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Corporation of the Township of Champlain

By-Law Number 2024-46

Property Standards By-Law

Being a By-Law to establish property maintenance and occupancy standards.

Whereas Section 5(3) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by By-law;

Whereas Section 127 of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, states that a local municipality may:

- a) Require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- b) Regulate when and how matters required under clause (a) shall be done;
- c) Prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- d) Define “refuse” for the purpose of this section.

Whereas under Section 15.1 (3) of the Building Code Act, S.O. 1992, c. 23, a by-law may be passed by the council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

Whereas Sections 15.2 and 15.8 of the Building Code Act, S.O. 1992, c. 23, as amended, provide inspections and enforcement authorities for a By-law made under Section 15.1 of the Act;

Whereas the offence penalty provisions for contraventions are as set out in Section 36 of the Building Code Act, S.O. 1992, c. 23, as amended, the Administrative Monetary Penalty System By-law, as amended, and the Administrative Monetary Penalty provisions in Section 15.4.1. of the Building Code Act, S.O. 1992, c. 23, as amended;

Whereas Section 15.4.1. of the Building Code Act, S.O. 1992, c. 23, as amended, authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under Section 15.1, or an order of an officer under subsection 15.2(2) as deemed confirmed or as confirmed or modified by the committee or a judge under Section 15.3;

Whereas Section 391(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may impose fees or charges on persons:

- a) For services and activities provided or done by or on behalf of it; and
- b) Any costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

Whereas Section 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, states that if a By-law passed under Section 15.1 of the Building Code Act, S.O. 1992, c. 23, as amended, setting out standards for the maintenance of property in the municipality is in effect in a municipality, the Council may prescribe minimum standards for the maintenance of the heritage attributes of property and require property that has been designated and that does not comply with the standards to be repaired and maintained to conform with the standards; and

Whereas the Official Plan for The Township of Champlain includes provisions relating to property conditions or, as of the date of passing this By-law, the Official Plan of the Corporation of the United Counties of Prescott and Russell contains provisions relating to property standards; and

Whereas Section 15.6 (1) of the Building Code Act, S.O. 1992, c. 23 requires that a by-law passed under Section 15.1 (3) of the Building Code Act, S.O. 1992, c. 23 shall provide for the establishment of a Property Standards Committee;

Now Therefore the Council of The Township of Champlain hereby enacts the following:

1. Short Title

- 1.1. This By-law may be referred to as the "Property Standards By-law" of The Corporation of the Township of Champlain.

2. Definitions

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- 2.1. "Accessory building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 2.2. "Apartment building" means a building containing more than four (4) dwelling units with individual access from an internal corridor system.
- 2.3. "Approved" means acceptance by the Property Standards Officer.
- 2.4. "Basement" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 2.5. "Building" as defined in the Ontario Building Code Act, as amended.

- 2.6. "Cellar" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 2.7. "Committee" as defined in the Ontario Building Code Act, as amended.
- 2.8. "Corporation" shall mean the Corporation of the Township of Champlain.
- 2.9. "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 2.10. "Dwelling unit" means a room, or a suite of rooms operated as a housekeeping unit, used or intended to be used as domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 2.11. "First storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1,8 metres (6 ft.) above grade.
- 2.12. "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 2.13. "Habitable room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping, or eating purposes.
- 2.14. "Maintenance" shall mean the preservation and keeping in repair of a property.
- 2.15. "Means of egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, 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 the building.

- 2.16. "Multiple dwelling" means a building containing three (3) or more dwelling units.
- 2.17. "Municipality" means the Corporation of the Township of Champlain.
- 2.18. "Non-habitable room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling for public use and for access to and vertical travel between storey's and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- 2.19. "Non-residential property" means a building or structure or part of a building or part of a building or structure not occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant and all the outbuildings, fences or erections thereon or therein.
- 2.20. "Occupant" as defined in the Ontario Building Code Act, as amended.
- 2.21. "Officer" means a Property Standards Officer duly appointed by or under the authority of a Township by-law who has been assigned the responsibility of administering and enforcing this By-law.
- 2.22. "Owner" as defined in the Ontario Building Code Act, as amended.
- 2.23. "Person" means an individual, firm, corporation, association, or partnership.
- 2.24. "Refuse" means any article or things that:
 - a) has been cast aside, discarded or abandoned, whether of any acceptable value or not;
 - b) has been used up, in whole or in part, whether of any acceptable value or not; or

- c) has been expended or worn out, in whole or in part, whether of any acceptable value or not.

