

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE**

**BY-LAW NUMBER 2018-049-RE**

BEING A BY-LAW to prescribe standards for the maintenance and occupancy of property within the Town of Whitchurch-Stouffville, and to repeal By-laws 2014-106-RE, 2016-135-RE and 2017-028-RE

**WHEREAS** The Corporation of the Town of Whitchurch-Stouffville has adopted an official plan pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended, which includes policies and provisions relating to the maintenance and occupancy of property within the Town; and

**WHEREAS** Subsection 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended (the "Ontario Building Code") provides that if an official plan that includes provision relating to property conditions is in effect in the municipality, a municipality may pass a By-law

- (a) prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the occupancy or use of such property that does not conform to the standards; and
- (b) requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition; and

**WHEREAS** Subsection 15.2(1) of the Ontario Building Code authorizes an Officer of the Town, upon producing proper identification, to enter upon any property at any reasonable time without a warrant for the purposes of inspecting the property to determine whether the property conforms with the standards prescribed in the By-law or whether an order has been complied with; and

**WHEREAS** Subsection 15.6(1) of the Ontario Building Code requires that a By-law passed under Subsection 15.1(3) of the Ontario Building Code shall provide for the establishment of a Property Standards Committee; and

**WHEREAS** Subsection 35.3(1) of the *Ontario Heritage Act, R.S.O. 1990, c.O.18*, as amended, provides that if a By-law setting out standards for the maintenance of property in the municipality is in effect in a municipality, the Council of the municipality may, by By-law,

- (a) prescribe minimum standards for the maintenance of the heritage attributes of property in the municipality that has been designated by the municipality
- (b) 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** Section 391 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (the "Municipal Act") provides that a municipality may, by By-law, impose fees for services and activities provided or done by or on behalf the municipality; and

**WHEREAS** Section 398 of the Municipal Act provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality and may be added to the tax roll for any property for which the person is responsible for paying the fees and charges.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

1. That Council Approve “Attachment 1” to this By-law as the Rules and Procedures for the maintenance and occupancy of property within the Town of Whitchurch-Stouffville; and
2. That the short title of this By-law is “Property Standards By-law”; and
3. That By-laws 2014-106-RE, 2016-135-RE and 2017-028-RE are hereby repealed; and
4. That this By-law shall come into full force and effect on the day it is passed.

READ a first and second time this 3<sup>rd</sup> day of April, 2018.

READ a third time and passed this 3<sup>rd</sup> day of April, 2018.

“Justin Altmann”  
\_\_\_\_\_  
Justin Altmann, Mayor

“Gillian Angus-Trail”  
\_\_\_\_\_  
Gillian Angus-Trail, Clerk

Table of Contents

1. DEFINITIONS .....	4
2. SCOPE AND INTERPRETATION .....	7
3. STANDARDS FOR ALL PROPERTIES.....	8
4. STRUCTURAL SOUNDNESS.....	9
5. EXTERIOR WALLS, COLUMNS AND BEAMS .....	9
6. EXTERIOR STAIRS, VERANDAHS, PORCHES, ETC.....	10
7. EXTERIOR DOORS AND WINDOWS.....	10
8. CHIMNEYS .....	11
9. ROOFS .....	11
10. ANTENNAE.....	11
11. SIGNS.....	11
12. ELEVATORS, HOISTS, LIFTS, MOVING STAIRS, RAMPS & WALKWAYS.....	11
13. GARBAGE DISPOSAL.....	12
14. FOUNDATIONS .....	12
15. INTERIOR SURFACES, FLOORS, STAIRS.....	12
16. WATER, PLUMBING SYSTEM, DRAINS.....	13
17. HEATING SYSTEMS .....	14
18. ELECTRICAL SERVICES .....	15
19. LIGHTING AND VENTILATION.....	16
20. FIRE AND ACCIDENT PROTECTION .....	18
21. HEALTH AND OCCUPANCY .....	18
22. ACCESSORY BUILDINGS.....	19
23. VACANT BUILDINGS .....	19
24. HERITAGE PROPERTY .....	19
25. ADMINISTRATION AND ENFORCEMENT .....	21
26. RIGHT TO ENTER AND INSPECT .....	21
27. ORDER TO REMEDY VIOLATION .....	22
28. APPEAL OF ORDER .....	22
29. APPEALS COMMITTEE.....	23
30. REGISTRATION OF ORDER.....	23
31. PROHIBITIONS .....	23
32. RESPONSIBILITIES & COMPLIANCE ORDERS.....	23
33. CERTIFICATE OF COMPLIANCE .....	23
34. PENALTY.....	24
35. SEVERABILITY.....	24
36. ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED .....	24

## 1. DEFINITIONS

1.1 For the purposes of this By-law:

- a) "**accessory**" when used to describe a use, building or structure, means a use, building or structure that is naturally and normally incidental, subordinate and exclusively devoted to the principal use on a lot, is not used for human habitation, and is located on the same lot as the said principal use. Without limiting the generality of the foregoing, accessory uses, buildings and structures shall include private garages, swimming pools, private greenhouses, patios, carports, boat houses, solar collectors, garbage bin enclosures, raised play structures, and gazebos.
- b) "**adequate and suitable heat**" means a minimum air temperature within a dwelling unit of twenty-one 21° C.
- c) "**adequate and suitable supply of potable water**" means a continuous and uninterrupted supply of potable water.
- d) "**appeals committee**" means the committee established pursuant to the Town's current Appeals Committee By-law.
- e) "**approved**" when applied to a grade, material, device or method of construction, means approved by an Officer under this By-law.
- f) "**balcony**" means an external balustrade platform and includes both upper and lower surfaces of the platform.
- g) "**barrier-free**" means that a building and its facilities can be approached, entered and used by persons living with physical and/or sensory disabilities.
- h) "**basement**" means that 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.
- i) "**bathroom**" means a room containing one or more toilets. A bathroom may also include other sanitary fixtures.
- j) "**bedroom**" means a habitable room used by persons for sleeping purposes.
- k) "**building**" means any structure used or intended for supporting or sheltering any use or occupancy, and without limiting the generality of the foregoing, shall include a building as that term is defined in the Ontario Building Code.
- l) "**Clerk**" means the Clerk of the Town or the Clerk's designate.
- m) "**construction dumpster**" means any dumpster, commercial roll-off bin or other similar garbage receptacle used for the accumulation and storage of construction waste, demolition waste, or other similar materials.
- n) "**Council**" means the Council of The Corporation of the Town of Whitchurch-Stouffville.
- o) "**derelict building**" means a building damaged by fire, storm or other catastrophic event or through prolonged lack of maintenance, and which is, in the opinion of an Officer or the Town's Chief Building Official, beyond reasonable repair.
- p) "**dwelling**" means a building or structure or any part thereof which is or is intended to be used for the purposes of human habitation, and includes a building that would be or would be intended to be used for such purposes except for its state of disrepair.
- q) "**dwelling unit**" means one or more habitable rooms within a building, which is or are designed, occupied and/or used as a single housekeeping unit, in which separate kitchen and sanitary facilities are provided for the exclusive use of the individual or individuals occupying same.
- r) "**farm building**" means a building or part thereof which does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

