.
 - (e) Provide any report or studies requested by the Town to confirm conformance or to achieve compliance.

5.2. Structural Capacity

Every part of a property shall be maintained in a structurally sound condition so as:

- (a) To be capable of sustaining its own weight and any additional load that may be put on it through normal or permitted use;
 - (b) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - (c) To be capable of adequately performing its intended function; and,
 - (d) To prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration.
- 5.2.2. Where, in the opinion of an Officer, there is doubt as to the structural integrity or condition of a building or structure or part thereof, the Officer may order that the property in question be examined, at the owner's expense, by a professional engineer who is qualified to perform such

inspections and is licensed to practice in the Province of Ontario, and that a written report be provided to the Officer for their review.

5.3. Foundations

5.3.1. Every foundation forming a part of a building or an accessory structure shall be maintained in good repair so as to prevent:

- (a) Settlement detrimental to the structural integrity and appearance of the building;
- (b) The entrance of moisture; and,
- (c) The entrance of pests.

5.3.2. Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls and piers shall be of a material acceptable for construction under the provisions of the Ontario Building Code, as amended from time to time, and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.

5.4. Basements, Cellars and Crawlspaces

5.4.1. All basements, cellars or crawl spaces shall be:

- (a) Maintained in good repair;
- (b) In a structurally sound condition so as to be capable of serving its intended function; and,
- (c) Maintained in a condition so as to prevent the entrance of moisture and pests.

5.4.2. Basements shall have a floor of concrete, or other material deemed acceptable under the Ontario Building Code and intended to prevent the entrance of moisture and pests into the building.

5.5. Exterior Walls and Surfaces

5.5.1. All exterior walls and surfaces and the components thereof shall be:

- (a) Maintained in good repair;
- (b) In a structurally sound condition so as to be capable of safely sustaining its own weight and any additional weight that may be put on it through normal use; and,

- (c) Sound, plumb, and weather and pest tight, and free from loose or unsecured objects including, but not limited to, cracked or broken masonry, defective or deteriorated wood, metal or vinyl siding, defective or deteriorated flashing and trim.

5.5.2. All exterior surfaces that have been previously covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.

5.5.3. If, during alterations or renovations, the exterior of a building is being opened or replaced, it shall be insulated in order to minimize heat loss, air infiltration, and moisture condensation on interior surfaces, in accordance with the Ontario Building Code.

5.6. Interior Walls, Surfaces and Ceilings

5.6.1. All interior walls, surfaces and ceilings shall be:

- (a) Maintained in good repair;
- (b) In a structurally sound condition so as to be capable of safely sustaining its own weight and any additional weight that may be put on it through normal use;
- (c) Sound, weather and pest tight, and free from holes, cracks, loose coverings or other substantial defects; and,
- (d) Of such construction so as to possess the fire-resistant properties required by the Ontario Building Code and Ontario Fire Code.

5.7. Floors

5.7.1. Floors shall be:

- (a) Maintained in good repair; and,
- (b) Sound, level and free from loose, warped, protruding, broken or rotten material that may create an unsafe condition or surface.

5.7.2. Where a floor covering has become worn or torn so that it retains dirt or creates an unsafe condition, the floor covering shall be repaired or replaced.

5.7.3. The floor of every bathroom, washroom, laundry room and kitchen shall be maintained so as to be water resistant and readily cleaned.

5.8. Roofs and Roof Structures

5.8.1. The roof of a building or accessory structure, including related equipment contained on the roof, including but not limited to guards, eavestroughs, gutters, chimneys, stacks, masts, and antennas, shall be:

- (a) Maintained in good repair;
- (b) In a safe and structurally sound condition;
- (c) Maintained in a condition so as to prevent the entrance of moisture and pests;
- (d) Free from loose or unsecured objects and/or materials; and,
- (e) Free from excessive or dangerous accumulations of snow, ice or both.

5.9. Insulation

5.9.1. All buildings and structures shall comply with the insulation requirements outlined in the Ontario Building Code, as amended from time to time, where necessary and practical.

5.10. Exterior Doors, Windows and Other Openings

5.10.1. Windows, doors, hatchways, and all other exterior openings, their frames, hardware and other components shall be:

- (a) Maintained in good repair;
- (b) In a safe and operable condition; and,
- (c) Of such construction as to prevent the entrance of moisture and pests, as well as to minimize heat loss through infiltration.

