

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW NO. 22-03

Being a By-law to Prescribe Standards for Maintenance And Occupancy of Property within the Corporation of the Village of Merrickville-Wolford.

Whereas the *Building Code Act* S.O. 1992, Chapter 23, Section 15.1(3)1., as amended, empowers Councils of local municipalities to pass by-laws prescribing standards for maintenance and occupancy of property within the municipality or within any defined area or areas, and for prohibiting the occupancy or use of such property that does not conform with the standards;

And Whereas the *Building Code Act* S.O. 1992, Chapter 23, Section 15.1(3)2., as amended, empowers Councils of local municipalities to pass by-laws requiring property that does not conform with the standards to be repaired and maintained to conform with the standards, or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition;

And Whereas the *Municipal Act* R.S.O. 2001, Chapter M25 as amended, Sections; 122, 123, 127, 128, 130, and 131, empowers Councils of local municipalities to pass by-laws requiring and regulating the filling up, draining, cleaning, barricading, clearing of any grounds, yards and vacant lots and the altering, relaying or repairing of private drains, prohibit and regulate public nuisances, and the wrecking, salvaging of motor vehicles and any matters relating to the health, safety and well being of the inhabitants of the Village of Merrickville-Wolford;

And Whereas the Municipal Act RSO 2001, Chapter 25, as amended empowers a Municipality may direct that a matter or thing be done and in default of it being done by the person directed or required to do it, such matter of thing may be done at the person's expense and the costs may be recovered by action or adding the costs to the tax rolls and collecting them in the same manner as taxes.

And Whereas there is an Official Plan in effect in the Village of Merrickville-Wolford, which includes provisions relating to maintenance and occupancy standards.

Now Therefore the Council of the Corporation of the Village of Merrickville-Wolford enacts as follows:

PART I

GENERAL

1.01 **Short Title**

This by-law may be cited as the "Village of Merrickville-Wolford Property Standards By-Law".

In this By-Law:

1.02 'Accessory Building' means a detached building, outbuilding or structure, the use of which is incidental to the primary use of the property.

1.03 'Apartment Building' means a building containing more than four dwelling units with individual access from an internal corridor system.

1.04 'Adequate' means equal or amounting to what is sufficient, fitting, suitable, equal to what is required.

1.05 'Approved' means in compliance with this bylaw and all applicable Act and legislation.

1.06 'Balustrades' means a row of balusters or spindles surmounted by a railing.

- 1.07 '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.
- 1.08 'Bathrooms' means a room containing a bathtub or shower with or without a toilet and wash basins.
- 1.09 '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.
- 1.10 'Chief of the Fire Department' means the Chief of the Fire Department of the Corporation of the Village of Merrickville-Wolford.
- 1.11 'Committee' means a Property Standards Committee of the Corporation of the Village of Merrickville-Wolford.
- 1.12 'Corporation' means the Corporation of the Village of Merrickville-Wolford.
- 1.13 '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 purposes of human habitation, and includes mobile homes.
- 1.14 'Dwelling Unit' means a room or a suite of rooms operated, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- 1.15 '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.
- 1.16 'Fire Resistant Rating' means time in hours or parts thereof that a material construction or assembly will withstand fire exposure as determined in a fire test made in conformity with generally accepted standards, as stated in the Building Code.
- 1.17 '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.
- 1.18 'Habitable Room' means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.19 'Highway' means any open road or street as defined by the Highway Traffic Act R.S.O. 1990 as amended.
- 1.20 'Inoperative Condition' means not working or taking effect in action.
- 1.21 'Maintenance' means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve property.
- 1.22 'Means of Egress' means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, 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.
- 1.23 'Medical Officer of Health' means the Medical Officer of Health for Leeds, Lanark and Grenville or his appointee.
- 1.24 'Multiple Dwelling' means a building containing three or more dwelling units.

- 1.25 'Multiple Occupancy Building' means a building containing both a dwelling unit and a non-residential property.
- 1.26 '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 travels between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law.
- 1.27 '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 and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.28 'Occupant' means any person or persons in possession of the property.
- 1.29 'Officer' means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-Law.
- 1.30 'Owner' includes the person for the time being managing or receiving the rent of or paying the Municipal taxes on the land or premises, in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and will also include a lessee or occupant of the property who under the term of a lease is required to repair and maintain the property in accordance with the Ontario Building Code Act 1992 as amended for the Standards for the Maintenance and Occupancy of property.
- 1.31 'Person' means an individual, firm, corporation, association or partnership.
- 1.32 'Property' means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 1.33 'Reasonable' means of such an amount, size, number as is judged to be appropriate or suitable to circumstances or purpose; fit and appropriate to ends in view.
- 1.34 'Repair' includes the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, mending as a result of decay, injury, dilapidation or partial destruction (as from fire) as may be required so that the property will conform to the standards established in this By-Law.
- 1.35 '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 land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.
- 1.36 'Sewerage System' means the Village Sanitary Sewerage System or a private sewage disposal system or as operated pursuant to the Building Code.
- 1.37 'Standards' means the standards of physical condition and of occupancy prescribed for property by this By-Law.
- 1.38 'Toilet Room' means a room containing a toilet and a wash basin.

- 1.39 'Yard' means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or nonresidential property and used or capable of being used in connection with the property.
- 1.40 'Zoning Bylaw' means the Zoning Bylaw or Bylaws in force and effect in the Village of Merrickville-Wolford.