2.25. "Residential property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.

2.26. "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-law.

2.27. "Toilet room" means a room containing a water closet and a wash basin.

2.28. "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

3. General Standards for all Property

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3.1. All repairs and maintenance of 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 or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

Yards

3.2. Every yard, including vacant lots shall be kept clean and free from:

- a) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;
- b) wrecked, dismantled, or discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- c) long grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act;
- d) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- e) injurious insects, termites, rodents, vermin or other pests; and
- f) dead, decayed or damaged trees or other natural growth.

Surface Conditions

3.3. Surface conditions of yards shall be maintained so as to:

- a) prevent ponding of storm water;
- b) prevent instability or erosion of soil;
- c) prevent surface water run-off from entering basements;
- d) not exhibit an unsightly appearance;
- e) be kept free of garbage and refuse;
- f) be kept free of deep ruts and holes;
- g) provide for safe passage under normal use and weather conditions, day or night; and
- h) not to create a nuisance to other property.

Sewage and Drainage

3.4. Sewage shall be discharged into the sewage system.

- 3.5. Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 3.6. Surface water, roof drainage or sump pit waste shall not be discharged onto roads, sidewalks, stairs, or adjacent property, or other public proper.

Parking Areas, Walks and Driveways

- 3.7. All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter.
- 3.8. Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

Accessory Buildings, Fences and Other Structures

- 3.9. Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 3.10. Accessory buildings, fences and other structures (including permanent signs and billboards) shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.
- 3.11. Where an accessory building or a condition on the property may harbour noxious insects, rodents or vermin, all necessary steps shall be taken to eliminate the insects, rodents or vermin and to eliminate the conditions so as to prevent its recurrence.

Garbage Disposal

- 3.12. Every building, dwelling and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such, receptacles shall be constructed of watertight material, provided with a tightfitting cover and shall be maintained in a clean and odour free condition at all times.
- 3.13. All garbage, refuse and ashes shall be promptly placed in a suitable container and made available for removal not more than twenty-four (24) hours prior to the regular garbage collection day.
- 3.14. Garbage storage areas shall be screened from public view.
- 3.15. Plastic bags shall not be stored outdoors unless protected from damage.

Composable Heaps

- 3.16. The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1,8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five (45) gallons container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

4. Residential Standards

General Conditions

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- 4.1. Every tenant, or occupant, or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 4.2. Every tenant, or occupant, or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms and other common areas, in a clean, sanitary and safe condition.
- 4.3. Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

Pest Prevention

- 4.4. Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- 4.5. Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

Structural Soundness

- 4.6. Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 4.7. Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

Foundations

- 4.8. Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints and floors.
- 4.9. Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers.

Basement and Cellar Floors

- 4.10. Every basement and cellar shall have a floor of concrete, masonry or other impervious material and where a floor drain is necessary, it shall be located at the lowest part of said floor and connected to the storm sewer system, if possible.
- 4.11. Basements, cellars or crawl spaces which are not served by a stairway leading from the building or from the outside of the building may have a dirt floor provided it is covered with a moisture proof covering.

Exterior Walls

- 4.12. Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair, free from cracked, broken or loose masonry units, stucco and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 4.13. Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Windows and Doors

- 4.14. Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.15. In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 4.16. Solid core, exterior or appropriately rated fire doors shall be provided for all entrances to dwellings and dwelling units.
- 4.17. In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, said system shall be maintained in good working order at all times.
- 4.18. Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

Roofs

- 4.19. Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 4.20. The roofs or dwellings and accessory buildings shall be kept clear of excessive and/or dangerous accumulations of ice or snow or both that might create a safety hazard.
- 4.21. Where eaves troughing, roof gutters, are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

Walls, Ceilings and Floors

- 4.22. Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 4.23. Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 4.24. Every floor in a bathroom, toilet room, kitchen, shower room and laundry room shall be maintained so as to be impervious to water and readily cleaned.