- s) **"garbage receptacle"** means a container used to store refuse for collection, including recycling and organic bins, and includes metal or plastic containers and commercial dumpsters, but shall not include garbage bags.
- t) **"grade"** means the average elevation of the finished surface of the ground around the perimeter of a building, excluding localized depressions such as sunken terraces, stairwells and window wells.
- u) **"ground cover"** means organic or non-organic material applied to prevent the erosion of the soil such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.
- v) **"guard"** means a protective barrier, with or without openings through it, that is placed around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another.
- w) **"habitable room"** means a room or enclosed floor space used, or capable of being used, for living, eating, sleeping or domestic food preparation purposes.
- x) **"Heritage Act"** means the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended.
- y) **"heritage attributes"** means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest and that is defined or described:
  - i) in a By-law designating a property passed under section 29, Part IV, of the Heritage Act and identified as a heritage attribute, reason for designation or otherwise;
  - ii) in a Minister's order made under section 34.5, Part IV, of the Heritage Act and identified as a heritage attribute or otherwise;
  - iii) in a By-law designating a heritage conservation district passed under section 41, Part V, of the Heritage Act and identified as a heritage attribute or otherwise; or
  - iv) in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes or otherwise.
- z) **"heritage permit"** means a permit issued by Council or designate under section 33, 34 or 42 of the Heritage Act, to alter, erect, demolish or remove a building or structure.
- aa) **"heritage property"** means a real property including a building or structure, or part of a building or structure including the lands and premises appurtenant thereto, and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, that has been designated under section 29 or 34.5 or 41 of the Heritage Act.
- bb) **"interior common areas"** includes, but is not limited to, laundry rooms, garbage rooms, corridors, boiler rooms, parking garages, storage areas and recreation rooms.
- cc) **"kitchen"** means a room within a dwelling unit equipped with a sink, electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking stove.
- dd) **"maintain"** means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenance (including, without limiting the foregoing, mechanical equipment) that is required so they can properly perform their intended functions, and "maintenance" and "maintained" shall have corresponding meanings.
- ee) **"means of egress"** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.
- ff) **"mixed-use building"** means a building used in part for residential purposes and in part for non-residential purposes.
- gg) **"Municipal Act"** means the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended

- hh) "**multiple dwelling**" means a building containing within its walls one or more rooming and/or dwelling units, and which may, in addition, contain other uses, and includes apartment buildings, townhouses, rooming houses, hotels, motels and registered second suites.
- ii) "**non-habitable room**" means a room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, laundry room, pantry, lobby, corridor, stairway, closet, boiler room or other space for service or maintenance of the dwelling, for public use, and for access to and vertical travel between storeys, as well as a basement or cellar or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- jj) "**non-residential property**" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands containing such building or structure and all outbuildings, fences and erections on such lands.
- kk) "**nuisance**" means unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without requiring an actual Trespass or physical invasion to the land.
- ll) "**occupancy**" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- mm) "**occupant**" means any person or persons over the age of 18 years in possession of a property.
- nn) "**Officer**" means a Property Standards Officer appointed by the Town, pursuant to this By-law or a Police Officer or other agent acting on behalf of the Town.
- oo) "**Ontario Building Code**" means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended.
- pp) "**Ontario Fire Code**" means the *Fire Protection and Prevention Act*, 1997, s.o. 1997, c.4.
- qq) "**order**" means a Property Standards Order issued pursuant to this By-law.
- rr) "**owner**", when used with respect to real property, includes, without limitation, the registered property owner, occupant, tenant, mortgagee in possession, and/or person for the time being managing or receiving the rent of the property, whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid.
- ss) "**parking garage**" means a common garage associated with a multiple dwelling or a commercial or industrial enterprise.
- tt) "**person**" includes, without limitation, an individual, association, firm, partnership, corporation, trust, organization, trustee, agent, or legal representative of an individual.
- uu) "**Planning Act**" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
- vv) "**plumbing system**" means a system of connected piping, fitting, valves, equipment and fixtures contained in plumbing.
- ww) "**premises**" means that portion of real property which is owned by a specific person, and includes all buildings and structures thereon.
- xx) "**property**" includes lands and premises, including a building or structure or part of a building or structure, yards and any mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and may include, without limitation, vacant property.
- yy) "**repair**" includes the provision of such facilities, the making of additions or alterations, and the taking of any other action that may be required to ensure that a property conforms to the standards established in this By-law.
- zz) "**retaining wall**" means a wall that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where there is an abrupt change in ground elevation. The provisions of this By-law apply to retaining walls that are greater than 1 metre in height and are located adjacent to public property or adjacent to access

to a building, or that are greater than 1 metre in height and are located on property to which the public is admitted.

- aaa) **"rooming unit"** means one or more habitable rooms with shared sanitary, cooking or eating facilities, which are rented or capable of being rented to a person for gain.
- bbb) **"sign"** means a sign as defined by the Town's current Sign By-law.
- ccc) **"siltation fence"** means any effective barrier designed to prevent soil and silt transportation from one property to another property. The barrier may be installed separate or combined with a safety fence and/or other structure used for another purpose.
- ddd) **"storey"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, or, if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- eee) **"structure"** means anything that is erected, built or constructed of parts joined together or any such erection affixed to or supported by soil or by another structure, and includes a fence, shed, permanent sign or other small building, as well as structures as defined in the Ontario Building Code.
- fff) **"Town"** means The Corporation of The Town of Whitchurch-Stouffville or the geographic area within the Town of Whitchurch-Stouffville, as the context may require.
- ggg) **"unsafe condition"** means any condition that would cause undue or unexpected hazard to life, limb or the health of any person authorized or expected to be on or about the premises.
- hhh) **"unsanitary condition"** means such conditions or circumstances as might contaminate with dirt or filth, or lead to injury or health problems.
- iii) **"visual barrier"** means a barrier that acts as a screen consisting of:
  - i) wall or fence;
  - ii) a continuous planting of suitable and healthy trees or shrubs;
  - iii) an earth berm; or
  - iv) any combination of the above.
- jjj) **"walkway"** means a passage or path for walking and shall include sidewalks located on privately owned lands.
- kkk) **"yard"** means the land within the boundary lines of a property not occupied by a principal building, if any, and includes grounds or vacant land.

1.2 Where terms are not defined under the provisions of this By-law, they shall have the meanings ascribed to them in the Ontario Building Code, or, if not defined in the Ontario Building Code, in the Ontario Fire Code. Any terms not defined in this By-law or in either of those Acts shall have ascribed to them their ordinarily accepted meanings, in which they are found as the context herein may imply.

## **2. SCOPE AND INTERPRETATION**

- 2.1 This By-law applies to all property in the Town.
- 2.2 The standards for the maintenance and occupancy of property set forth in this By-law are the minimum standards for the Town.
- 2.3 This By-law prescribes maintenance and occupancy standards for the purposes of Subsection 15.1(3) of the Ontario Building Code and Subsection 35.3 (1) of the Heritage Act.
- 2.4 Where the provisions of this By-law conflict with the provisions of any other By-Law in force in the Town, the provisions that establish the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 2.5 Where the provisions of this By-law conflict with the Ontario Building Code or any other Act, the provisions of the Ontario Building Code or other Act shall prevail.