PART II

PROPERTY STANDARDS

Yards

- 2.01 The lands will be kept clean and free from rubbish or debris and from objects or conditions that might create a health, fire or accident hazard.
- 2.02 In those areas designated as Residential Zones in the Zoning Bylaw, the lands will be kept clear of long grass, brush and undergrowth by cutting regularly and removing the cuttings from the lands.
- 2.03 No vehicle or trailer or boat or barge or mechanical equipment which is in wrecked, discarded, dismantled, or in an inoperative condition will be parked, stored, moored or left on the lands or waterfront property.
- 2.04 Where vehicles, trailers, boats, barges or mechanical equipment are required for business purposes, they will be screened from the street and public by a board, fence or suitable planting.
- 2.05 Yards will be kept free of any vehicle or vehicles, including a trailer, which is or are in a wrecked, discarded, dismantled, inoperative or abandoned condition.
- 2.05(a) All furniture used for exterior use that becomes dilapidated will be disposed of.
- 2.06 In those areas designated as Residential Zones in the Zoning Bylaw, the lawns, hedges and bushes will be kept from becoming overgrown and unsightly.
- 2.07 Dead, decayed or damaged trees and branches thereof will be removed if they are creating a hazardous condition.
- 2.08 Lands will be kept clean and free from wrecked, discarded, dismantled, or inoperative recreation equipment.
- 2.09 The ground will be suitably covered so as to prevent erosion of the soil. A suitably maintained covering such as grass, gravel, asphalt, ground cover (ivy, periwinkle) or plants will be used. However, in all residential areas, the required front yard and side yard abutting a street will be landscaped with a suitable material.
- 2.10 Every tenant, or occupant or lessee of a residential property shall maintain the residential property or part thereof and land which he occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.
- 2.10(a) Notwithstanding 2.10 the landlord or owner may be held responsible.

Sewage and Drainage

- 2.11 Storm water shall be drained from the lands but shall not be channelled to cause recurrent ponding of water on adjacent property or so as to result in the entry of water into a basement or cellar.

2.11(a) Said water shall not be discharged onto any Highway or sidewalk.

Garbage Disposal

2.12 Every dwelling and every dwelling unit within the dwelling shall have such receptacles as may be necessary to contain all garbage, rubbish and ashes.

The owners of all multiple family dwellings that do not have interior garbage rooms shall provide a receptacle large enough to contain all garbage, rubbish and ashes. The garbage receptacle shall:

- (a) be constructed of a watertight material;
- (b) be constructed to prevent entry of rodents;
- (c) be provided with a tight fitting cover, which shall be kept closed at all times except when garbage is being placed therein or removed;
- (d) be maintained in a clean and sanitary condition.

The receptacles shall be located in the rear yard of the building.

2.13 Garbage and rubbish shall be promptly stored in receptacles and removed as necessary. Receptacles shall be acceptable plastic bags or other containers made of watertight construction, provided with a tight fitting cover and maintained in a clean state.

Ashes should be kept in a metal container with a tight fitting fire proof cover.

2.14 Accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited, at all times.

Parking Areas, Walks, Driveways

2.15 All areas used for vehicular traffic and parking shall be covered with bituminous concrete, crushed stone or gravel surfacing and shall be free from dirt or other litter and kept in good repair.

2.16 Steps, walks, driveways, parking spaces and similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

Accessory Buildings, Fences and Retaining Walls

2.17 Fences, barriers and retaining walls shall be kept in good repair.

2.18 Accessory buildings shall be kept in good repair. Exteriors of accessory buildings shall be weather resistant through the use of appropriate weather resistant materials including paint or other preservatives.

2.19 Where an accessory building, fence, retaining wall, or the land may harbor insects or rodents all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.

2.20 In those areas designated as Residential Zones in the Zoning Bylaw, fences shall be protected by paint, preservatives or other weather resistant material, unless the aesthetic characteristics of the fence are enhanced by the lack of such material.

Signs

- 2.21 All signs and billboards shall be maintained in good repair in an erect position and any signs which are 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.
- 2.22 All signs bracketing and supporting structures shall be approved by the Corporation as to aesthetic design only.
- 2.23 All sign designs, permanent or temporary, shall be approved the Corporation.
- 2.24 No material of any kind shall be attached to any municipal utility pole.
- 2.25 The Corporation may make regulations, to govern the operation and application of this section.

PART III

RESIDENTIAL STANDARDS

General Conditions

- 3.01 Every tenant, 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.
- 3.02 Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.

Pest Prevention

- 3.03 Dwellings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter p.11, as amended from time to time, and all regulations passed pursuantly thereto.
- 3.04 Basement or cellar windows used or required for ventilation, and any other opening in a basement or cellar, including a floor drain, that might permit entry of rodents, insects and vermin, shall be screened with wire mesh or such other durable material as will effectively exclude rodents, insects and vermin.

Structural Soundness

- 3.05 If in the opinion of the Officer, the structural capacity of any part of any building or structure is in doubt, the Officer may require the owner at his own cost to be responsible for submitting an inspection report, prepared, sealed and signed by a professional engineer who is qualified in the pertinent field and licensed by the Professional Engineers of Ontario.
- 3.06 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.
- 3.07 Walls, roofs and other exterior parts of the dwelling shall be free from loose or improperly secured objects or material.

Foundations

- 3.08 Foundation walls of a dwelling shall be maintained so as to prevent the

entrance of insects, rodents and excessive moisture. Maintenance includes shoring of the walls, installing sub-soil drains at the footings, grouting masonry cracks, waterproofing walls, damp proofing joints and using other suitable means.