5.10.2. An suitable access opening shall be provided to every crawl space, attic and roof space.

5.10.3. Windows capable of being opened and all exterior doors shall have such hardware so as to be capable of being locked or otherwise secured from inside the building.

5.10.4. Locking mechanisms on doors, windows, hatches and other openings that are designed to be unlocked with a key or combination shall be maintained to properly perform their intended function and shall be repaired or replaced if damaged.

5.11. Stairs, Handrails & Guards

5.11.1. Every interior and exterior stair and appurtenance attached thereto, including but not limited to handrails and guards, shall be:

- (a) Maintained in good repair;
- (b) Maintained to be free of holes, cracks and other defects which may constitute a possible safety hazard;
- (c) Properly anchored so as to be kept in a safe and secured condition; and,
- (d) Structurally sound for the loads imposed on them through their normal use.

5.11.2. Every interior and exterior stair and appurtenance attached thereto, including handrails and guards, of metal construction shall be protected from rust or similar decay by the periodic application of a protective coating.

5.11.3. All stair treads, risers, walking surfaces and their supporting structural members which show excessive wear or are broken, warped, loose, or deteriorated shall be repaired or replaced.

5.11.4. Handrails and guards shall be installed on interior and exterior stairs according to the standards prescribed in the Ontario Building Code.

5.12. Verandas, Porches, Decks, Loading Docks and Balconies

5.12.1. Every veranda, deck, porch, loading dock, balcony and appurtenance attached thereto shall be:

- (a) Maintained in good repair;
- (b) Maintained to be free of holes, cracks and other defects which may constitute a possible safety hazard;
- (c) Properly anchored so as to be kept in a safe and secured condition; and,
- (d) Structurally sound for the loads imposed on them through their normal use.

5.12.2. All walking surfaces and their supporting structural members which show excessive wear or are broken, warped, loose, or deteriorated shall be repaired or replaced.

5.13. Elevators & Elevating Devices

5.13.1. Elevators and elevating devices, including but not limited to elevators, dumb waiters, hoists, and incline lifts, shall comply with the Technical Standards and Safety Act, 2000, S.O. 2000, c.16, or its successor legislation, and the regulations enforced by the TSSA.

5.13.2. All elevating devices shall be:

- (a) Maintained in good repair; and,
- (b) In a safe and operable condition.

5.14. Means of Egress

5.14.1. Every building, structure or unit shall have a safe, continuous and unobstructed passage from the interior to an exit to the exterior of the building at street or grade level.

5.14.2. All means of egress shall be maintained free from all obstructions or impediments, including but not limited to rubbish and debris and accumulations of ice or snow.

5.14.3. All means of egress shall comply with the applicable standards prescribed in the Ontario Building Code and the Ontario Fire Code.

5.15. Ventilation

5.15.1. Ventilation shall be provided to and maintained and operated in all habitable rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, vapours and other contaminants which may pose a safety hazard.

5.15.2. All ventilation systems, natural or mechanical, shall be maintained in good repair.

5.15.3. Except as provided for in 5.14.4, every habitable room shall have an opening or openings to the exterior for natural ventilation. Such openings shall have a minimum aggregate unobstructed area as prescribed in the Ontario Building Code and shall be located in an exterior wall or the openable portion of a skylight.

5.15.4. An opening for natural ventilation may be omitted from a room if mechanical ventilation is provided which is capable of changing the air at least once per hour.

5.15.5. Except as provided for in 5.14.6, every bathroom or washroom shall be provided with an opening or openings to the exterior for natural ventilation. Such openings shall have a minimum aggregate

unobstructed area as prescribed in the Ontario Building Code and shall be located in an exterior wall or the openable portion of a skylight.

- 5.15.6. An opening for natural ventilation may be omitted from a bathroom or washroom if a mechanical ventilation system has been provided.
- 5.15.7. Every basement, cellar, unheated crawl space and attic shall be vented to the outside through such natural or mechanical ventilation systems as comply with the Ontario Building Code.
- 5.15.8. When an exterior opening is used or required for ventilation and is not required to be protected by a door, window, or similar closure, it shall be designed and maintained in such a way as to prevent the entry of moisture and pests into the building or structure.