- 2.6 In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the health, safety and welfare of the general public.
- 2.7 This By-law does not apply so as to prevent a normal farm practice, as provided for and defined under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, from being carried out on a farm meeting the definition of "agricultural operation" under the said Act.
- 2.8 Except for measures required within the property to prevent fouling of adjacent lands, this By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Ontario Building Code.

### **3. STANDARDS FOR ALL PROPERTIES**

- 3.1 There are hereby established property standards for the maintenance and occupancy of property within the Town, and is imposed on every person who is an owner of property the obligation to repair and maintain that property so as to be:
- a) free of all nuisances and unsanitary conditions;
  - b) unlikely to cause damage or injury to persons or property;
  - c) not offensive to the sight; and
  - d) of a standard of maintenance and upkeep not less than that generally prevailing in the neighbourhood in which it is situated.
- 3.2 Subsection 3.1 shall be applied so that the following standards are established and maintained:
- a) properties are kept free from dilapidated or collapsed buildings, structures, or other erections;
  - b) suitable ground cover shall be provided to maintain a good appearance, to prevent erosion of the soil, and to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be re-sodded or reseeded as often as required to maintain the grass in a living condition;
  - c) ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition or in a good state of repair. An Officer may accept alternatives provided that the intent of the original conditions of approval are maintained;
  - d) notwithstanding that the Town may grant a building permit or development permit or a site alteration permit, an owner is still obligated to take all necessary actions to prevent debris from blowing and transportation of soil from their property onto a public or private property. Actions taken (but not limited to) may be through the proper installation of siltation fences or other barriers. Owners are continually obligated to retrieve all debris and soil originating from their property that have found their way onto all adjacent properties.
  - e) properties without adequate vegetated soil cover shall have siltation fences in place to prevent fouling of adjacent lands and public property due to soil erosion and transportation.
  - f) lighting fixtures and their supports shall be maintained in a safe condition, in working order and of good appearance;
  - g) in yards within properties containing multiple dwellings and yards within non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize danger to persons using walkways;
  - h) walkways shall be repaved, resurfaced or re-graded as often as necessary to maintain a reasonably smooth slip-free and safe surface for pedestrian traffic;
  - i) walkways, driveways, ramps, parking areas and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces.
  - j) recreational areas shall be kept in a safe, usable condition, and equipment provided in connection with shall be safe and operable;
  - k) areas used for vehicle traffic and parking shall be paved with bituminous, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonably

dust-free substance, and shall be kept free from pending and puddles and otherwise in good repair; and

- l) paved communal parking areas shall be provided with suitable markings, such as painted lines, to indicate parking spaces and means of entry and egress for vehicles, which markings shall be maintained so as to be clearly visible

3.3 All repairs shall be made in a good and workmanlike manner with materials that are suitable for the purpose and free from defects.

3.4 Without limiting Subsection 3.3, for the purposes of this By-law, the term "good and workmanlike manner" shall include:

- a) ensuring the component repaired can perform its intended function; and
- b) finishing the repair in a manner reasonably compatible in design and colour with the adjoining decorative finishing materials.

3.5 All dwelling units shall have a working carbon monoxide detector and smoke alarm.

#### **4. STRUCTURAL SOUNDNESS**

4.1 Every part of a building, including an accessory building, shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight, in addition to any load to which it may be subjected, such as snow, wind, occupancy and backfill.

4.2 Materials which may have been damaged or which show evidence of dry rot or other deterioration shall be repaired or replaced.

4.3 Exterior walls, roofs, and other parts of buildings shall be free from loose and unsecured objects and materials, which shall be removed, repaired or replaced.

4.4 All exterior exposed surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering.

4.5 If, in the opinion of an Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which shall give details of the findings of such examination, and which may include drawings for any recommended remedial work designed by the engineer, be submitted to the Officer.

4.6 If, in the opinion of an Officer, material forming part of a building or structure shows damage, decay or deterioration which does not warrant examination by a professional engineer, the Officer may order that these materials be repaired or replaced in a good and workmanlike manner acceptable to the Officer.

#### **5. EXTERIOR WALLS, COLUMNS AND BEAMS**

5.1 The exterior wall of a building or a structure shall be maintained:

- a) in good repair;
- b) weathertight;
- c) free from loose or unsecured objects or materials;
- d) free from cracked or broken masonry units, defective or deteriorated wood or metal siding, and cracked, broken or loose stucco;
- e) in a manner to prevent deterioration due to weather, insects and animals, and so as to prevent deterioration detrimental to the appearance of the building;
- f) by the application of approved materials to preserve all exterior wood and metal work or other materials not inherently resistant to weathering;
- g) by the application of approved materials to create and maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
- h) by restoring, repairing or replacing the masonry units or mortar, the stucco, shingles or other cladding, the coping, the flashing, and the waterproofing of the walls and joints;

- i) by repairing vandalism and other damage, including but not limited to broken windows;
  - j) by maintaining all exterior columns, beams and decorative trim in a good state of repair and in a safe condition. Where necessary, such columns, beams and trim shall be restored, repaired or replaced and suitably protected against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the building; and
  - k) when the exterior of a building is opened or replaced during the course of alterations or renovations, by insulating it in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the Ontario Building Code.
- 5.2 Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material, or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- 5.3 All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, air conditioners and similar overhanging extensions shall be:
- a) maintained in good repair;
  - b) properly anchored; and
  - c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

## **6. EXTERIOR STAIRS, VERANDAHS, PORCHES, ETC.**

- 6.1 Every exterior stair, verandah, porch, deck, landing and balcony shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 6.2 Every exterior landing, porch, balcony, mezzanine, gallery, raised walkway and roof to which access is provided other than for maintenance purposes shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 60 cm, and every exterior stair with more than three risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and stair exceeds 60 cm.

## **7. EXTERIOR DOORS AND WINDOWS**

- 7.1 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of vermin, drafts, wind or rain into the dwelling.
- 7.2 Rotted or damaged doors, door frames, window frames, shutters, screens, sashes, casing and weather stripping, broken glass, and defective or missing door or window hardware shall be repaired or replaced.
- 7.3 All windows intended to be opened and all exterior doors shall have hardware capable of being locked or otherwise secured from both the inside and outside of the dwelling.
- 7.4 A window in a dwelling or a dwelling unit designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents, and such screens shall be maintained so as to properly perform their intended function.
- 7.5 In a dwelling with three or more storeys, all windows intended to be opened and all balcony doors shall have safety devices designed to prevent accidents to children, in conformity with the Ontario Building Code.
- 7.6 Every door used as an entrance to or means of egress from a multiple dwelling or a storage garage which is not open and available for use by the general public shall be kept closed and locked, shall be provided with approved self-closing and self-locking mechanisms, and shall not be secured in an open position except in an emergency.
- 7.7 Solid core or insulated exterior type doors shall be provided for all entrances to dwellings and dwelling units. If within multiple dwellings, they shall possess the fire-resistance-rating required for such buildings.
- 7.8 Where mailboxes or mail slots are provided in multiple dwellings, they shall be:
- a) maintained in good repair; and
  - b) secured with a locking device.