Stairs, Porches and Balconies

- 4.25. Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Guardrails

4.26. A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades, and handrails shall be constructed and maintained rigid in nature.

Kitchens

4.27. Every dwelling shall contain a kitchen area equipped with:

- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- b) suitable storage area of not less than 0,23 cubic metres (8 cubic feet);
- c) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- d) a space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

Toilet and Bathroom Facilities

4.28. Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot

and cold running water. Every water closet shall have a suitable supply of running water.

4.29. In a rooming house, there shall be a water closet, washbasin and bathtub or shower for not more than eight (8) persons and these facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.

4.30. Where practical, a washbasin shall be located in the same room as the water closet.

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

4.32. Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

4.33. Where toilet or bathroom facilities are shared by occupants of residential accommodations other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

Plumbing

4.34. Each washbasin, a bathtub or shower and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F).

4.35. Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

4.36. All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks

and defects and all water pipes and appurtenances thereto shall be protected from freezing.

4.37. All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.38. Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts is hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbour germs or impede thorough cleansing.

Electrical Service

4.39. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

4.40. The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.

4.41. Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11,1 square metres (120 sq. ft.) of floor space and, for each additional 9,3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.

4.42. Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

4.43. Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passageways, garages and basements, shall

provide sufficient illumination so as to avoid health or accident hazards in normal use.

Heating, Heating Systems, Chimneys and Vents

- 4.44. Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70°F) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.45. All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- 4.46. Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 4.47. Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separation shall conform to the Ontario Building Code or Ontario Fire Code.
- 4.48. All fuel burning appliances, equipment and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 4.49. Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints and the repair of loose or broken masonry units.

4.50. Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

4.51. In multiple dwellings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance rating as required by the Ontario Building Code.

Fire Escapes, Alarms and Detectors

4.52. A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.

4.53. In addition to the provisions of Article 4.52 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:

- a) equipped with visual or audio indication that they are in operating condition;

- b) mounted on the ceiling or on a wall between 152,4 mm and 304,8 mm (6 to 12 inches) below the ceiling.
- c) Carbon monoxide alarms shall be installed and operational in all dwellings unit where a fuel burning appliance, a fireplace or a garage, is present. This section applies as of April 15, 2015, as per Fire Code, as amended.

4.54. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

Egress

4.55. Every dwelling and each dwelling unit contained therein shall have a safe, continuous, and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

4.56. Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common, or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 mm by 559 mm (42 x 22 inches), with a sill height of not more than 914 mm (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

4.57. A required exit shall not pass through an attached garage or built-in garage or an enclosed part of another dwelling unit.

Natural Light

4.58. Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent (10%) of the floor area for living and dining rooms and five percent (5%) of the floor area for bedrooms and other finished rooms.

Ventilation

4.59. Every habitable room in a dwelling unit, including kitchens, bathroom, or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0,28 square metres (3 sq. ft.), or an approved system of mechanical ventilation such that provide hourly air exchanges.

4.60. All system of mechanical ventilation shall be maintained in good working order.

4.61. All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

Air Conditioners

4.62. All air conditioners shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

Garbage, refuse Storage Rooms and Chutes

4.63. Where garbage, refuse storage rooms and chutes are provided, they shall be in conformity with the Ontario Building Code as amended from time to time and maintained in a clean and sanitary condition.

Elevating Devices

4.64. Elevators and other elevating devices, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication systems, shall be operational and maintained in good condition.

Disconnected Utilities

4.65. Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing or otherwise altering said service or utility.

Occupancy Standards

4.66. The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one (1) person for every nine (9) square metres (97 sq. ft.). For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2,1 metres (7 ft.) shall not be considered.

4.67. 4.67 No room shall be used for sleeping purposes unless it has a minimum width of two (2) metres (6.6 ft.) and a floor area of at least seven (7) square metres (75 sq. ft.). A room used for sleeping purposes by two (2) or more persons shall have a floor area of at least four (4) square metres (43 sq. ft.) per person.