5.16. Electrical Systems

- 5.16.1. The connection to the building or structure and the system of circuits and outlets distributing the electrical supply within the building or structure shall provide adequate capacity for the use of the building or structure.
- 5.16.2. All electrical wiring, connections, fixtures, switches, receptacles and other appurtenances thereto shall be:
 - (a) Maintained in good repair; and,
 - (b) In safe and complete condition.
- 5.16.3. Where repairs have been ordered under this section, an Officer may require that an owner, at their own expense, provide an Electrical Safety Authority report confirming that all repairs have been completed in accordance with the Electricity Act, 1998 S.O. 1998, c.15. Sched. A., its regulations, including the Electrical Safety Code, or any of its successor legislation, and any other applicable legislation.

5.17. Heating Systems (Including Kitchen Facilities)

- 5.17.1. All heating systems shall conform to the standards prescribed in the Ontario Building Code and shall be operated and maintained in good repair so as to be capable of heating a building or structure safely to the required standard.
- 5.17.2. A space which contains a heating unit shall have a natural or mechanical means of supplying air to the unit in such quantities as is needed to provide adequate combustion.

- 5.17.3. Except in the event of an emergency, no building or structure shall be equipped with portable heating equipment as the primary source of heat.
- 5.17.4. No portable heating equipment shall be placed near walls, curtains, furniture or other such flammable or combustible material, nor shall a heater be placed in such a way that it impedes the free movement of persons within the room where it is located.
- 5.17.5. Solid fuel burning appliances and heating systems shall:
 - (a) Conform to the standards as set out in the Ontario Building Code;
 - (b) Be connected to approved chimneys or vents that;
 - (c) Be properly maintained and vented so as to prevent obstructions and/or gases or smoke from entering the building or structure;
 - (d) Be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structures; and,
 - (e) Be provided with a properly constructed and located receptacle for fuel storage.
- 5.17.6. Liquid fuel burning appliances and heating systems shall:
 - (a) Conform to the standards as set out in the Ontario Building Code;
 - (b) Be properly maintained and vented so as to prevent obstructions and/or gases from entering the building or structure; and,
 - (c) Be provided with a properly constructed and located receptacle for fuel storage.
- 5.17.7. All heating systems and appliances involving combustion shall be connected to their fuel supply line and vents through rigid, sealed connections.
- 5.17.8. In buildings with a common central heating system, the heating system shall be located in a separate room having floors, walls, ceilings and doors with a fire resistance rating of not less than one hour. The room shall not be used for the storage of fuels or any other material, and shall be kept clear of all debris and rubbish.
- 5.17.9. Appliances and equipment used for cooking shall comply with the appropriate provincial regulations governing the type of fuel and equipment permitted for use in the preparation of food.

5.17.10. Any fuel burning heating equipment or appliance used in a building shall be properly vented to the exterior of the building by means of an approved smoke pipe, vent pipe or chimney.

5.17.11. Chimneys, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained so as to:

- (a) Comply with the standards prescribed in the Ontario Building Code, by the Canadian Standards Association and/or Gas Utilization Code;
- (b) Be free from obstruction;
- (c) Prevent the heating of adjacent combustible materials, walls, and structural members to unsafe temperatures; and,
- (d) Prevent fire, health and other safety hazards.

5.17.12. Chimneys and flues that are no longer in use shall be either removed or maintained in a safe condition, including being adequately capped so to prevent the entrance of moisture and pests.

5.18. **Plumbing**

5.18.1. Every plumbing system and fixture shall comply with the standards prescribed in the Ontario Building Code and shall be:

- (a) Maintained in good repair;
- (b) In working order, free from leaks and defects; and,
- (c) Kept in a clean and sanitary condition.

5.18.2. All piping and appurtenances attached thereto used to supply or drain water in a plumbing system shall be protected from freezing.

5.18.3. All plumbing fixtures shall be connected to the sanitary sewer system in such a way as complies with the Ontario Building Code or its successor legislation.

5.19. **Water**

5.19.1. Every building intended to be occupied by persons shall be provided with a safe and adequate supply of potable running water from the municipal water supply.