## **8. CHIMNEYS**

- 8.1 Any heating or cooking apparatus or equipment shall be properly connected to a chimney or flue by a permanently sealed connection.
- 8.2 All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial and/or municipal regulations.
- 8.3 Chimneys, smoke stacks, vent stacks and other roof structures shall be maintained in good repair so as to be free from:
- loose bricks and mortar, and loose or broken capping;
  - loose or rusted stanchions, guy wires, braces, and attachments;
  - fire and accident hazards; and
  - unsightly objects and conditions detrimental to the appearance of the building.
- 8.4 Chimneys, flues and vent pipes shall be maintained so as to prevent gases from leaking into a building, and such maintenance shall include cleaning obstructions, filling open joints and repairing masonry.

## **9. ROOFS**

- 9.1 All roofs, including fascia boards, soffits, cornices, eaves troughs and downpipes, shall be maintained in a watertight condition so as to prevent leakage of water into the buildings of which they form a part.
- 9.2 All roofs shall be maintained to shed/drain water effectively.
- 9.3 Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 9.4 Sufficient thermal insulation to prevent condensation shall be provided between heated spaces and unheated attic spaces.
- 9.5 Partially constructed buildings designed and intended to have a roof shall not be left without a roof.

## **10. ANTENNAE**

- 10.1 Crane ways, lighting arrestors, television and radio antennae and structures of similar character shall be maintained in good repair, free of fire and hazards and properly anchored and plumb, unless specifically designed to be other than vertical.

## **11. SIGNS**

- 11.1 Every sign shall be maintained:
- so as not to cause any unsafe condition;
  - in a vertical plane unless otherwise erected and approved, in which case such sign shall be maintained as erected and approved;
  - without any visible deterioration of the sign and its structure when viewed from any property other than the property on which the sign is situated; and
  - in conformance with the requirements of the Town's current Sign By-law
- 11.2 Signs that are unused, not cared for or discarded shall be removed from the property or shall be stored within a building.
- 11.3 No person shall remove from any premises, any sign, notice or placard placed thereon pursuant to Subsection 15.1 of the Ontario Building Code, or this By-law.

## **12. ELEVATORS, HOISTS, LIFTS, MOVING STAIRS, RAMPS & WALKWAYS**

- 12.1 All elevators, hoists, lifts, moving stairs, ramps and walkways shall be maintained:
- in good working order and operating condition;
  - free of all hazards or conditions that could cause an accident; and
  - in accordance with the requirements of the Ontario Building Code.

- 12.2 Every driveway, parking area and walkway shall be surfaced with stone, gravel, asphalt, concrete or other material capable of providing a hard surface.
- 12.3 Steps, walks, ramps, driveways and parking areas within a yard shall be maintained so as to afford safe passage under normal use and weather conditions.
- 12.4 Mechanical ventilation, where provided, shall be maintained in operable condition in all elevators.
- 12.5 Elevator buttons and floor indicators inside and outside all elevators shall be maintained in good working order at all times.
- 12.6 The up-to-date Ontario Elevating Device License must be displayed in all elevators.
- 12.7 Where any buildings or property have been designed, constructed or altered for barrier-free access, every barrier-free path of travel and all barrier-free features and equipment shall be installed in accordance with the Ontario Building Code, and shall be maintained in good repair, and shall function as designed.

### **13. GARBAGE DISPOSAL**

- 13.1 Every garbage disposal room and garbage storage area shall be readily accessible to all occupants for whom the facility is required to be provided, or shall, in the alternative, be readily accessible by an operable garbage chute provided for this purpose.
- 13.2 Every owner of a multiple dwelling that does not have a garbage disposal room shall provide a garbage receptacle large enough to contain all garbage and refuse generated between collections by the occupants served, which shall be screened from public view, shall be covered at all times (except when the garbage receptacles are actually being filled or emptied), and shall not be loaded beyond the top of the garbage receptacle.
- 13.3 In all buildings other than a multiple dwelling, sufficient rooms, containers and garbage receptacles shall be provided to safely contain all garbage, rubbish, ashes, waste and other refuse, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with the Town's current Waste Collection By-Law.
- 13.4 All garbage chutes, disposal rooms, containers and garbage receptacles shall be washed down and disinfected as necessary so as to maintain a clean and odour-free condition, and reasonable efforts shall be made to control or eliminate vermin.
- 13.5 The facilities required by this Section 13 shall be designed, installed and maintained in the manner required by the Ontario Building Code.
- 13.6 In the event that strict application of Subsections 13.1 to 13.4 above are not practical, an Officer may accept alternative measures, provided that the resultant standard is generally equivalent to the standard herein required.

### **14. FOUNDATIONS**

- 14.1 The foundation walls and the basement, cellar or crawl space floor of every building and structure shall be maintained in good repair so that they can effectively support all loads imposed upon them. Where necessary, they shall be so maintained by shoring of the walls, installation of subsoil drains at the footing, grouting of masonry cracks, and parging and water-proofing of the walls and floors.
- 14.2 Every building, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock, and all footings, foundation walls, piers and slabs-on-grade shall be of concrete or other suitable material.
- 14.3 Subsection 14.2 does not apply to accessory buildings.

### **15. INTERIOR SURFACES, FLOORS, STAIRS**

- 15.1 Exposed interior surfaces shall be maintained:
  - a) in a clean, odour-free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
  - b) in good repair, free of depressions, protrusions, deterioration or other defects which could create an unsafe condition or which are out of character with the normal use of the area in

which such defect occurs. All treads or risers that show excessive wear or are broken, warped or loose and all supporting structure members that are rotten or deteriorated shall be repaired or replaced; and

c) so as to afford the fire-resistant properties and other protection for which they are designed.

- 15.2 Where floor or stair boards have been covered with linoleum, tile, carpet, or some other covering that has become worn or torn so that it retains dirt or might cause an accident, the floor or stair coverings shall be repaired or replaced.
- 15.3 Below grade floors shall be adequately drained so as to prevent the pending of water on the floor surface.
- 15.4 Interior common areas of buildings shall be kept free of objectionable markings or other defacement.
- 15.5 A handrail or banister shall be maintained so as to provide reasonable protection against accident or injury on an open side of a stairway, balcony, landing or stairwell.
- 15.6 A basement, cellar or crawl space shall be maintained in a watertight condition so as to prevent the leakage of water into the building.
- 15.7 The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawl space floor, and shall be maintained in a condition free from mould or from conditions that may cause mould to accumulate.
- 15.8 Basements or cellars which are served by a stairway shall have a concrete floor with a floor drain located at the lowest point of the said floor connected to an approved sewage system or to an acceptable system of disposal.
- 15.9 Where occupancies or dwelling units are separated vertically, the dividing wall shall comply with the Ontario Building Code.
- 15.10 Where a dwelling unit is separated horizontally from another dwelling unit or a non-residential occupancy, there shall be a finished ceiling which separates these occupancies in accordance with both the Ontario Building Code and the Ontario Fire Code.