- 3.09 Every dwelling, unless of a 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, slabs on grade shall be of masonry or other suitable material.

Exterior Walls

- 3.10 Exterior walls of a dwelling and their components including soffits and fascia-boards 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.

Fire Damage

- 3.11 In the event of fire, measures shall be taken as soon as possible to make the damaged residence unit or residence building compatible with its neighbourhood and intended use. Without restricting the generality of the foregoing, such measures shall include:
- (a) making the residential building or residence unit or accessory building or structure safe;
 - (b) cleaning any smoke or water damaged surfaces exposed to view;
 - (c) refinishing such exposed surfaces so as to be in harmony with adjoining undamaged surfaces ;
 - (d) repairing of fire damaged surfaces exposed to view.
- 3.12 In the event of the exterior surface becoming damaged or marked by water or smoke or by other natural causes, appropriate action shall be taken to restore or renew the affected surface.
- 3.13 A building that is damaged beyond repair, shall be leveled and graded to meet the standards prescribed by this by-law no more than thirty days after release by the proper authorities no more than thirty (30) working days after legal release.
- 3.14 Where a foundation is satisfactory for re-use, preventative safety measures shall be taken to secure the site forthwith.

Windows and Doors

- 3.15 Windows, skylights, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, door frames, sashes and casing, replacing non-serviceable hardware and reglazing.
- 3.16 In a dwelling unit all windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit, at least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.

- 3.17 Where storm windows and doors are installed in a dwelling they shall be maintained in good repair.
- 3.18 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- 3.19 All windows intended to be opened shall be readily operable under normally applied pressure without jamming or binding so as to perform their intended function.
- 3.20 Where an opening is used for illumination or ventilation and is not permanently protected by a window or door so as to exclude rodents, vermin and insects it shall be:
- (a) adequately screened with wire mesh or other durable material.
- 3.21 In residential buildings where there is a voice communication system 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, the said system shall be maintained in good working order at all times.
- 3.22 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

- 3.23 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials. All roof-related structures, including among other things: chimneys, stacks, masts, lighting arrestors, antennae, shall be maintained in good repair and in a safe and structurally sound condition.
- 3.24 The roofs of dwellings and accessory buildings shall be kept clear of hazardous accumulations of ice or snow or both.
- 3.25 Where eavestroughing or roof gutters and downspouts are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

Kitchens

- 3.26 Every dwelling shall contain a kitchen of at least 4.2 square metres (45 ft²) in area and 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 the suitable electrical or gas connections.

Basements and Cellars

- 3.27 Every basement and unheated crawl space shall be adequately vented to outside air; in a basement this shall mean windows which can be opened or screened openings, the area of which shall not be less than one per cent of the floor area, and for an unheated crawl space this shall mean a number of louvers with insect screen of corrosion-resistant material.
- 3.28 Any basement used as a dwelling unit shall have the following requirements:
- (a) adequate window area for light and ventilation windows shall be at least 50% above ground. Window wells are permitted if kept free of ice, snow, debris and litter.
 - (b) floors and walls shall be kept damp proof and impervious to water leakage.

Walls, Ceilings and Floors

- 3.29 Every floor, wall and ceiling in a dwelling shall be maintained in a clean, sanitary condition.
- 3.30 Every wall and ceiling in a dwelling shall be maintained so as to be a continuous surface, free of holes, cracks, loose coverings or other defects.
- 3.31 Every floor in a dwelling shall be acceptably level, (except that basement or cellar floor should be sloped to a floor drain where such exists) and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident, or might admit rodents or vermin into a room because of holes or wide cracks. "Acceptably level" shall be defined as not more than 7.5 mm slope in 3 meters and not more than 25 mm in any 0.6 meters . The maintenance includes the repairing or replacing of floor boards and, where the floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the repairing or replacing of the covering is required.
- 3.32 Where necessary, interior walls shall have baseboards that shall be maintained in good repair and tight fitting so as to prevent the accumulation of dust and garbage.
- 3.33 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.

Egress

- 3.34 Every dwelling and each dwelling unit within it shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit and the dwelling to the outside of the dwelling at street or grade level.
- 3.35 Each dwelling containing more than one dwelling unit 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. Access to the stair or fire escape shall be from corridors through doors at floor level, except that access from a dwelling unit may be through a cement window having an unobstructed opening of not less than 1070 mm, by 550 mm wide with a sill height of not more than 1 meter above the inside floor. A single exit is permitted from every dwelling unit where such exit is 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 served.

- 3.36 In a building containing more than one residential occupancy, there shall be at least a one hour fire separation from any adjoining furnace or boiler room, and any other area of the building.
- 3.37(a) Dwelling units which contain 2 or more floor levels including basements or cellars shall be separated from adjacent dwelling units and from other parts of the building by a fire separation having a fire-resistant rating of not less than one (1) hour.

The separation shall be continuous:

- (i) in the basement from the top of the footings to the underside of the finished floor surface; and
- (ii) in the attic from the top of the finished ceiling surface to the underside of the finished roof surface;

and such walls shall consist of material of one-hour fire resistance rating, or as required by the Ontario Building Code, and all cracks or openings shall be tightly sealed with caulking or mineral wool or similar non-combustible material.

Fire Escapes and Alarms

- 3.38 Reference shall be made to the Ontario Fire Code and the Ontario Building Code as from time to time amended.
- 3.39 A listed fire alarm and 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 system need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- 3.40 In addition to the provisions of Article 3.39 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 maintained 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 150 mm and 300 mm below the ceiling.
- 3.41 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 a window opening or door.