4.68. 4.68 Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:

- a) each habitable room shall comply with all the requirements set out in this By-law;
- b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code or the Ontario Fire Code;
- d) access to each habitable room shall be gained without passage through a Service room.

Burnt Material and Demolished Material

4.69. In the event of fire or explosion, damaged or partially burnt material and demolished material shall be forthwith removed from the premises, except that

such material may be temporarily stored within the barricaded fire damaged building or unit.

Every building damaged by fire or other causes shall be:

- a) Made secure to the neighbours, persons and to other users of the property,
- b) Boarded up by covering all opening through which entry may be with at least 12.7mm (1/2") weatherproof sheet plywood securely fastened to the building,
- c) Made secure in order to prevent damage to property and chattels and,
- d) Repaired or completely demolished as required by the Property Standard Officer.

Should the building have irrecoverable fire damage, the said building shall be demolished, foundation filled in and land cleared within ninety (90) days after the date of the fire; until such time, a protective 4' high barricade shall be installed and kept in good order so as to protect the public.

In the case where a building, having irrecoverable fire damage, is located in a built-up area and the said site creates esthetical problems (such as smell, taste, vision, security, discomfort...), to adjacent properties, the Property Standards Officer may order that such building be demolished, foundation filled in and land cleared within seven (7) days of the date of notice.

These dispositions above also apply to "Vacant Buildings" and to "Non-Residential Properties".

5. Vacant Lands and Buildings

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- 5.1. All repairs and maintenance of 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 or repairs shall conform to the Ontario Building Code where applicable.

Vacant Land

- 5.2. Vacant land shall be maintained to the standards as described in Part 3, Article 3.02 of this By-law.
- 5.3. Vacant land shall be graded, filled, or otherwise drained so as to prevent recurrent ponding of water.
- 5.4. All permanent signs and billboards shall be maintained in good repair and any sign which have excessively weathered or faded or those upon which the

paint has excessively peeled or cracked, shall, with their supporting members, be removed or put into a good state of repair.

Vacant Buildings

- 5.5. Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 5.6. The owner or agent of a vacant building shall restrict access of such building by covering all openings through which entry may be obtained with at least 12.7 mm (1/2") weatherproof sheet plywood, to the satisfaction of the Property Standards Officer.

6. Non-Residential Property Standards

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- 6.1. All repairs and maintenance of 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 or repairs shall conform to the Ontario Building Code where applicable.

Yards

- 6.2. The yards of non-residential property shall be maintained to the standards as described in Article 3.02 of this By-law.

- 6.3. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1,8 metres (6 ft.) in height and maintained in good repair.

Parking Areas and Driveways

- 6.4. All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface.
- 6.5. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

Structural Soundness

- 6.6. Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that

have been damaged or indicate evidence of deterioration shall be repaired or replaced.

- 6.7. Walls, roofs and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

Exterior Walls

- 6.8. Exterior walls of a building or a structure and their components, including soffits, fascia, windows, and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 6.9. Exterior walls of a building or a structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Guardrails

- 6.10. A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies, as per our Building Code. Guardrails, balustrades, and handrails shall be constructed and maintained rigid in nature.

Lighting

- 6.11. All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons

attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

Egress

6.12. All commercial, institutional or industrial buildings shall be provided with exits of size and number so as to be in compliance with the requirements of the Ontario Building Code, as amended from time to time for the appropriate group and division.

Plumbing

6.13. Every commercial, institutional, and industrial building shall contain plumbing facilities in accordance with the appropriate provincial legislation.

Heating System

6.14. In all commercial, institutional, or industrial buildings provided with a central heating system, the heating unit shall be located in a separate room, having walls, ceilings and doors, all of which have the appropriate fire resistance rating as required by the Ontario Building Code.

7. Additional Standards for Heritage Building

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7.1. In addition to the minimum standards for the maintenance and occupancy of property as set out in this By-law, the owners of a heritage property shall:

Comply with the standards for heritage property in this section;

- a) Maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural integrity of the building or structure; and
- b) Maintain the property in a manner that will ensure the protection and preservation of the heritage attributes.