## **16. WATER, PLUMBING SYSTEM, DRAINS**

- 16.1 Every dwelling, dwelling unit, commercial building and industrial building shall be provided with an adequate and suitable supply of potable water from one of the following sources:
- a) a Town water system;
  - b) a communal water system; or
  - c) a private source.
- 16.2 All dwelling units must have:
- a) a bathroom consisting of at least one fully-operational toilet, at least one washbasin, and a bathtub or suitable shower unit;
  - b) water for every toilet in a bathroom; and
  - c) accessibility to at least one bathroom from within the dwelling unit.
- 16.3 Notwithstanding Subsection 16.2a), the facilities referred to in that Subsection may be contained in more than one room, provided that every room containing a toilet, urinal or bidet must also contain a washbasin.
- 16.4 All plumbing systems and drainage systems shall be installed and maintained:
- a) without cross connections to the potable water supply;
  - b) in good working order and repair;
  - c) free from leaks, defective or dripping taps, and other defects; and
  - d) in such a way, as to be protected from freezing.
- 16.5 A plumbing fixture connected to a sewage system shall be connected through a water seal trap.

- 16.6 Sanitary conveniences and toilet facilities shall be located and enclosed so as to provide both accessibility and privacy for the persons using such facilities. All bathrooms and toilet facilities shall be fully enclosed and shall have a door capable of being locked so as to provide privacy for the user.
- 16.7 Rooms containing sanitary conveniences and toilet facilities shall:
- a) be regularly cleaned and maintained in a clean and sanitary condition; and
  - b) have smooth wall and floor surfaces reasonably impervious to water.
- 16.8 In a building containing multiple dwellings, the sanitary conveniences and toilet facilities used in connection with the residential portion of the building shall be separate from any facilities and conveniences used in connection with any non-residential portion, unless the occupants of the residential portion are also the occupants of the non-residential portion.
- 16.9 Within the exterior walls of a dwelling there shall be provided, accessible, operational and available for all occupants, the following facilities which shall be connected to an approved sewage system:
- a) one toilet facility with provision for privacy for each ten or fewer occupants provided, however, that a family of more than 10 persons residing in a dwelling unit may share the same toilet facilities in the unit where they reside;
  - b) one bathtub or shower or combination bathtub and shower; and
  - c) one wash basin served with hot and cold running water located in every room containing a toilet, urinal or bidet.
- 16.10 All other buildings and accessory structures provided with toilet and washing facilities shall maintain the facilities as required in this Section 16. In non-residential properties, each bathroom shall be provided with toilet paper, soap and individual towels or other means of drying.
- 16.11 Where a bathroom is intended to be shared by the occupants of more than one dwelling and/or rooming units, access thereto shall be from a common passageway, hallway, corridor or other space used in common by all occupants.
- 16.12 Food shall not be stored or prepared in a room that contains a toilet.
- 16.13 Every room in which meals are prepared shall have a sink that:
- a) has a splash back and a drain board made of material impervious to water;
  - b) is served with hot and cold running water;
  - c) is connected to the drainage system;
  - d) is in good repair and working order;
  - e) is not the same sink used for the toilet facility; and
  - f) is approved by the Medical Officer of Health, if located other than in a dwelling unit.

## **17. HEATING SYSTEMS**

- 17.1 Where a rented dwelling unit is heated by or at the expense of the owner rather than the occupant, the owner must provide the dwelling unit with adequate and suitable heat.
- 17.2 In a non-residential building where persons are employed in duties and operations in an enclosed space or room that do not involve significant physical activity, a heating system shall be provided capable of maintaining, during normal hours of occupancy, adequate and suitable heat.
- 17.3 A heating system shall be maintained in good working condition and shall be operated so as to be capable of heating all parts of the building safely to the required standard.
- 17.4 Where a furnace or heating system is enclosed with walls, ceiling and door, it shall be provided with sufficient combustion air directly from the outside by ventilation duct.
- 17.5 Auxiliary heaters shall not be used as a primary source of heat.
- 17.6 No room heater shall be placed so as to cause a fire hazard to wall, curtains or furniture, or to impede the free movement of persons within the room where the heater is located.

- 17.7 No furnace or boiler shall be located in a hallway or other means of access or egress.
- 17.8 Fuel burning appliances shall:
- have ample air supply to permit optimal combustion to occur;
  - be located in such a manner as not to impair the free movement of persons or bring about the overheating of adjacent materials and equipment; and
  - be provided with guards where necessary to minimize risk of accidents and fire hazards.
- 17.9 Where a heating system, heating equipment or auxiliary heating unit burns solid or liquid fuel, a place or receptacle adequate for the storage of such fuel shall be provided and maintained in an approved location and shall be constructed so as to be free from fire and accident hazards.
- 17.10 An appliance that burns fuel shall be effectively vented to the outside air by means of a chimney, a flue, a smoke pipe, a vent pipe or as otherwise may be permitted by the Ontario Building Code, except that such venting is not required with respect to appliances that are designed and constructed so as not to require venting.
- 17.11 Fireplaces, vent pipes, exhaust hoods, chimneys, smoke pipes, smoke stacks, flues and ducts shall be constructed, anchored, protected and maintained so as to be in good repair and to prevent:
- the heating of adjacent materials to unsafe temperatures;
  - the entrance of noxious gases into a building; and
  - other fire and accident hazards.
- 17.12 Without restricting the generality of Subsection 17.11, "maintained", as used therein, includes:
- cleaning obstructions from the chimney, flue, smoke stack, smoke pipe, vent pipe or other duct;
  - lining, repairing or relining with fire resistant material;
  - sealing open joints and repairing flashings and masonry;
  - using pipes or ducts of acceptable material and of an adequate size for the chimney, flue, smoke stack, smoke pipe, vent pipe or other duct;
  - replacing deteriorated or defective anchoring supports; and
  - periodic application of a weather coating material such as paint or other preservative treatment unless constructed of materials inherently resistant to corrosion.
- 17.13 All connections contained within heating equipment and cooking equipment that burns or is designed or intended to burn liquid or gaseous fuel shall be maintained in good repair and in accordance with the requirements of the Ontario Building Code and the Ontario Fire Code.
- 17.14 Where there is fuel burning equipment in any occupied dwelling unit not occupied by the owner and the owner is required by the lease or agreement providing for the occupancy to provide fuel, an adequate supply of fuel, in a convenient, safe location, shall be available at all times for the equipment.

## **18. ELECTRICAL SERVICES**

- 18.1 Dwelling units and, where required by the Ontario Building Code, buildings and accessory structures shall be:
- connected to a certified electrical supply system and wired to receive electricity;
  - provided with sufficient electrical outlets in every room or space such that the use of extension cords or multi-outlet attachments to wall or other receptacle outlets would not be required on a continuing daily basis; and
  - provided with an adequate supply of electric power available at all times in all parts of every room.
- 18.2 The electrical wiring, pipes for conducting fuel, and electrical equipment and appliances used in a dwelling shall be installed and maintained in good working order so as not to create fire or electrical shock hazards, and so as to comply with all applicable governmental regulations.