Stairs, Porches and Balconies

- 3.42 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 stairs, treads or risers that show excessive wear or are broken, warped or loose and supporting structure members that are rotted or deteriorated shall be replaced.

Guardrails and Balustrades (Interior and Exterior)

- 3.43 A guard shall be installed and maintained in good repair on the open side of any ramp or stairway 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 and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Heating, Heating Systems, Chimneys and Vents

- 3.44 (a) Every dwelling unit shall be provided with an approved heating system capable of maintaining a temperature of 20° C from 6:00 a.m. to 11:00 p.m. and 18° C from 11:00 p.m. to 6:00 a.m. throughout the year in all habitable rooms including bathrooms and boiler rooms. For the purpose of this section, room temperature shall be determined at any point in the room.
- (b) Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall between the 15th day of September in each year and the 1st day of June of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purposes of this By-Law, "adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 68° F (20° C) from 6:00 a.m. to 11:00 p.m. and 64° F (18° C) from 11:00 p.m. to 6:00 a.m.).
- 3.45 The heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the standard required in Section 3.44. The maintenance includes:
- (a) keeping rigid connections between all heating equipment burning any fuel and a chimney or flue;
- (b) keeping rigid connections between all heating and cooking equipment burning gaseous fuels and the supply line;
- (c) supplying to the space containing heating equipment, by natural or mechanical means, the required combustion air.

Fuel Burning Equipment

- 3.46 Equipment shall be properly ventilated and ducted.
- 3.47 Where a heating system or part of it burns or is designed or intended to burn solid or liquid fuel, a place or receptacle for the storage of such fuel shall be provided and maintained in good condition at the dwelling and properly constructed so as to be free from accident hazard.
- 3.48 All fuel burning appliances, equipment, accessories and installations in a dwelling to which the Energy Act, R.S.O. 1990 as amended, applied shall be installed and maintained in compliance with the provision of such Act, and the regulations made thereunder and all such appliances, equipment, accessories and installations to which such Act does not apply shall be installed in good workmanlike manner and maintained in good repair and working order.
- 3.49 Space heating units and hot water heating facilities shall:
- (a) not use gasoline, kerosene, or other similar highly flammable liquid fuel, except those approved by the Canadian Standards Association or Warnock Hershey Limited;
- (b) be properly connected to an approved fuel source or vent unless it is an electrical appliance;

- (c) if employing electricity be properly connected to a circuit of adequate capacity in an approved manner; and
 - (d) be provided with all required automatic or safety devices. For hot water systems this includes an expansion tank.
- 3.50 No fuel burning or gas type heating appliance shall be installed or used in a room used or intended to be used for sleeping purposes.

Chimney and Fireplaces

- 3.51 Every chimney, smoke pipe and flue shall be maintained to prevent gases from leaking into the dwelling. Maintenance includes cleaning the flue of obstructions, sealing open joints, repairing masonry and using other suitable means.
- 3.52 Every fireplace, chimney, smoke pipe, flue and incinerator shall be kept in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 3.53 Every usable fireplace shall be properly vented.
- 3.54(a) All installations for heating devices must be approved by the Building Inspector or Fire Inspector.
- (b) 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 separations shall conform to the Ontario Building Code.

Plumbing

- 3.55 All plumbing, including every drain, water pipe, toilet and other plumbing fixtures in a dwelling and every connecting line to the sewerage system shall be maintained in good working order and free from leaks or defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.56 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 3.57 Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.58 All dwellings shall have the sanitary facilities connected to a sewerage system approved by the Medical Officer of Health.
- 3.59 Every fixture shall be such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to cold or hot water, readily accessible for cleansing, and free from blemishes or cracks or other interstices that may harbor germs or impede thorough cleansing.

Toilet and Bathroom Facilities

- 3.60 Every wash basin and bathtub or shower stall shall have adequate supply of hot and cold running water and every toilet shall have an adequate supply of running water.
- 3.61 Every dwelling unit shall contain toilet and bathroom plumbing fixtures consisting of at least one toilet, one wash basin and one bathtub or shower.

- 3.62 Hot water shall be provided that it may be drawn from the tap at a temperature of forty-three degrees Celsius (43° C).
- 3.63 All bathroom and toilet rooms shall be located within and accessible from within the dwelling unit (except as otherwise provided in Section 3.68).
- 3.64 All bathrooms and toilet rooms shall be fully enclosed so as to provide privacy for the occupant.
- 3.65 The wash basin shall be located in the same room as the toilet, or in an immediately adjoining room.
- 3.66 Every dwelling shall have at least one sink in addition to a kitchen sink.
- 3.67 Every dwelling unit shall be provided with hot and cold running water.
- 3.68 The occupants of two dwelling units each containing no more than two habitable rooms may share a toilet and bathroom facilities provided that access to the said toilet and bathroom facilities can be gained without going through rooms of either or another dwelling unit or outside of the building.
- 3.69 No person shall store or prepare food in a room that contains a toilet or urinal.

Light

- 3.70 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights, translucent panels or glass area of an outside door that faces directly to outside space and admits as much natural light as would be transmitted through clear glass equal in area to ten per cent (10%) of the floor area of the room.
- 3.71 The owner is responsible for ensuring that all public halls and stairs in multiple dwellings are lighted to provide an adequate degree of illumination. In this section lighted to provide an adequate degree of illumination mean illumination of at least 100 lux (10 foot candle) power at all times of the day and night. Full time lighting systems are required except during those hours when daylight suffices adequately to light the public halls.