7.2. Notwithstanding any other provision of this By-law, where a heritage attribute of a heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired:

- a) In a manner that minimizes damage to the heritage attributes and values;
- b) In a manner that maintains the design, colour, texture, grain or other distinctive feature of the heritage attributes; and
- c) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.
- d) And, where the same types of materials as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain and any other distinctive features and appearance of the original materials.

7.3. Notwithstanding any other provision of this By-law, where a heritage attribute of a heritage property cannot be repaired, the heritage attribute shall be replaced:

- a) Using the same types of materials as the original;

- b) b) Using the same types of materials as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain and any other distinctive features and appearance of the original materials;
- c) c) In such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute; and
- d) d) In a manner that minimizes damage to the heritage attributes of the property.

7.4. Notwithstanding any other provision of this By-law or the Ontario Heritage Act, no building or structure of a heritage property may be altered or cleared, including but not limited to be removed, demolished or relocated except in accordance with the Ontario Heritage Act.

8. Administration and Enforcement

8.

- 8.1. This By-law shall apply to all property within the limits of the Township of Champlain.
- 8.2. Where a provision of this By-law conflicts with a provision of another By-law in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public, shall prevail.

Officers

- 8.3. The Council of the Township of Champlain shall appoint Property Standards Officer(s) to be responsible for the administration and enforcement of this By-law.

8.4. Any Building Inspector, Fire Prevention Officer of the Township, Public Health Inspector, or Provincial Offences Officer, is hereby authorized and directed to act as an assistant to the Officer.

Investigation & Enforcement

8.5. Investigation of infractions of standard set in this By-law shall be initiated upon receipt of a written complaint form from the person making the complaint or initiated by the Officer. The written complaint shall be filled in such form as provided in Schedule "B" of this By-law.

8.6. The Officer will not inspect the entire premises or suite but will inspect only those items which are subject of the written complaint.

8.7. Notwithstanding 8.07, the Officer may inspect other areas or items believed to be unsafe.

8.8. Complaints received by the Township of Champlain will be categorized for the purpose of response. The categories will be established based on the threat to public and property and will be as follows:

Table 1 Complaint Prioritizing Schedule

Priority Level	Category of Complaint	Response Time
A	Threat to personal safety imminent	2 Days
B	Threat to property which may affect personal safety	4 Days
C	Threat to property with no personal safety issues	2 Weeks
D	No threat to person or property	3 Weeks

Orders

8.9. An Officer who determines that a property does not comply with the standards prescribed in this By-law, may make an Order as per Schedule "C-1 or C-2" to this By-law.

- 8.10. If an Order is not complied with in accordance with the order as deemed confirmed or modify by the Committee, the Township may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be. Also,
- 8.11. For the purpose of any provisions of this By-law, employees or agents of the Township may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the property.

Cost Recovery

- 8.12. Recovery of any fees for services shall be prescribed in Schedule "A" of this By-law.
- 8.13. Any cost incurred by the Township in exercising its authority to inspect under any provision of this By-law, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.
- 8.14. Where the Township does or causes work to be done, such work shall be done at the owner's expense, and the owner will be responsible for payment of the full cost of the work, including any third-party costs, plus any administrative fees.
- 8.15. If the owner fails to pay the cost of any work completed under authority of this By-law within thirty (30) days of the work being completed, the amount, plus any administrative fees, shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.
- 8.16. Any administrative fees associated with administering or enforcing this By-law, shall be applied according to Schedule "A" of this By-law.
- 8.17. The administrative fees set out in Schedule "A" attached hereto shall be adjusted without amendment to this By-law, in accordance with the Users Fee by-law of the Township, as amended from time to time.

Property Standards Committee

- 8.18. Council shall appoint at large, by a Resolution (or By-law) of Council no fewer than three (3) persons who are residents of the Township of Champlain to the Property Standards Committee for a term of office concurrent with Council.

8.19. Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium.

8.20. An owner or occupant who has been served with an order may appeal the order and may appeal to the committee by sending a Notice of Appeal, including the grounds for an appeal and pay the applicable fee set out in Schedule "A". The Notice of Appeal shall be in writing in the prescribed form identified as Schedule "D" and shall be sent by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the order.