- 18.3 The capacity of the connection to the building and the system of circuits distributing the electrical supply shall be adequate for the use of such building, and shall be in compliance with the Ontario Electrical Safety Code.
- 18.4 Every kitchen shall be provided with a supply of electricity that has been approved by the Ontario Electrical Safety Authority.
- 18.5 Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be installed and maintained in good working order at all times, free from fire and accident hazards and in compliance with the regulations in the Ontario Building Code and Ontario Fire Code applicable to such installation and maintenance.
- 18.6 No fuse or overload device shall exceed the capacity indicated on the fuse or breaker panel.
- 18.7 No person shall place an extension cord directly beneath a floor covering or through a transom, doorway, wall, ceiling or floor, or use, cause or permit the use of an extension cord so placed.
- 18.8 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis where, in the opinion of an Officer, a hazardous condition exists.
- 18.9 Where supplied, service equipment and appliances, such as stoves, refrigerators, washers and dryers and their components shall be maintained in good repair.
- 18.10 No owner or anyone acting on such owner's behalf shall disconnect or cause to be disconnected any service or utility providing heat, light, refrigeration, water or cooking facilities for residential property occupied by a tenant or lessee, except for such reasonable time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 18.11 Subsection 18.10 does not apply if a tenancy agreement makes the tenant responsible for the supply of fuel or utilities and the supply has been discontinued because of arrears in payment.

## **19. LIGHTING AND VENTILATION**

- 19.1 Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain.
- 19.2 Outdoor lighting shall be of a low-level, low-intensity nature, directed in a manner which will minimize glare and the undue intrusion of light onto abutting properties dwellings and streets.
- 19.3 Subsection 19.2 above does not:
  - a) apply to lighting located by a road authority;
  - b) apply to property owned or occupied by a municipal, provincial or federal government or authority;
  - c) require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require redirection, movement or the placing of shades or barriers to comply with the standards in this Section 19; and
  - d) require that an illuminated outdoor advertising sign on the premises of a business be turned off any time the business is open to the public, but may require redirection, movement or the placing of shades or barriers to comply with the standards in this Section 19.
- 19.4 Sufficient ventilation shall be provided to all areas so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create a potential fire, explosion or toxic hazard, or to become a nuisance.
- 19.5 Every kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.
- 19.6 Where any system of mechanical ventilation is provided for any building, accessory structure, room or series of rooms, such system, including monitoring devices for air contaminants or operability shall be:
  - a) capable of completely channeling the air in the room in accordance with the requirements of the Ontario Building Code; and

- b) regularly cleaned and maintained in working order, in good repair, and in a safe condition at all times.
- 19.7 Ventilation systems shall be installed and maintained so as to prevent, in an emergency, the rapid spread of heat, flame or smoke through the system.
- 19.8 Air for ventilation purposes shall be taken from the exterior or shall be quality controlled.
- 19.9 Air intake openings shall be located so as to minimize the possibility of fire, smoke, fumes, or foreign matter being drawn into the building, and shall provide air from an uncontaminated source.
- 19.10 Exhaust openings shall be located so that the exhaust air will not create a nuisance or a fire hazard.
- 19.11 Exhaust air containing odours, fumes or vapours, shall not be circulated to other occupied spaces within a building or accessory structure.
- 19.12 In a dwelling unit:
- a) every habitable room that requires ventilation by natural means and natural light shall contain one or more windows or skylights that open directly to the outside;
  - b) all skylights, windows, screen and window sashes shall be provided with proper and suitable hardware and effective locking devices, open to the outside air as required by the Ontario Building Code if equivalent mechanical ventilation is not provided, and shall be maintained in good repair;
  - c) all enclosed spaces, including attics, basements, cellars and crawl spaces, shall be adequately ventilated in conformance with the Ontario Building Code; and shall be provided with means of access of sufficient size to permit entry for inspection and repair purposes.
- 19.13 All multiple dwellings shall have adequate illumination in all interior common areas, including hallways, stairwells, covered parking lots, underground garages, and elevators.
- 19.14 Lighting fixtures in all parking facilities shall be protected from accidental or malicious damage by the provision of wire screens or other suitable means.
- 19.15 In all parts of a non-residential building, a level of illumination shall be provided and maintained which will adequately protect all persons within the building from health and accident hazards.
- 19.16 Artificial lighting shall be provided and maintained in good working order at all times in every stairway, hall and passageway, in every room in which plumbing fixtures are installed, and in every furnace room and boiler room.
- 19.17 In every dwelling unit, all habitable rooms, including bathrooms, shall have adequate ventilation.
- 19.18 All windows and openings used or required for ventilation or exhaust and any opening in a basement or cellar, including a floor drain that might permit the entry of rodents, vermin or insects, shall be screened with wire mesh, metal grille or other durable material so as to effectively exclude any of the above pests.
- 19.19 Where a system of mechanical ventilation is provided, it shall be maintained in good working condition.
- 19.20 In multiple dwellings, every laundry room, garbage room, corridor, boiler room and storage garage, and all parts of the building used in common by the occupants, shall be adequately ventilated, and where a system of mechanical ventilation is used, it shall be maintained in good working condition.
- Mechanical ventilation for parking facilities shall conform with the requirements of the Ontario Building Code so as to prevent gas fumes and carbon monoxide from entering a dwelling or dwelling unit.
- 19.21 Air conditioning shall be equipped with adequate devices for the prevention of condensation drainage on to entrance ways, sidewalks, road allowances, stairways and pathways.

## **20. FIRE AND ACCIDENT PROTECTION**

- 20.1 If the condition of a building or structure creates a danger to persons inside or near the building or structure, the unsafe condition shall be rectified forthwith, and the Ontario Building Code and the Ontario Fire Code shall apply to all remedial work required for this purpose.
- 20.2 The rectification of an unsafe condition shall include:
- a) the provision and repair of a means of egress and exit facilities in keeping with the use and occupancy of the building, structure or room so as to permit clear passage and safe egress from anywhere within the building or accessory structure to a location of safety;
  - b) the provision and repair of appropriate fire and gas separations and fire protection;
  - c) the provision of adequate and proper maintenance and appropriate early warning, fire extinguishment, and firefighting equipment and devices;
  - d) the provision of smoke control measures appropriate to the use and occupancy of the building, structure, room, suite of rooms or space, and to the existing construction and building services;
  - e) the provision or repair of exit lighting and emergency lighting;
  - f) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident;
  - g) the removal of rubbish, debris and any condition which constitutes an actual or potential fire, health or safety hazard; and
  - h) the elimination of other conditions which in themselves are a hazard to life, or which create the risk of serious injury to persons normally in or about the subject building, structure, room, suite or rooms, or space.
- 20.3 Every multiple dwelling shall have at least two exits, both of which may be common, or one of which may be common and the other of which may be an exterior stair or fire escape. There shall be a means of egress from every floor area for the safety of every person in the building in accordance with the Ontario Building Code and the Ontario Fire Code.
- 20.4 At all times when the area served is occupied, doors used as a means of egress from a multiple dwelling or a parking garage shall be so arranged as to be readily opened, without the use of a key, in the direction of exit travel.
- 20.5 Latches and other devices provided to open doors in the direction of exit travel shall be of a type easily identified and operated, even in darkness.
- 20.6 In multiple dwellings where a voice communication system between each dwelling unit and the front lobby and/or security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair and in an operative condition.
- 20.7 Every door used as a common entrance to or means of egress from a multiple dwelling or from a parking garage which is not open and available for use by the general public, shall be kept closed and locked, shall be provided with an approved self-closing and self-locking mechanism, and shall not be secured in an open position except in an emergency situation.
- 20.8 Every dwelling unit shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the dwelling unit to the exterior at street or grade level.