Ventilation

- 3.72 Every habitable room except living rooms and dining rooms shall have an opening or openings for ventilation providing an unobstructed free-flow area of at least 0.28 square metres, or an approved system of mechanical ventilation such that the air is changed once every hour.
- 3.73 Every bathroom or toilet room shall have an opening or openings for ventilation providing an unobstructed free-flow area of at least 0.3 square meters, or an equivalent such as an electric fan and a duct.
- 3.74 All systems of mechanical ventilation shall be maintained in good working order.
- 3.75 All enclosed spaces including basements, cellars, attics or roof space, and crawl spaces shall be adequately vented.

Electrical Service

- 3.76 Every dwelling and dwelling unit that is supplied with electrical power shall be wired for and provided with electricity, and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards in normal use, provided that the lighting shall

not be positioned so as to cause any impairment of the use or enjoyment of neighboring properties.

- 3.77 The electrical wiring and all equipment appliances located or used in a dwelling shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.
- 3.78 Every habitable room in a dwelling shall have at least two electrical duplex outlets for each 11 square meters of floor space of floor space, for each additional 9 square meters of floor space a second duplex outlet shall be provided. Every kitchen shall have at least two electrical duplex outlets which shall be on separate circuits.
- 3.79 Every bathroom, toilet room, laundry room, furnace room, basement, cellar or non-habitable work room and kitchen shall be provided with a permanent electrical light fixture.
- 3.80 Extension cords shall not be used on a permanent or semi-permanent basis.
- 3.81 All electrical services shall conform to and be maintained to the regulations set by the Electrical Code as amended.
- (a) where the officer has reason to believe that the electrical system maybe unsafe, the officer may require that an inspection be carried out by the electrical safety authority at the expense of the property owner.

Occupancy Standards

- 3.82 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft) of habitable floor area. 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.
- 3.83 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.) and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.
- 3.84 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;
 - (d) access to each habitable room shall be gained without passage through a service room.

Elevating Devices

- 3.85 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

- 3.86 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.

- 3.87 Recreational areas, equipment, structures, rooms and other facilities required by the Municipality for the indoor or outdoor use of the occupants of the building shall be repaired as necessary to maintain them in a safe condition and in good working order.

PART IV

VACANT LAND AND BUILDINGS

- 4.01 Vacant lands shall be kept clear and free from:
- (a) rubbish and debris;
 - (b) unsightly weeds and heavy undergrowth as specified in the Weed Control Act, R.S.O. 1990 as amended;
 - (c) objects or conditions that may create health, environmental fire or accident hazards.
- 4.02 All vacant land shall be graded, filled up or otherwise drained so as to prevent water from adversely affecting adjacent buildings or properties.
- 4.03 If a building is vacated:
- (a) all trash and rubbish shall be removed from the building; and
 - (b) after 90 days all water and electrical power shall be turned off other than that required for security and maintenance of the property.
- 4.04 The owner of a vacant building shall secure or board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with 12 mm or thicker weather-proof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.
- 4.05 No partially or completely vacant building shall remain boarded up for a period longer than 60 days. After the said 60 days or an alternate time period set by the Property Standards Officer, the owner or agent or other person responsible shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses, in accordance with the Zoning By-Law, as amended.

PART V

NON-RESIDENTIAL PROPERTY STANDARDS

- 5.01
- (a) 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.
 - (b) Public recreational areas, equipment, structures, rooms and other facilities required by the Village for the indoor or outdoor use of the public shall be repaired as necessary to maintain them in a safe condition and in good working order.

Garbage Disposal

- 5.02 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, ashes and trade waste. These receptacles shall be covered at all times and shall be located in the rear yard, when space can accommodate them, or otherwise in a side yard, but in any event, these receptacles shall not be located in a front yard. The receptacles shall be placed as close to the building which they serve as is practicable but shall not be adjacent to any combustible structure or placed within 3 metres, either vertically or horizontally, of any opening in the building.
- 5.03 Receptacles shall be acceptable plastic bad or other containers:
- (a) made of watertight construction;
 - (b) provided with a tight fitting cover; and
 - (c) maintained in a clean state;
 - (d) and that where necessary shall conform to all hazardous waste disposal regulations.

Where garbage receptacles, as described in (a), (b) and (c) above, are offensive to view, the area where the receptacles are stored shall be enclosed on all sides by a solid masonry wall or a painted board or metal fence not less than 1.8 metres high. Such wall or fence shall contain an adequate door or gate to allow for the removal of the garbage. All walls and fences and the doors or gates contained therein shall be maintained in good repair.

- 5.04 Containers shall be made available for disposal of refuse which may be discarded by customers and the lands and surrounding property shall be kept free of such refuse.

Pest Prevention

- 5.05 Buildings shall be kept free from rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, as amended and all regulations pursuant thereto.
- 5.06 All openings in a building including windows and doors, ventilation systems, vents and floor drains that are openable for ventilation or left open for their intended use, must be adequately screened or otherwise protected to prevent the entry of insects, vermin and rodents.

Foundations

- 5.07 The foundation walls and the basement, cellar or crawl space floor shall be maintained in good repair so as to exclude moisture and structurally sound and where necessary shall be so maintained by shoring of the walls, installing subsoil drains at the footings, grouting masonry cracks, parging and waterproofing the walls or floors.
- 5.08 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, slab-on-grade shall be of masonry or other suitable material.

Structurally Sound

- 5.09 If in the opinion of the Officer, the structural capacity of any part of any building or structure is in doubt, the Officer may require the owner to be responsible for

submitting an inspection report at his own cost, prepared, sealed and signed by a professional engineer who is qualified in the pertinent field and licensed by the Association of the Professional Engineers of Ontario.