Hearing

8.21. The Secretary of the Committee, in respect of the notice of appeal shall:

- a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty days from the date of receipt of the aforesaid notice;
- b) give notice in writing, via email, registered mail or personal service, of the date, place and time of the hearing referred to in paragraph a) to the applicant and the Officer who issued the order; and
- c) any other interested persons who the committee considers should receive the notice.

Decision of the Committee

8.22. The Committee may; confirm, modify or rescind the order; or extend the time for complying with the order, if in the committee's opinion, the general intent and purpose of the By-law are maintained.

8.23.

8.24. The secretary of the Committee shall notify the appellant, the Officer who issued the order; and any other person who appeared at the hearing of the appeal, and requested a copy of such decision be provided.

8.25. The decision of the Committee may be appealed to the Superior Court of Justice by notifying the Clerk of the municipality in writing and by applying to the Court within 14 days after a copy of the decision is sent, in accordance with Section 15.3.(4) of the Building Code Act.

Compliance

8.26. The owner of any property which does not conform to the standards as set out in this By-law, shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a levelled and graded condition.

8.27. Following the inspection of a building, or on the request of the Owner, the Officer may issue to the Owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this By-law. The Certificate of Compliance will be in the form of Schedule "F".

8.28. If a Certificate of Compliance, Schedule "E" to this By-Law, is issued at the request of the Owner, the Owner shall pay a fee as per the current fee in Schedule "A", or as per Users' Fee By-law of the Township of Champlain as amendments.

Validity

8.29. If an article of this By-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

8.30. Where a provision of this By-law conflicts with the provisions of another by-law in force within the Township of Champlain, the provisions that establish

the higher standards to protect the health, safety and welfare of the general public shall prevail.

Penalties

8.31. An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence and is subject to a penalty as provided by the Administrative Monetary Penalty System (AMPS) By-law, as amended from time to time.

Repeal of Existing By-Laws

8.32. By-law Number 99-25 and 2000-71 of the Township of Champlain are hereby repealed on August 1, 2024:

8.33. This By-Law shall come into force and into full effect on August 1, 2024.

Transitional Rules

8.34. After the date of the passing this By-law, By-law No. 2024-46, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance or repair carried out by the Township of Champlain shall have been concluded.

8.35. Any Schedule attached to the By-law shall be deemed to form part of this By-law.

Severability Section

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

Read a first, second and third and duly adopted this 28th day of November, 2024.

Normand Riopel, Mayor

Alison Collard, Clerk

Schedule "A" – Service and Use Activity Charges

Property Standards By-law 2024-46 – Administrative Fees

The following fees shall be considered Administrative Fees:

Table 2 Administrative Fees and Categories

Types of administrative fees	Administrative fee amount
Property Standards Appeal Committee	\$100.00 (Per Case)
Appeal Processing Fee	\$150.00 (Per Order)
Officer Attendance on site during clean-up and/or remedial work (minimum 2 hours)	\$60.00/Hour
Re-Inspection fee	\$75.00/per inspection
Service by mail fee	\$15.00
Administration fee – Cost of work + Administration fee (Minimum 150.00\$ - Maximum 650.00\$)	25%
Issuing of a Property Standards Order	\$50.00
Subsequent Order	\$150.00
Certificate of Compliance	\$50.00
Discharging an Order on Title (Legal fee + Flat fee)	\$150.00
Title Search	\$40.00
Landlord/Tenant Tribunal – Request to Appear (Minimum 1 Hour – payable in advance)	\$60.00/Hour

The following schedules are available on the Township's website

- Schedule B – Property Standards Complaint Form
- Schedule D – Notice of Appeal to the Property Standards Committee

The following schedules are for internal use and are available by contacting the By-Law Department of the Township.

- Schedule C-1 – Order to Remedy Violation of Standards of Maintenance and Occupancy
- Schedule C-2 – Emergency Order of Standards of Maintenance and Occupancy
- Appendix A to Schedule C-1 and C-2 – (describes the repairs necessary to correct the defects detailed in Appendix “A” be carried out immediately and property brought to a condition of compliance with the prescribed standards)
- Schedule E – Certificate of Compliance of Standards of Maintenance and Occupancy