## **21. HEALTH AND OCCUPANCY**

- 21.1 Every non-residential property shall be maintained:
- a) in a clean, sanitary and safe condition, free from litter, refuse and debris, and containers for the disposal of litter or refuse shall be provided;
  - b) free from objects or conditions which constitute health, fire or accident hazards; and
  - c) free from rodents, vermin and insects.
- 21.2 Every occupant of a dwelling shall, in that part of the dwelling that he/she occupies or controls:

- a) maintain all plumbing, cooking and refrigerating appliance(s) and fixtures and all storage facilities and other equipment therein in a clean, operable and sanitary condition;
  - b) keep all exits clean and unobstructed; and
  - c) maintain such portion of the dwelling in a clean and sanitary condition.
- 21.3 Dwellings shall at all times be kept free of rodents, vermin and insects which may be deleterious to safety or health, and shall be kept free of conditions which may encourage infestation by such pests.
- 21.4 In a dwelling unit, openings in the exterior walls or roof shall be filled and maintained as to protect all habitable space from water and weather entry and so as to make such space reasonably free from drafts.
- 21.5 No portion of a dwelling unit shall be used for human habitation unless the floors, walls and ceiling areas are watertight and free from dampness at all times.
- 21.6 A non-habitable room shall not be used as a habitable room.
- 21.7 A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.
- 21.8 The minimum floor area of a room used by only one person for sleeping shall be as per the Ontario Building Code.
- 21.9 The minimum floor area of a room used by two or more persons for sleeping shall be as per the Ontario Building Code.

## **22. ACCESSORY BUILDINGS**

- 22.1 The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be maintained with suitable and uniform materials and kept from unsightly appearance.
- 22.2 Accessory buildings shall be kept in good repair and free from hazards so as to prevent an unsafe condition.
- 22.3 The exterior of any accessory building shall be weather resistant through the use of a proper weather resistant material, such as paint or other preservatives.
- 22.4 For the purposes of Subsection 22.2, the term "kept in good repair" shall, in the case of a farm building, mean maintained for the purpose for which the farm building is intended.
- 22.5 Partially constructed accessory buildings designed and intended to have a roof shall not be left without a roof.

## **23. VACANT BUILDINGS**

- 23.1 Where any building is vacant, its owner shall protect the building in accordance with the Town's current Boarding Up of Vacant Buildings By-law.
- 23.2 Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured so as to prevent accidental or malicious damage to the building or adjacent property, except where such utilities are necessary for the safety or security of the building.
- 23.3 The exterior of all vacant buildings shall be maintained in accordance with Sections 5 and 9 of this By-law.
- 23.4 Where due to the dilapidated condition of a derelict building, it is not practical to maintain same in accordance with this By-law, the building shall be demolished or removed from the property, as shall all materials resulting from the demolition or removal. The property shall be left in a graded, level and safe condition without unreasonable delay.

## **24. HERITAGE PROPERTY**

### **24.1 Minimum Maintenance Standards**

- a) In addition to the minimum standards for the maintenance and occupancy of property in the Town as set out in this By-law, the owner or occupant of any heritage property shall:

- i. maintain, preserve and protect the heritage attributes so as to maintain the character, visual and structural integrity of the building or structure; and
  - ii. maintain the property in a manner that will ensure the protection and preservation of the heritage attributes
- b) The minimum maintenance standards as set out above for heritage property shall also apply to the elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage attributes and without which the heritage attributes may be at risk.
- c) In addition to the minimum standards for maintenance and occupancy of property set out elsewhere in this By-law, the owner of a heritage property shall obtain a heritage permit from Council or designate prior to work being performed under this section of the By-law.

#### 24.2 Repair and Replacement of Heritage Attributes

- a) Despite 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:
- i. in a manner that minimizes damage to the heritage attributes;
  - ii. in a manner and technique that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
  - iii. using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
  - iv. where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.
- b) Despite any other provision of this By-law, where a heritage attribute of a heritage property cannot be repaired, the heritage attribute shall be replaced:
- i. using the same types of material as the original;
  - ii. in such a manner, as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute; and
  - iii. where the same types of material as the original are no longer available, using alternative materials that replicated the design, colour, texture, grain or other distinctive features and appearance of the original material.

#### 24.3 Clearing and Leveling of Heritage Properties

- a) Despite any other provision of this By-law, or the Ontario Building Code, no building or structure identified as a heritage property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Heritage Act.
- b) No order made under Section 15.2 of the Ontario Building Code in respect of a heritage property shall state that the site is to be cleared of all buildings or structures and left in a graded and leveled condition. That part of an order in respect of a heritage property that states that a site is to be cleared of all buildings or structures and left in a graded and leveled condition is of no force or effect.

#### 24.4 Vacant Heritage Properties

- a) Notwithstanding the requirements of Section 23.1, the boarding is fastened securely in a manner that minimizes damage to the heritage attributes, minimizes visual impact and is reversible.
- b) Notwithstanding the requirements of Sections 23, no window, door or other opening on a heritage property shall be secured by brick or masonry units held in place by mortar unless required by the Chief Building Official.
- c) Notwithstanding the requirements of Section 23.2, where a heritage property remains vacant for a period of ninety (90) days or more, the Owner shall maintain appropriate and necessary utilities to serve the building as required to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes caused by environmental conditions.

- d) The exterior shall be maintained in order to prevent moisture penetration and damage from the elements that may have adverse impact on any heritage attributes.
- e) Subject to any applicable provisions of the Heritage Act, where the minimum standard imposed by this section has, more than once, failed to stop unauthorized entry, and further where the Owner's control, attendance or lack of security measures to protect the heritage property suggests that a more secure option be used, the Owner shall supply such measures, including improved security of closures, as may be required by the Chief Building Official or an Officer.

#### 24.5 Conflict

- a) In the event of a conflict between the provisions of this section regarding heritage properties and any other provision of this By-law or the Ontario Building Code, the provision that establishes the highest standard for the protection of the heritage attribute shall prevail.

### **25. ADMINISTRATION AND ENFORCEMENT**

- 25.1 The Town may from time to time appoint officers and such other staff as may be necessary to carry out the functions required by this By-law, including the enforcement thereof.
- 25.2 The duties of such Officers shall be to administer and enforce this By-law and any other by-laws passed under the authority of Subsection 15.1 of the Ontario Building Code, which duties and responsibilities are hereby assigned to the holders of such office.

