

THE CORPORATION OF THE TOWN OF MONO
PROPERTY STANDARDS BY-LAW NUMBER NO. 2005-34,
AS AMENDED BY 2011-45 & 2020-33
BEING A BY-LAW FOR PRESCRIBING PROPERTY STANDARDS
IN THE TOWN OF MONO

WHEREAS Section 23(10) of the Official Plan of the Town of Mono includes provisions relating to property conditions, and authorizes Council to enact a bylaw setting forth minimum standards to apply to the maintenance and occupancy of all property in the Town;

AND WHEREAS Section 15.1(3) of the Building Code Act S.O. 1992, c. 23, as amended, (“the Building Code Act”) authorizes Council to pass a property standards by-law;

AND WHEREAS Section 15.6(1) of the Building Code Act requires that a by-law passed under section 15.1(3) of the Building Code Act, shall provide for the establishment of a Property Standards Committee;

AND WHEREAS the Town of Mono is committed to support the vision of the Niagara Escarpment Plan, which includes as one of its’ objectives the maintenance and enhancement of the open landscape character of the Niagara Escarpment;

AND WHEREAS the Council has determined that there is a need to enact a bylaw setting forth minimum standards to apply to the maintenance of properties in the municipality, the general intent and purpose of the bylaw to ensure that conditions of a property do not create a health, fire or accident hazard to residents or others in the municipality; to ensure proper posting of emergency numbers; and to reduce or eliminate rubbish stored on properties. This would not include material stored on properties that is realistically to be used in accordance with permitted uses on the property or as part of a normal farm practice.

NOW THEREFORE the Council of the Corporation of the Town of Mono enacts as follows

PART I: Definitions

1. In this By-law the following terms are defined as:
 - (a) “Accessory Building” means a building or structure that is incidental, subordinate and exclusively devoted to a main building or structure and located on the same lot therewith.
 - (b) “Accessory Dwelling House” means a single-family dwelling house which is accessory to a permitted non-residential use.
 - (c) “Accessory Dwelling Unit” means a dwelling unit which is part of or accessory to a permitted Non-residential building other than an automobile service station, a commercial garage, a gasoline retail facility or a dry cleaning outlet.
 - (d) “Barn” means a building located on a farm to house livestock and/or hay and straw and/or farm machinery and implements.
 - (e) “Basement” means that portion of a building which is partly underground, but which has a least one-half of its height (measured from finished floor to finished ceiling) above finished grade.
 - (f) “Building” means: a) a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto; or b) a structure occupying an area of ten square metres or less that contains plumbing including the plumbing appurtenant thereto; or c) plumbing not located in a structure; or d) a sewage system; or e) structures designated in the Building Code.
 - (g) “Building By-law” means any by-law of the Town passed pursuant to the Building Code Act.
 - (h) “Building Code Legislation” means the Building Code Act including the applicable

Regulations thereunder, including the Building Code.

- (i) “Cellar” means that portion of a building which is partly or wholly underground and which has more than one-half of its height (measured from finished floor to finished ceiling) below finished grade.
- (j) “Committee” means the Property Standards Committee.
- (k) “Dwelling House” means a building occupied or capable of being occupied as the home or residence of one or more persons. This definition shall not include a mobile home, a private garage or any vehicle as defined herein.
- (l) “Dwelling Unit” means a suite of two or more habitable rooms, designed to be occupied by not more than one family, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance, either directly from outside the building or from a common corridor inside the building. This definition shall not include a mobile home, a private garage or any vehicle as defined herein.
- (m) “Farm” means land used for the tillage of soil, the growing of vegetables, fruits, grains or other staple crops. This definition shall also apply to land used for livestock raising, dairying, including a barn yard, or woodlots.
- (n) “Lot” means a parcel of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
- (o) “Medical Officer of Health” means the Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit.
- (p) “Maintenance” means the preservation and keeping in repair of property.
- (q) “Mobile Home” means a prefabricated building, designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed) equipped for year-round occupancy and containing therein facilities for cooking or for the installation of cooking equipment as well as sanitary facilities including a flush toilet and a shower or bathtub. This definition shall not include a tourist trailer.
- (r) “Multiple Dwelling” means a building containing two or more dwelling units.
- (s) “Non-residential Property” means a building or structure, or part thereof, not occupied or capable of being occupied in whole or in part for human habitation and includes the lands and premises appurtenant thereto and all accessory buildings, but does not include a farm.
- (t) “Occupant” means any adult(s) in possession of the property.
- (u) “Open Storage Area” means land used for the outside storage of equipment, goods or materials. This definition shall not include a salvage yard, a parking area, a delivery space, a loading space or storage use located in a building.
- (v) “Owner” means any person or corporation that is the registered or beneficial holder of the title of the property and would include the person for the time being, who is managing or receiving the rent of the land or premises, 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 shall also include a lessee of an occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property.
- (w) “Person” means an individual, corporation, association or partnership.
- (x) “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 or hereafter erected, and includes non-residential property, residential property and vacant property.
- (y) “Property Standards Officer” means an officer assigned the responsibility of administering and enforcing this By-law.
- (z) “Repair” includes the provision of such facilities and the making of additions and alterations or the taking of such action as may be required so that the property shall conform to the standards established by this By-law.
- (aa) “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, and includes vacant residential property. The dwelling located on the farm together with the acre of land on which the dwelling is situate is included as residential property. The remainder of the farm property is excluded.