5.19.2. Every building to which water is available under adequate pressure through piping shall be provided with:

- (a) A supply of hot water at a temperature of not less than 43 degrees Celsius, and not exceeding a temperature of 49 degrees Celsius, except for use by dishwashers and laundry machines;
- (b) Piping for and an adequate supply of hot and cold water to every kitchen, toilet, bath or shower room, or laundry room plumbing fixture; and,
- (c) Piping for cold water connected to every toilet and hose bib.

5.20. Lighting

- 5.20.1. Adequate lighting fixtures shall be installed and maintained in accordance with the standards prescribed in the Ontario Building Code.
- 5.20.2. Lighting fixtures and their related components shall be:
 - (a) Installed and maintained in a safe and structurally sound condition;
 - (b) In good repair;
 - (c) Be maintained in good working order to provide light in accordance with the Ontario Building Code to ensure safe pedestrian and vehicle passage.

5.21. Garbage Receptacles

- 5.21.1. Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.
- 5.21.2. Receptacles for garbage shall be:
 - (a) Made of watertight construction;
 - (b) Provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - (c) Maintained in good repair without holes or spillage; and,
 - (d) Closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.
- 5.21.3. Where commercial, industrial, or residential on-site garbage containers are visible from a public street or land, or residential properties, the area where the receptacles are stored shall be screened from view.

5.22. Pests

- 5.22.1. All buildings and accessory structures shall be kept free of garbage and refuse, and openings and holes into a building or structure shall be screened or sealed as appropriate to prevent the entry of pests.

5.23. Mould

- 5.23.1. Any extensive accumulation of mould shall be immediately cleaned and/or removed by the owner of the building.
- 5.23.2. No person shall occupy or permit the occupancy of a building or portion thereof where an extensive accumulation of mould exists which could pose a health hazard to any occupant or user.
- 5.23.3. In rental dwellings and dwelling units, the standards prescribed in the Residential Tenancies Act, 2006, S.O. 2006, c.17 and all related legislation concerning mould shall apply.

5.24. Walkways, Driveways and Parking Lots

- 5.24.1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions day or night and be free from health and other hazards.
- 5.24.2. Surface conditions of walkways, driveways and parking lots shall be installed and maintained in a safe condition with non-organic ground cover so as to:
- (a) Prevent the ponding of storm water;
 - (b) Not exhibit an unsightly appearance;
 - (c) Be kept free of garbage and waste;
 - (d) Be kept free of deep ruts and holes;
 - (e) Provide for safe passage under normal use and weather conditions, day or night; and,
 - (f) Not to create a nuisance to other property.
- 5.24.3. Wheel stops, bollards or other approved barricades shall be installed where parking spaces are adjacent to the property line and/or sidewalks to protect fences, adjoining properties and the public from harm.

- 5.24.4. The principal entrance of a building shall be accessed by a walkway leading to a road allowance or another hard-surfaced area, such as a driveway, leading to a road allowance.

5.25. Fences, Retaining Walls and Visual Barriers

- 5.25.1. All fences, retaining walls and visual barriers erected on a property or separating adjoining properties shall be:
- (a) Maintained in good repair and free from loose or insufficiently secured, rotten, warped or broken materials;
 - (b) In a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
 - (c) Free of dangerous objects; and,
 - (d) Reasonably plumb, unless specifically designed to be other than vertical.
- 5.25.2. All fences and visual barriers shall conform to the standards and requirements set out in the Town of Aylmer Fence By-Law.
- 5.25.3. The owner of a property with a building containing three or more dwelling units, or a building used for commercial, institutional, or industrial purposes shall install and maintain a visual barrier between their property and any adjoining property that is not used for commercial, institutional or industrial purposes where their property is used for:
- (a) The parking, access or egress of vehicles by tenants, employees or customers;
 - (b) The operation of equipment; or
 - (c) The storage of goods;
- 5.25.4. All retaining walls shall be maintained in good repair, in a safe and structurally sound condition, and shall comply with the standards prescribed in the Ontario Building Code.

5.26. Fire & Accident Protection

- 5.26.1. Fire alarm systems and ancillary devices, including but not limited to standpipe and hose systems, sprinkler systems, voice communication systems, exit and emergency lighting and fire extinguishers, shall be

maintained in good repair so as to be capable of performing their intended function.