### **26. RIGHT TO ENTER AND INSPECT**

- 26.1 For the purpose of ensuring compliance with this By-law, an Officer may at all reasonable times and upon producing proper identification enter upon a property without a warrant for the purpose of inspecting the property to determine:
  - a) whether the property conforms with the standards prescribed in this By-law; and
  - b) whether an order has been complied with.
- 26.2 Despite Subsection 26.1, an Officer shall not enter or remain in any room or place actually used as a dwelling unless:
  - a) the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Ontario Building Code;
  - b) a warrant issued under the Ontario Building Code is obtained;
  - c) the delay necessary to obtain the consent of the occupant or a warrant would result in immediate danger to the health or safety of any person; or
  - d) the entry is necessary to terminate a danger under Subsection 15.7(3) of the Ontario Building Code.
- 26.3 For the purposes of an inspection under Subsection 26.1, 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 part thereof for the purpose of making copies or extracts;
  - c) require information in writing or otherwise as required by the Officer from any person concerning a matter related to the property or part thereof;
  - d) be accompanied by a person who has special or expert knowledge in relation to a property or 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/or
  - 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.

- 26.4 Any costs incurred by the Town in exercising its authority to inspect under Subsection 26.3, including, but not limited to, the cost of any examination, test, sample or photography necessary for the purposes of the inspection, shall be paid by the owner of the property where the inspection takes place.
- 26.5 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

## **27. ORDER TO REMEDY VIOLATION**

- 27.1 If, after inspection, an Officer is satisfied that in some respect the property does not conform to the standards prescribed in this By-law, the Officer may issue an order, which shall be served on the owner of the property and may be served on such other persons affected by it as the Officer determines, and a copy of the order may be posted on the property.
- 27.2 An order under Subsection 27.1 shall:
- a) state the municipal address or the legal description of the property;
  - b) give reasonable particulars of the repairs to be made or state that the property is to be cleared of all buildings, structures or debris and left in a graded and leveled condition;
  - c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the Town may carry out the repair or clearance at the owner's expense;
  - d) indicate the final date for giving notice of appeal from the order; and
  - e) be served or caused to be served:
    - i. by personal service; or
    - ii. by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
- 27.3 For the purposes of Subsection 27.2a), the last known address of the owner includes, but is not limited to, the address provided to the Town for the payment of property taxes for the property or the address for service shown on the title document for the property.

## **28. APPEAL OF ORDER**

- 28.1 An owner who has been served with an order made under Subsection 27.1 and who is not satisfied with the terms or conditions of the order may appeal to the Appeals Committee by sending by registered mail a notice of appeal, specifying the grounds for the appeal and including the applicable fee as set out in the Town's current Fees and Charges By-law as may be amended from time to time, to the Secretary of the Appeals Committee within fourteen (14) days after being served with the order.
- 28.2 An order that is not appealed within the time referred to in this section shall be deemed to be confirmed.
- 28.3 If an order is appealed, the Appeals Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order, and may:
- a) confirm, modify or rescind the order; or
  - b) extend the time for complying with the order if, in the Appeals Committee's opinion, the general intent and purpose of this By-law and of the Town's Official Plan are maintained.
- 28.4 Any owner or other person affected by a decision made under Subsection 28.3 may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Town in writing and by applying to the Superior Court of Justice within fourteen (14) days after a copy of the Appeals Committee's decision is sent to such owner or other person. The Judge shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served. On the appeal, the Judge shall have the same powers and functions as the Appeals Committee.
- 28.5 An order that is deemed to be confirmed under Subsection 27.2 or that is confirmed or modified by the Appeals Committee under Subsection 28.3 or a Judge under Subsection 28.4 as the case

may be, shall be final and binding upon the owner, who shall carry out the measures specified in the order within the time and in the manner specified therein.

## **29. APPEALS COMMITTEE**

- 29.1 The Appeals Committee established pursuant to the Town's current Appeals By-law shall discharge all of the functions and duties of the Property Standards Committee assigned by Subsection 15.6 of the Ontario Building Code.
- 29.2 The Town shall provide accommodation and staff to provide administrative support for the Appeals Committee and a hearing room when required by the Appeals Committee. All such staff shall be subject to the direction of the Clerk.

## **30. REGISTRATION OF ORDER**

- 30.1 An order may be registered in the proper Land Registry Office on title to the land to which it applies, and any person acquiring an interest in the land subsequent to the registration of the order shall be bound thereby as if such person had been served with the order on the day on which the order was served under Subsection 27.1.
- 30.2 When the requirements of the order have been satisfied, the Clerk of the Town shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

## **31. PROHIBITIONS**

- 31.1 No owner of property shall fail to maintain the property in conformity with the standards prescribed in this By-law.
- 31.2 No owner of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.
- 31.3 The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to said standards, or shall clear the property of all buildings, structures, debris and refuse and leave the property in a graded, leveled condition.

## **32. RESPONSIBILITIES & COMPLIANCE ORDERS**

- 32.1 The owner of a property shall:
- a) comply with all standards prescribed in this By-law;
  - b) comply with any final and binding order issued by an Officer;
  - c) produce all documents or things requested by an Officer for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof, allow entry by an Officer and/or such persons as are needed to carry out an inspection or test or in aid thereof, permit examinations, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at such owner's expense, when requested, such tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection or a determination of compliance with this By-law and the relevant portions of the Ontario Building Code;
  - d) ensure, that in complying with this By-law, and in carrying out work required under an order or other obligation under this By-law, that the property shall be kept and such activities shall be carried out in a condition and manner that avoid conditions dangerous to persons on the property, or shall give adequate warning where the risk of such danger cannot be avoided, so as to allow such persons to avoid such danger or risks.

## **33. CERTIFICATE OF COMPLIANCE**

- 33.1 Every owner or other person affected by an order may make an application for a certificate of compliance by submitting a written request to the Clerk or an Officer.

- 33.2 Following an inspection confirming that the standards prescribed in this By-law have been met, the owner shall pay the applicable fee provided for in the Town's current Fees and Charges By-law.
- 33.3 A certificate of compliance may be requested for the following:
- a) each dwelling unit in respect of which an order has been issued;
  - b) each dwelling unit in respect of which an order has been issued and charges have been laid;
  - c) interior common area(s) in respect of which an order has been issued;
  - d) Interior common area(s) in respect of which have had an order has been issued and charges have been laid;
  - e) accessory building(s) or other structure(s) in respect of which an order has been issued; and/or
  - f) accessory building(s) or other structure(s) in respect of which an order has been issued and charges have been laid.

#### **34. PENALTY**

- 34.1 Every person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 34.2 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 34.3 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) upon a first conviction, to a fine of not less than \$100 and not more than \$50,000;
  - b) upon second or subsequent conviction for the same offence, to a fine of not less than \$200 and not more than \$100,000;
  - c) upon conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000;
  - d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100 and not more than \$10,000. The total of all fines for each included offence is not limited to \$100,000.
- 34.4 For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 34.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 34.6 No person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.
- 34.7 Every person shall comply with any Notice or Order issued under the authority of this By-law.

#### **35. SEVERABILITY**

- 35.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law invalid, such section or part of a section 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 the By-law shall be valid and shall remain in force.

#### **36. ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED**

- 36.1 Any order issued, proceeding being conducted or other action being carried out under By-law 2014-106-RE shall be deemed to continue under this By-law, and any reference to By-law 1998-176-RE in such order, proceeding or other action shall be deemed to refer to this By-law.