- 5.10 Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material.

Exterior Walls

- 5.11 Exterior walls of a building or a structure and their components, including soffits, fascia-boards, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units or 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.

- (b) Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Roof

- 5.12 Roofs of buildings shall be maintained in a watertight condition and in general good repair.

- 5.13 Where eavestroughing, roof guttering, roof drainage system and down piping is provided it shall be kept in good repair, including being watertight, protected by paint or other preservative and securely fastened to the building to prevent accident.

Doors and Windows

- 5.14 All exterior openings of buildings shall be fitted with doors or windows or other suitable means to prevent entrance of wind or rain into the building.

Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair. Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and defective door and window hardware shall be repaired or replaced, and maintained and protected from the elements and against decay and rust by application of a weather coating material such as paint or other protective materials.

Stairs

- 5.15 An inside or outside stair and any porch appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards and 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.

Balustrades and Handrails

- 5.16 A guard shall be installed and maintained in good repair on the open side of any ramp or stairway 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 good repair in all stairwells. Guardrails shall be installed and maintained good repair around all landings, porches and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Walls and Ceilings

- 5.17 Every wall and ceiling shall be maintained so as to be free of holes, cracks, loose coverings or other defects, which would permit flame or excessive heat to enter a concealed space.

Floors

- 5.18 Every floor shall be smooth and level, unless otherwise designed, and maintained so as to be free of cracks, holes and protrusions in concrete floors, also free of all loose, warped, protruding broken or rotted board that might cause an accident or allow dirt to accumulate. All defective floor boards shall be replaced and where covered with linoleum or some other covering that has become worn or torn so that it retains dirt or might cause an accident, the linoleum or other covering shall be repaired, replaced or removed.
- 5.19 The floor of every kitchen or area where food or drink is prepared and every bathroom floor and every toilet room floor, where the toilet is in a separate room, shall be maintained so as to be impervious to water and so as to permit cleaning.

Cleanliness

- 5.20 All interior surfaces of public halls and stairs shall be maintained in a clean condition.

Heating System

- 5.21 The heating system shall be maintained in a safe, good working condition capable of maintaining 18° C (64° F) in all working areas, except in hockey arenas or other similar areas, as required by the Occupational Health & Safety Act, R.S.O. 1990, as amended, and Regulations for Industrial Establishments.

Plumbing

- 5.22 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewerage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereon shall be protected from freezing.
- 5.23 All waste pipes shall be connected to a sewerage system through water seal traps.

Electrical Service

- 5.24 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 5.25 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.
- 5.26 The electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of the Electrical Code as amended..

Lighting

- 5.27 All non-residential establishments shall install and maintain all windows, skylights and lighting fixtures necessary for the safety of all persons as required by the Occupational Health and Safety Act, R.S.O. 1990, as amended, and Regulations for Industrial Establishments, provided that in all industrial and commercial establishment, lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighboring properties.

Exits

- 5.28 All non-residential establishments shall install and maintain the necessary exits as required by the Occupational Health and Safety Act, R.S.O. 1990 as amended, and Regulations for Industrial Establishments.

Yards, Industrial and Commercial

- 5.29 All yards and compounds shall be maintained in a properly graded and leveled condition compatible to its intended use.
- 5.30 All yards and compounds shall be maintained in a safe, clean condition free of rubbish and debris or any unused, discarded or in-operative equipment.
- 5.31(a) The warehousing of any stored material or operative equipment or the storage of garbage in receptacles in the yards or compounds shall be neat and orderly so as not to create an environmental fire or accident hazard or any unsightly condition and shall provide clean and easy access for emergency vehicles.
- (b) Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be properly enclosed on all sides by a solid wall or a painted board, metal fence or hedge installed in such a way to conceal the enclosed area not less than 1.8 meters high (6 feet). All walls, fences and hedges shall be maintained in good repair.
- (c) All vehicles, machinery and equipment shall be stored in such a manner so as to prevent the leakage of hazardous materials.

Parking Areas, Driveways

- 5.32 All areas used for vehicular traffic and parking shall be covered with asphalt, crushed stone or gravel surfacing and shall be free from litter and kept in good repair.
- 5.33 All areas used for vehicular traffic and parking spaces and similar areas shall be maintained so as to afford safe passage under normal use and weather condition.

PART VI**ADMINISTRATION AND ENFORCEMENT**

- 6.01 This By-Law shall apply to all property within the limits of the Village of Merrickville-Wolford.
- (a) The imperial measurements contained in this By-Law are given for reference only.

Officers

- 6.02 The Council of the municipality shall appoint one or more Property Standards Officers to be responsible for the administration and enforcement of this By-Law.
- (a) Subject to subsection (6.03) when a By-Law is in effect, an officer and any person acting under his instruction may, at all reasonable times and upon producing proper identification, enter and inspect any premises.
- 6.03 Except under the authority of a search warrant issued under section 142 of the Provincial Offences Act, R.S.O., 1990 as amended, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry

may be refused and entry made only under the authority of a search warrant.

Notice of Non-Compliance

- 6.04 If, after inspection the Officer is satisfied that in some respect, the property does not conform to the standards prescribed in the By-Law he may serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the Registry Office, and the Sheriff's Office to have any interest therein, a Notice of Non-Compliance containing particulars of the non-conformity and may at the same time provide all occupants with a copy of such notice.
- 6.05 The notice shall state that the property does not comply with the standards prescribed in the By-Law and shall specify the standards with which the property does not comply.
- 6.06 The notice shall state that after a certain date to be specified in the Notice of Non-Compliance by the Officer, the property will be subject to a reinspection at which time the Officer may issue an Order under section 6.08 of the By-Law.
- 6.07 The notice shall state that the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to affect compliances with the By-Law.

