

**THE CORPORATION OF THE
TOWNSHIPSHIP OF DRUMMOND/NORTH ELMSLEY**

**BY-LAW NO. 2021-030
Property Standards By-law**

BEING a by-law to provide standards for the maintenance and occupancy of property within the Township of Drummond/North Elmsley.

WHEREAS under Section 15.1(3) of The Building Code Act, S.O. 1992 c.23 as amended, municipalities may pass a by-law to:

1. Prescribing standards for the 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.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

AND WHEREAS pursuant to Section 15.6 of the Building Code, S.O. 1997 c.24, as amended, a by-law passed under section 15.1 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS the Official Plan in effect in the Township of Drummond/North Elmsley includes a provision relating to property conditions;

AND WHEREAS under the Tenant Protection Act, S.O. 1997 c.24, as amended, the Council of a local municipality may pass by-laws requiring landlords to provide adequate and suitable vital services to each of the landlord's rental units;

NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley hereby enacts as follows:

PART I

DEFINITIONS

In this By-law,

- 1.1 **"Clerk"** means the person appointed by the Municipality as the Clerk.
- 1.2 **"Committee"** means the Property Standards Committee of the Township of Drummond/North Elmsley, members of which are appointed by Council.
- 1.3 **"Chief Building Official"** means the person appointed by Municipality as the Chief Building Official.

- 1.4 **"Derelict vehicle"** means any car, trailer, boat, machinery, recreational vehicle or objects or parts thereof that are not operative, unused, non-restorable, discarded, in disrepair or unlicensed.
- 1.5 **"Maintenance"** means the preservation and keeping in repair of a property.
- 1.6 **"Municipality"** means the Corporation of the Township of Drummond/North Elmsley.
- 1.7 **"Noxious Weed"** means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, c.W.5.
- 1.8 **"Officer"** means a property standards officer who has been assigned the responsibility of administering and enforcing this by-law.
- 1.9 **"Occupant"** means any person or persons over the age of 18 years in possession of the property;
- 1.10 **"Owner"** includes:
- a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
 - b) lessee or occupant of the property who, under terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.
- 1.11 **"Person"** means an individual, firm, corporation, association or partnership.
- 1.12 **"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, accessory buildings, fences and erections thereon whether heretofore and hereafter erected, and includes vacant property.
- 1.13 **"Unsafe Condition"** means the physical state of a property, structure, barrier, fence and/ or building(s), whether vacant or occupied, that in the opinion of the Property Standard Officer is a hazard to the public regarding fire, accident, health or safety.
- 1.14 **"Vehicle"** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include vehicles running only upon rails or vehicles used in farm operations.

1.15 "Yard" means

- a) In urban areas - For lands around or adjoining to the whole or any part of a residential, commercial, industrial or institutional property and used or capable of being used in connection with the property; and for estate lots, it generally refers to the lawn portion of a property situated within the Hamlets whose boundaries are identified in the Municipality's Official Plan and properties situated within registered plans of subdivision.
- b) In rural areas – For lands around or adjoining to the whole or any part of a residential, commercial, industrial or institutional property and used or capable of being used in connection with the property; and for estate lots, it generally refers to the lawn portion of a property and excludes barnyards and land under farm operations and applies to lands situated outside the Hamlets whose boundaries are identified in the Municipality's Official Plan and outside all areas of registered plans of subdivision.

1.12 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Building Act or the Ontario Building Code.

**PART II
GENERAL**

2.0 CONDITIONS OF LANDS

- 2.1 No owner or occupant of any property shall cause, allow or permit any building, yard, lot or grounds to be or remain in a condition contrary to the requirements of this by-law.
- 2.2 Every yard, including vacant lots, shall be kept free from:
- (1) rubbish, garbage, waste, debris, and other objects that create, or may create a health, fire or accident hazard;
 - (2) long grass, discarded brush and clippings, excessive weed growth, or any other condition that may promote or be susceptible to fire or infestation by weeds, rodents and other noxious conditions;
 - (3) timber, lumber, building materials or any other type of product or materials stored or kept under conditions that may promote or be susceptible to infestation by rodents and vermin.
 - (4) derelict vehicles, scrap and junk material including without limiting its generality, wrecked, dismantled, unused, or non-restorable, machinery, tools, appliances, equipment or any part thereof, except in an establishment licensed or permitted to conduct and operate such a business;

(5) buildings, fences, scaffolding, retaining walls or any other erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident;

(6) dead, decayed or damaged trees that pose a safety hazard.

PART IV EXEMPTED LANDS

3.0 FARM LANDS

3.1 Lands that are being actively farmed are exempt from the provisions of the by-law to the extent that no health and safety risks are present.

PART V RESIDENTIAL TENANCIES ACT

4.0 RESIDENTIAL TENANCIES ACT

4.1 The maintenance standards for residential tenants shall be in accordance with the O Reg. 517/06 Maintenance Standards of the Residential Tenancies Act, 2006, S.O. 2006 c.17.

PART VI ENFORCEMENT

5.0 OFFICERS AND INSPECTORS

5.1 The enforcement of this bylaw shall be complaint driven.

5.2 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

5.3 The person(s) appointed as Property Standards Officer(s) for the Corporation of the Township of Drummond/North Elmsley shall be responsible for the administration and enforcement of this By-law.

5.4 Upon receipt of a written complaint to the Municipality's Chief Building Official by an identifiable individual, the Officer will investigate to determine if a violation of this Bylaw exists.

5.5 An officer who finds that a property does not conform with any of the standards prescribed in this by-law will work with the property owner to achieve compliance

prior to an order being issued. The Officer may serve written notice upon the owner of the property directing that the violation be remedied within a specific period and specifying what needs to be done. Said Notice in the form of Appendix A shall be sent by registered mail to the last known address as shown on the most current assessment roll or delivered personally to the registered owner or person responsible for the property.