- 5.26.2. Fire prevention equipment is subject to the approval of the Fire Prevention Officer after inspection by Fire Department personnel. The Officer shall consult with the Fire Chief before issuance of an Order in respect to such equipment.
- 5.26.3. The integrity of all fire separations, fire walls, and fire doors shall be maintained in a state of good repair at all times so as to be capable of performing their intended function.

6. Standards for Residential Properties

6.1. Occupancy Standards

- 6.1.1. No portion of a dwelling or dwelling unit shall be used for residential occupancy unless:
 - (a) The minimum dimensions for occupancy as outlined in the Ontario Building Code, as may be amended from time to time, are met;
 - (b) An adequate and safe supply of potable water is provided and maintained at all times; and
 - (c) Toilet, washing and other sanitary facilities are provided and maintained in accordance with the Ontario Building Code.
- 6.1.2. The maximum number of persons residing in a dwelling or dwelling unit shall not exceed two persons per bedroom.
- 6.1.3. No kitchen shall be used as a bedroom, nor shall any non-habitable room.
- 6.1.4. No basement or portion thereof shall be used as a dwelling unit unless it meets the following requirements:
 - (a) Access to each habitable room may be gained without passage through a furnace, boiler, or storage room;
 - (b) Each habitable room complies with the requirements of ingress and egress as outlined in the Ontario Building Code;
 - (c) Each habitable room complies with the light, ventilation and minimum dimension requirements as outlined in the Ontario Building Code; and,
 - (d) The floors and walls of the basement are constructed so as to be impervious to the entrance of moisture and pests.

6.2. Insulation

- 6.2.1. All dwellings and dwelling units shall be provided with sufficient thermal insulation and vapour barrier to ensure the comfort of the occupants and to prevent moisture condensing on the interior surfaces of the dwelling.

6.3. Windows and Doors

- 6.3.1. At least one entrance door in every dwelling or dwelling unit shall be equipped with hardware so as to be capable of being locked from inside and outside the dwelling.
- 6.3.2. A door between an attached or built-in garage or carport and a dwelling or dwelling unit shall be tight-fitting and weather-stripped so as to provide an effective barrier against the passage of gases and fumes into the interior of the dwelling.
- 6.3.3. All windows openable to the exterior in a dwelling or dwelling unit shall be fitted with screens to prevent the entrance of pests, and such screens shall be maintained in good repair so as to properly perform their intended function.
- 6.3.4. Every habitable room, with the exception of the kitchen or bathroom, shall contain one or more windows or skylights that:
 - (a) Open directly to the exterior;
 - (b) Comply with the light and ventilation requirements prescribed in the Ontario Building Code;
 - (c) Are glazed or fitted with an appropriate transparent material;
 - (d) Are provided with hardware and locking devices; and,
 - (e) Are maintained in good working order and good repair.

6.4. Means of Egress

- 6.4.1. Every dwelling and dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the building to the exterior at street or grade level.
- 6.4.2. Where a building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.

- 6.4.3. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit, nor through an attached or built-in garage or other enclosed part of another dwelling unit.

6.5. Electrical Systems

- 6.5.1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 6.5.2. An adequate supply of electrical power shall be available in all occupied parts of every dwelling.
- 6.5.3. An electrical service shall comply with the Electrical Safety Code as enforced by the Electrical Safety Authority.

6.6. Heating

- 6.6.1. Every dwelling and dwelling unit shall have heating equipment capable of maintaining an acceptable temperature range as prescribed in the Ontario Building Code and Residential Tenancies Act and their successor legislations.
- 6.6.2. It is the responsibility of the owner to ensure that all heating and mechanical systems, and their components are installed, operational, and maintained in good working order.
- 6.6.3. Only heating equipment approved for use by a recognized standards and testing authority shall be permitted in a room used or intended for sleeping.
- 6.6.4. No rental dwellings or dwelling units shall be equipped with portable heating equipment as the primary source of heat.

6.7. Toilet and Bathroom Facilities

- 6.7.1. Every dwelling and dwelling unit shall contain plumbing fixtures consisting of one toilet, one sink, and one bathtub or shower.
- 6.7.2. All bathrooms and toilet rooms shall be located within and be accessible from the dwelling unit.
- 6.7.3. All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- 6.7.4. No toilet or urinal shall be located within a room used for sleeping or a room used for the preparation, cooking, storing or consumption of food.