Orders

- 6.08 (a) At any time after the date specified in the Notice of Non-Compliance or the Hearing held to consider representations by the owner or occupant regarding the intent of the Notice, the Property Standards Officer may issue an Order with regard to a property not in compliance with the standards prescribed by this by-law and may serve the Order in the manner provided in Subsection 6.04.
- (b) Such Order may be registered against the property in the Land Registry Office and shall contain the following information:
- (i) the municipal address or legal description of the property;
 - (ii) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition, and shall be in accordance with all applicable legislation;
 - (iii) the period in which compliance with the terms of the Order is to be carried out;
 - (iv) a notice that if such repair or clearance is not so carried out within the time specified in the Order, the Municipality may carry out the repairs or clearance at the expense of the owner;
 - (v) the name and phone number of the officer who issued the Order; and
 - (vi) the final date of giving Notice of Appeal from the Order.
- 6.09 Notwithstanding the requirements of Subsection 6.08 the Property Standards Officer may also make an order or orders to the owner or occupant;
- (a) requiring the owner or occupant to make the property conform to the standards within a period of time not to exceed ninety (90) days;
 - (b) prohibiting the use of the property, and requiring the person using or occupying the property to vacate the property within a period of time not to exceed ninety (90) days;
 - (c) requiring the owner to demolish the property within a period of time not to exceed ninety (90) days; or
 - (d) causing the registration of a caution on the title to the property.

- 6.10 When a Notice or Order has been served by a Property Standards Officer, the date of service shall be deemed to be six days from the date upon which the Notice or Order is sent by registered mail, or the date when a Notice or Order is personally served by the officer upon any person, or the date of placarding of a property.

Property Standards Committee

- 6.11 The Council of the Village of Merrickville-Wolford shall provide a by-law for the establishment of a Property Standards Committee for the purpose of hearing appeals against Orders served by the Property Standards Officer, in accordance with the relevant provisions of the Building Code Act, S.O. 1992, as amended.

Appeal to the Property Standards Committee

- 6.12 (a) When an owner or occupant upon whom an Order has been served by the Property Standards Officer is not satisfied with the terms of conditions of the Order, he may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days of service of the Order.
- (b) The application fee for appealing an Order of the Property Standards Officer to the Property Standards Committee shall be as listed in the tariff of fees by-law. Council reserves the right to amend the fee from time-to-time or authorize the refunding of fees.
- 6.13 An Order that is not appealed within the time referred to in Subsection 6.12(a) shall be deemed to have been confirmed.

Hearing of Appeal

- 6.14 (a) When an appeal has been submitted, the Committee shall hear it within thirty (30) days after receipt by the Secretary of the notice of appeal.
- (b) Upon hearing the appeal, the Committee shall have all of the powers and functions of the officer who made the Order and may:
- (i) confirm, modify or rescind the Order to repair or demolish; or
 - (ii) extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this by-law and of the Official Plan are maintained.

Appeal of Decision of Committee

- 6.15 (a) The Municipality or any owner, occupant or person affected by a decision of the Property Standards Committee may appeal to the appropriate Provincial Court by notifying the Clerk of the Municipality in writing and by applying to the appropriate Provincial Court for an appointment within fourteen (14) days after sending a copy of the decision to the Corporation, owner/occupant, or complainant.
- (ii) The Judge or Justice of the Peace shall, in writing, appoint a day, time and place for the hearing of the appeal and the appointment may direct that it shall be served upon such persons and in such manner as he or she prescribes.
- (iii) The Judge or Justice of the Peace on such appeal has the same powers and functions as the Committee.

Order to be Final and Binding

- 6.16 The Order, as deemed to have been confirmed pursuant to Subsection 6.13 or as confirmed or modified by the Committee pursuant to Subsection 6.14(b) or as confirmed or modified by the Judge pursuant to Subsection 6.15(a) shall be final and binding upon the owner or occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.

Power of Corporation to Repair or Demolish

- 6.17 If the owner or occupant of a property fails to repair or demolish the property in accordance with an order as confirmed or modified, the Municipality in addition to all other remedies:
- (i) shall have the right to repair or clear the property accordingly;
 - (ii) shall have the right for its servants and agents to enter in and upon the property to carry out the aforesaid repair or clearance;
 - (iii) shall have the right to carry out the repairs or clearance at the expense of the owner; and the amount of the expense shall be deemed to be real municipal taxes and may be added to the collector's roll and collected in the same manner and priorities as real municipal taxes, and,
 - (iv) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this section of the by-law.