- 5.6 If the matter cannot be resolved through voluntary compliance, the Officer may make an order in the form of Appendix B:
- a) stating the municipal address or the legal description of the property;
 - b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
 - d) indicating the final date for giving notice of appeal from the order.
- 5.6 The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public.

6.0 PROPERTY STANDARDS COMMITTEE

- 6.1 A Property Standards Committee shall be established and consist of members of Council.
- 6.2 The members of the Committee shall appoint one of themselves as Chair, and when the Chair is absent, the Committee may appoint another member to act as Chair pro tempore and any member of the Committee may administer oaths.
- 6.3 The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and Section 74 of the Municipal Act applies mutatis mutandis to such documents. The Secretary shall be comprised of a Municipal Staff member appointed by the Committee.
- 6.4 A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure but before hearing an appeal it shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive notice.

- 6.5 An owner or occupant who has been served with an order made under subsection 4.2 and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal to the Municipality's Clerk within 14 days after being served with the order
- 6.6 An order that is not appealed within the time referred to in subsection 4.5 shall be deemed to be confirmed.
- 6.7 The committee shall hear the appeal.
- 6.8 On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
1. Confirm, modify or rescind the order to demolish or repair.
 2. Extend the time for complying with the order.

7.0 POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

- 7.1 Where an owner or occupant of the property fails to take such steps as may be necessary to bring the property into compliance with this By-law, the Municipality, or a person acting on its behalf, shall:
- c) have the right to enter upon the property to affect such repairs, clean-up, demolition or other remedial steps as may be required to bring the property into compliance with the standards herein and neither the Municipality, nor anyone acting on its behalf shall be liable to compensate the owner, occupant or any other persons by reasons of anything done by or on behalf of the Municipality in reasonable exercise of these powers and
 - d) shall have a lien on the property for the amount spend by, or on behalf of the Municipality in accordance with this By-law, together with an administration fee of 10% of the amount spent, and the total amount shall have priority lien status as described in section 1 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.

PART II ADMINISTRATION

8.0 ADMINISTRATION

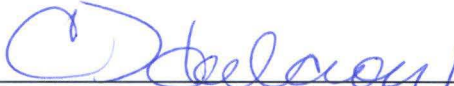
- 8.1 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.
- 8.2 Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 8.3 This By-law shall come into force and take effect upon its passing.
- 8.4 That By-law 2019-052 and any other by-law inconsistent with the provisions contained herein are hereby repealed in their entirety.

SHORT TITLE

- 8.5 This By-law shall be sited as the "Property Standards By-law."

BY-LAW READ a third time, passed, signed and sealed in open Council this twenty-second day of June, 2021.



Steve Fournier, Reeve

Cindy Halcrow, Clerk Administrator

Appendix A
Property Standards By-law 2021-030
PROPERTY STANDARDS BY-LAW VIOLATION

NOTICE

DATE ISSUED: _____

ISSUED TO:

ADDRESS:

An inspection has revealed that a provision(s) of the Township's Property Standards By-law 2019-52 is being contravened. You are hereby directed to correct the following violation(s) by _____ (date). Charges MAY be forthcoming if the violation is not corrected within the time shown above.

This Notice DOES NOT authorize continuance of the violation(s).

PROPERTY STANDARDS BY-LAW	VIOLATION(S)

If you wish to discuss this matter further with the Property Standards Officer, please contact the undersigned at 613-267-6500.

Appendix A
Property Standards By-law 2021-030

PROPERTY STANDARDS BY-LAW VIOLATION

ORDER

DATE ISSUED: _____

ISSUED TO:

ADDRESS:

An inspection has revealed that a provision(s) of the Township's Property Standards By-law 2019-52 is being contravened. You are hereby directed to correct the following violation(s) by _____ (date). Charges MAY be forthcoming if the violation is not corrected within the time shown above.

This Order DOES NOT authorize continuance of the violation(s).

PROPERTY STANDARDS BY-LAW	VIOLATION(S)

If you wish to discuss this matter further with the Property Standards Officer, please contact the undersigned at 613-267-6500.

If you are not satisfied with the terms or conditions of this Order, you may appeal to the Property Standards Committee by sending a notice of appeal to the Township Clerk within 14 days after being served with the Order.

Part 1 Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Fail to keep property free from rubbish	Section 2.2 (1)	\$200.00
2	Fail to keep property free from garbage	Section 2.2 (1)	\$200.00
3	Fail to keep property free of debris and waste	Section 2.2 (1)	\$200.00
4	Fail to keep property free from long grass, discarded brush and clippings	Section 2.2 (2)	\$200.00
5	Fail to keep property free from excessive weeds and/or noxious weeds	Section 2.2 (2)	\$200.00
6	Fail to keep property free of product or materials stored or kept that may promote infestation by rodents and vermin	Section 2.2 (3)	\$200.00
7	Fail to keep property free from derelict vehicles, scrap, and junk material	Section 2.2 (4)	\$200.00
8	Fail to keep objects/conditions likely to pose a danger from fire or risk of accident	Section 2.2 (5)	\$200.00
9	Fail to keep trees that pose a safety hazard	Section 2.2 (6)	\$200.00

Note: The general penalty provision for the offences listed above is Section 5.2 of the By-law 2021-030, a certified copy of which has been filed.

The fine amounts listed above have been approved and set by the Regional Senior Justice.
Dated: July 12, 2021

Electronic Signature:



W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2021-030 of the Township of Drummond/North Elmsley attached hereto is the set fine for that offence. This Order is to take effect on July 12th, 2021.

Dated at Ottawa, this 12th day of July 2021.

Electronic Signature:

Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region