6.8. Safety

6.8.1. The construction between an attached or built-in garage or carport and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.

6.8.2. Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

6.9. Appliances

6.9.1. All appliances, equipment, accessories and installations provide by the owner shall be installed and maintained in good repair so as to be used for their intended purposes.

6.10. Additional Standards for Multi-Unit Residential Properties

6.10.1. Garbage

- (a) Every floor of a multi-unit residential building having a common access corridor to individual dwelling units shall be equipped with a garbage or refuse room accessible to all tenants on the floor.
- (b) Every multi-unit residential building exceeding two storeys in height shall have a garbage chute connecting the aforesaid rooms to a common garbage room or an approved refuse container at grade.
- (c) In the event that such standards are not practical, the Officer may accept alternative methods of garbage and refuse handling provided the resultant standard is generally equivalent to the standard herein required.
- (d) External waste containers and receptacles used for the collection and storage of garbage before disposal shall be screened from view and covered so that the material contained therein need not be exposed to view or to pests.
- (e) Garbage chutes, disposal and collection rooms, containers and receptacles shall be maintained in good repair and shall be cleaned and sanitized as necessary so as to be clean and free from odor.

6.10.2. Security

- (a) Door which allow access to or egress from a multi-unit residential property shall be equipped with a lock that cannot be accidentally against entry by closing the door, complies with the standards prescribed in the Ontario Building Code, and is maintained in good repair so as to operate as is intended.

- (b) Exterior security locking and release systems, when provided, shall comply with the Ontario Building Code and shall be maintained in good repair so as to operate as intended.

7. Standards for Non-residential Properties

7.1. Means of Egress

- 7.1.1. All means of egress within a non-residential property shall be maintained free from obstructions or impediments, and shall be:
 - (a) Provided with clear, unobstructed, and readily visible exit signs for every exit; and,
 - (b) Provided with lighting capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

7.2. Ventilation

- 7.2.1. All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.
- 7.2.2. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
- 7.2.3. Where a system of mechanical ventilation to exhaust noxious fumes, gases, dust or sawdust from a building is installed, the discharge from the system shall comply with the Ontario Building Code.

7.3. Lighting

- 7.3.1. All non-residential buildings shall install and maintain sufficient windows, skylights, and lighting fixtures as necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, or its successor legislation.

8. Standards for Vacant or Derelict Properties

- 8.1. If any building is unoccupied or classified as vacant, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.

- 8.2. If the normal locking mechanisms and security measures do not prevent entry, the owner or agent of a vacant building shall board up the building to the satisfaction of the Officer by covering all openings through which entry may be obtained with a weatherproof material of at least 12.7 mm (0.5 inch) thickness securely fastened to the building. Any efforts to secure the building shall be installed on the interior so as to not be visible to the exterior.
- 8.3. If a building remains vacant for a period of more than ninety (90) days, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected and secure the building to prevent accidental or malicious damage to the building or adjacent property. This provision shall not apply where such utilities are necessary for the safety or security of the building.
- 8.4. The exterior of a vacant property shall be maintained in accordance with the maintenance standards prescribed in this By-Law.
- 8.5. If a property becomes derelict as defined in this By-Law, the owner or their agent shall bring the building into compliance with all structural and exterior maintenance standards prescribed in this By-Law or such building shall be demolished in accordance with the Ontario Building Code.
- 8.6. Where a building or accessory structure is demolished, the property shall be cleared of all rubbish, waste, refuse and materials and shall be left in a graded and levelled condition.

9. Administration and Enforcement

9.1. Administration

- 9.1.1. Property Standards Officers, appointed by Council, are hereby responsible for the administration and enforcement of this By-Law, subject to review by the Town of Aylmer Property Standards Committee.
- 9.1.2. The Officer may, from time to time, designate other persons to act as their assistant/delegate in the administration and enforcement of this By-Law.

9.2. Inspection

- 9.2.1. An Officer or any person acting under their instructions may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:
 - (a) Whether the property conforms with the standards prescribed in the By-Law; or
 - (b) Whether an Order made under this By-Law has been complied with.