Issue of Certificate of Compliance

- 6.18 (a) Following the inspection of a property, the Property Standards Officer may, on the request of the owner, issue to the owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this by-law.
- (b) If a Certificate of Compliance is issued at the request of the owner, the owner shall pay a fee as per the Tariffs of Fees Bylaw as amended from time-to-time.
- 6.19 (a) Any person who contravenes an Order issued under the provisions of this by-law which is final and binding or who contravenes any other provision of this by-law shall, upon conviction thereof, be liable to a fine as is provided for in the provisions of the *Building Code Act* S.O. 1992, as amended and any other applicable law, exclusive of costs, for each offence.
- (b) When a person has been convicted of an offence under this by-law, the Provincial Court or any court of competent jurisdiction may in addition to any other penalty imposed on the person convicted, issue and order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

Emergency Powers

- 6.20 (a) Despite any other provisions of this by-law, if upon inspection of a property the Property Standards Officer is satisfied that a non-conformity with the standards prescribed in the by-law exists to such extent as to pose an immediate danger to the health or safety of any person the officer may make an Order containing particulars of the non-conformity which requires remedial repairs or other work to be carried out forthwith to terminate the danger.
- (b) The Order shall be served on the owner of the property and such other persons affected thereby as the officer determines, and a copy shall be posted on the property.
- (c) After making an Order under Subsection 6.20(a) the officer may, either before or after the Order is served, take or cause to be taken any measures he considers necessary to terminate the danger and for this purpose the Corporation servants and agents have the right to enter in and upon the property in respect of which the Order was made, without a warrant.
- (d) The officer, the Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under Subsection 6.20(c).

- (e) Where the Order was not served before emergency measures were taken by the officer to terminate the danger, the officer shall forthwith after the measures have been taken, send or serve copies of the Order in accordance with the provisions of the *Building Code Act S.O. 1992*, as amended, to the owner of the property and all persons affected thereby as determined by the officer, and each copy of the Order shall have attached thereto a statement by the officer describing the measures taken by the Village and providing details of the amount expended in taking the measures.
- (f) Where the Order was served before the emergency measures were taken, the officer shall serve a copy of the statement mentioned in Subsection 6.20 (e) in accordance with the *Building Code Act S.O. 1992*, as amended, to the owner(s) as soon as practical after the measures have been taken.
- (g) As soon as practical after the requirements of Subsection 6.20(e) and (f) have been complied with, the officer shall apply to a Judge of the appropriate Provincial Court for an Order confirming the Order made under Subsection 6.20(a).
- (h) The disposition of the application under Subsection 6.20(a) shall be final and binding.

General Provisions

- 6.21 (a) This by-law shall apply to all property within the boundaries of the Village of Merrickville-Wolford.
- (b) Where a provision of this by-law conflicts with a provision of another Corporation by-law or Provincial Statutes, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
 - (c) If any section of this by-law is for any reason held to be invalid, the remaining sections shall remain in effect.
 - (d) This by-law shall be administered by a person or persons appointed by the Council of the Village of Merrickville-Wolford as Property Standards Officers.
 - (e) By-law 25-87 of the Village of Merrickville and By-law 1179 of the Township of Wolford are hereby repealed.
 - (f) This by-law shall come into force and take effect on the date of passing.

Registration of Order

- 6.22 An order under section 6.08 may be registered in the proper Registry Office and upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was served under Section 6.08 and, when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Registry Office a Certificate that such requirements have been satisfied, which shall operate as a Discharge of such Order.

Property Standards Committee

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

- (a) The members of the Committee shall elect a chair from among themselves and, when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair. Any member of the Committee may administer oaths.

- (b) The members shall provide for a Secretary for the Committee, who shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications and Section 253 of the Municipal Act applies with necessary modifications to the minutes and records.
 - (c) A majority of the members constitutes a quorum for transacting the Committee's business and the Committee may adopt its own rules of procedure, and the Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.
- 6.24 When the owner or occupant upon whom an Order has been served in accordance with the Sections 6.08, 6.09, and 6.10 is not satisfied with the terms or conditions of the Order, he may appeal to the Committee by sending Notice of Appeal by registered mail to the Secretary of the Property Standards Committee, Village Office, Merrickville, Ontario within fourteen (14) days after Service of the Order and, in the event that no appeal is taken the Order shall be deemed to have been confirmed.
- 6.25 Where an Appeal has been taken, the Committee shall hear the Appeal and shall have all the powers and functions of the Officer and may confirm the Order to demolish or repair or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the By-Law and of the Official Plan are maintained.
- 6.26(a) The Order as deemed to have been confirmed pursuant to Section 6.13 or as confirmed or modified by the Committee pursuant to Section 6.14.
- (b) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection 6.14 of the Order may appeal to a judge of the Ontario Court (General Division) by notifying the clerk of the corporation in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision.
- 6.28 No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. If the owner or occupant of property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies:
- (a) shall have the right to demolish or repair the property according and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under the provisions of this subsection;
 - (c) A person is guilty of an offence when convicted for a contravention of this by-law.
 - i) knowingly furnishes false information in any application under this by-law or in any statement or return required to be furnished under this by-law;
 - i) fails to comply with an order, direction or other requirement made under this by-law; or
 - ii) contravenes this by-law.
 - (d) Every director or officer of a corporation who knowingly concurs in the furnishing of false information, the failure to comply or the contravention under subsection (c) is guilty of an offence.

- (e) A person who is convicted of an offence is liable to a fine of not more than \$25,000.00 for a first offence and to a fine of not more than \$50,000.00 for a subsequent offence.
- (f) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000.00 for a first offence and \$100,000.00 for a subsequent offence and not as provided in subsection (e).
- (g) For the purpose of subsections (e) and (f), an offence is a subsequent offence if there has been a previous conviction under this by-law.
- (h) Every person who fails to comply with an order made by a Property Standards Officer under this bylaw is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (e) and (f), is liable to a fine of not more than \$10,000.00 per day for every day the offence continues after the time given for complying with the order has expired.

READ a first and second time this 12TH day of November, 2003.

READ a third and final time and passed this 24th day of November, 2003

Mayor

Jill Eagle
Clerk