9.2.2. For the purposes of an inspection under subsection 9.2.1, an Officer may:

- (a) Require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) Inspect and remove documents or things relevant to the property or any part thereof for the purpose of making copies or extracts;
- (c) Require information from any person concerning a matter related to a property or any part thereof;
- (d) Be accompanied by a person who has special or expert knowledge in relation to a property or any part thereof;
- (e) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and,
- (f) Order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

9.3. Obstruction

9.3.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the exercise of a power or the performance of a duty under this By-Law.

9.4. Notice of Non-Conformity

9.4.1. The Corporation of the Town of Aylmer will, in all cases, attempt to gain compliance through verbal notification and cooperation with the owner, and only upon failure by the owner to comply will the formal enforcement process apply.

9.4.2. If, after an inspection, the Officer is satisfied that, in some respect, the property does not conform to the standards prescribed in this By-Law, the Officer shall issue and serve or cause to be served a Notice of Non-Conformity, hereinafter referred to as the Notice.

9.4.3. The Notice shall be served by personal service upon, or sent by prepaid registered mail, to the owner of the property, and all shown by the records of the Land Registry Office to have an interest therein, and may at the same time, provide all occupants with a copy of such notice.

9.4.4. The Notice shall state:

- (a) That the property does not conform to the standards prescribed in this By-Law;
- (b) The particulars of non-conformity;
- (c) The date, time and place of a hearing to be held by the Officer to hear representations;
- (d) That any person served with a Notice, or their representative is entitled to appear at the said hearing and make such representation and present such evidence as they so desire, and that in the event they do not appear at the said hearing, a decision may be made by the Officer in their absence;
- (e) The address of the Officer for service;
- (f) Any person affected by an Order made by the Officer, pursuant to the Notice, has the right of appeal to the Property Standards Committee, and stating the manner in which such an appeal may be made; and,
- (g) Any other information which the Officer deems necessary.

9.5. Orders

9.5.1. After the time afforded by the Notice for making representations, the Officer shall issue and serve or cause to be served an Order, hereinafter referred to as the Order.

9.5.2. The Order shall be served on the Owner of the property and all persons shown by the records of the Land Registry Office to have an interest therein, and a copy of the Order may be posted on the property.

9.5.3. The Order shall:

- (a) State the municipal address or the legal description of the property;
- (b) Give reasonable particulars of the repaired to be made or state that the site is to be cleared of all buildings, structures, debris or refuse, and left in a clean, clear, graded and leveled condition;
- (c) Indicate the timeframe for complying with the terms and conditions of the Order;
- (d) Give notice that, if such repair or clearance is not so done within the time specified in the Order, the Corporation may carry out the repair or clearance at the expense of the Owner;
- (e) Indicate the final date for giving Notice of Appeal from the Order; and,

- (f) Be served or caused to be served by personal service, email to the last known email address, or by prepaid registered mail to the last known address of the person to whom notice is to be given or to that person's agent or service.

9.5.4. The Officer may grant an extension of the time limited for compliance with any Order given by them, pursuant to the provisions of this By-Law, provided there is evidence of intent to comply with any such Order, or that conditions exist which, in the opinion of the Officer, prevent immediate compliance.

9.6. **Service**

9.6.1. A Notice or an Order, when sent by registered mail, shall be sent to the last known address of the person to whom it is to be given or to that person's agent or service.

9.6.2. If an Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing, unless the person to whom the notice or order is given, or that person's agent or service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the Order was not received until a later date.

9.6.3. A Notice or an Order, when sent by email, shall be sent to the last known email address of the person to whom it is sent or to that person's agent or service.

9.6.4. If an Order is served by email, the service shall be deemed to have been made on the day of sending unless the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day, or the person to whom the Order is given or that person's agent or service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

9.6.5. If the Officer is unable to effect services of a Notice or an Order, they shall place a placard containing the terms of the Notice or Order in a conspicuous place on the property, and no person shall obstruct the visibility of the Notice or Order, nor shall any person remove a copy of any Notice or Order posted under this By-Law unless authorized to do so by the Officer.

9.6.6. An Order may be registered on the property in the Land Registry Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under subsection 9.5.2 and, when the requirements of the Order have been

satisfied, the clerk of the Municipality shall forthwith register in the Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

- 9.6.7. Following an inspection of a property, the Officer may, or on the request of the Owner, shall issue to the Owner, a certificate of compliance, if, in their opinion, the property is in compliance with the standards of this By-Law. The fee for such a certificate issued at the request of the Owner shall be \$30.00

9.7. Property Standards Committee

- 9.7.1. The By-Law Appeals Committee shall be and is hereby appointed as the Property Standards Committee for the purposes of this By-Law.
- 9.7.2. The Recording Clerk, represented by the Town Clerk or their designate, shall keep on file the minutes and records of all applications to the Committee and the decisions thereon, and records of all other official business of the Committee.
- 9.7.3. A majority of the Committee members constitutes a quorum.
- 9.7.4. The Committee shall operate according to the rules and procedures outlined in By-Law 23-25, being a By-Law to establish a By-Law Appeals Committee in the Town of Aylmer.

9.8. Appeal of a Property Standards Order

- 9.8.1. An owner or occupant who has been served with an Order made under subsection 9.5.3, 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 Recording Clerk of the Committee within 14 days after being served the Order. The Notice of Appeal shall be accompanied by payment in the form of a certified cheque or a money order for the prescribed fee as set out in the Town of Aylmer's Fees and Charges Bylaw, as amended from time to time.
- 9.8.2. An Order that is not appealed within the time referred to in subsection 9.8.1 shall be deemed to be confirmed.
- 9.8.3. Where a Notice of Appeal is received in accordance with subsection 9.8.1, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the Order, and may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of this By-Law and of the Official Plan:
- (a) Confirm, modify or rescind the Order to demolish or repair; or,

(b) Extend the time for complying with the Order.

9.8.4. The Committee shall send a copy of the decision of the Committee to the owner or occupant, and any other person upon whom the Order has been served. The Officer shall also receive notice of the decision.

9.8.5. The Municipality, an owner or occupant, or person affected by a decision under subsection 9.8.3 may appeal to the Superior Court of Justice by notifying the Town of Aylmer's Clerk in writing and by applying to the court within 14 days of receiving a copy of the decision sent by the Committee.

9.8.6. On the appeal, the judge of the Superior Court of Justice shall have the same powers and functions as the Committee.

9.8.7. An Order that is deemed to be confirmed, or that is confirmed or modified by the Committee or a judge, shall be final and binding upon the owner and/or occupant who shall carry out the repair or demolition within the time and manner specified in the Order.

9.9. Power of the Municipality to Repair or Demolish

9.9.1. If an Order is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Committee or a Judge, the Town of Aylmer may cause the property to be repaired or demolished accordingly.

9.9.2. For the purpose of this By-Law, employees or agents of the Town of Aylmer may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

9.9.3. The Town of Aylmer, or a person acting on its behalf, is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under this By-Law.

9.9.4. Where the Town of Aylmer, its servants or agents demolishes or repairs a property, the Municipality shall recover the expenses it incurs in doing so through action or in like manner as municipal taxes.

9.10. Emergency Order

9.10.1. If upon inspection of a property an Officer is satisfied that there is nonconformity with the standards prescribed in this By-Law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order in accordance with section 15.7 of the Building Code Act containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

9.11. Certificate of Compliance

- 9.11.1. Following the inspection of a property, the Officer shall issue a certificate of compliance to the owner who requests one and who pays the fee, as set in the Town of Aylmer's Fees & Charges By-Law, if in the Officer's opinion the property is in compliance with the standards of this By-Law.

9.12. Penalty for Non-Compliance

- 9.12.1. An owner who fails to comply with an Order that is final and binding under this By-Law, or who fails to comply with a direction is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.
- 9.12.2. Every person or corporation who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

10. Severance and Conflict

- 10.1. Where a provision of this By-Law conflicts with the provisions of another By-Law, Act or Regulation in force within the Municipality, the provision which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.
- 10.2. It is hereby declared that each and every of the foregoing provisions of this bylaw is severable and that, if any provisions of this By-Law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

11. Repeal

- 11.1. By-Law 55-97 is hereby repealed.

12. Enactment

- 12.1. This By-Law shall come into full force and effect upon the final passing thereof.

READ A First, Second, and Third Reading this 19th day of March, 2025.

Signed by:



DocuSigned by:

Jack Concknyf

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Mayor

DocuSigned by:

Owen Jaggard

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Clerk

Authority: Council, Resolution 275-24

Staff Report Number: CLRK 34-24

Staff Report Date: October 16, 2024