- (bb) “Rubbish” means waste or rejected matter, trash or debris.
- (cc) “Structure” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground, but does not include a lawful fence or a pond.
- (dd) “Standards” means the standards of physical condition and of occupancy prescribed for this By-law.
- (ee) “Tenant” means a person paying rent for the temporary use or occupancy of land or buildings of another person and includes a lessee, occupant, subtenant, and all assigns thereunder.
- (ff) “Town” means the Corporation of the Town of Mono.
- (gg) “Tourist Trailer” means any trailer capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such trailer is jacked up or that its running gear is removed. This definition shall not include a mobile home as defined herein.
- (hh) “Vacant Property” means property upon which there is no building or structure of any kind (excluding a fence).
- (ii) “Vehicle” means an automobile, a boat, a commercial motor vehicle, a farm implement, a mobile home, a motorcycle, a snowmobile, a tourist vehicle or a trailer.
- (jj) “Water Supply Plan” means a building or structure, approved by the Ministry of the Environment & Energy, where water is treated for human consumption.
- (kk) “Water System, Communal” means a distribution system of underground piping and related storage, including pumping and purification appurtenances, owned and operated by, or on behalf of, the residents of the community served by such system. This definition shall not include a Public Water System.
- (ll) “Water System, Public” means a distribution system of underground piping and related storage, including pumping and purification appurtenances, owned and operated by the Corporation, by another municipality or by the Ministry of the Environment & Energy.
- (mm) “Yard” means a space, appurtenant to a building, structure or excavation, located on the same lot as such building, structure or excavation, and which space is open, uncovered and unoccupied from the ground upward except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this by-law. Where a dwelling is located on a farm, the yard is deemed to be the acre on which the dwelling is situate, but does not include the remainder of the farm, or a barn yard.

PART II: Municipal Requirements

General Standards and Compliance

2. The owner of property in the Town shall repair and maintain the property in accordance with the standards prescribed by this By-law. Such repair shall include the posting of the correct municipal address or six digit emergency number, whichever is applicable, at a location on the property clearly visible to emergency vehicles.
3. No person shall occupy or let to another for occupancy a property which does not comply with the standards prescribed by this By-law.

Maintenance and Occupancy Standards

4. 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 Building Code Legislation, the Fire Prevention and Protection Act S.O. 1997, C.4, as amended, and the Fire Code.

PART III: Exterior Standards Repealed by Bylaw 2020-33

PART IV: Building Standards

Pest Prevention

5. A building, excluding a barn, shall be kept free of rodents, vermin, termites, injurious insects or other pests at all times, and methods used for exterminating rodents, shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, c. P. 11, as amended and all regulations thereunder.
6. A barn shall be kept reasonably free of rodents, vermin, termites, injurious insects or other pests at all times, and methods used for exterminating rodents, shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, c. P. 11, as amended and all regulations thereunder in accordance with normal farm practices.
7. Basement and/or cellar windows, excluding those windows in a barn, used or required for ventilation and any other opening in a basement, including a floor drain that might permit the entry of rodents, vermin, termites, injurious insects or other pests shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents, vermin, termites, injurious insects or other pests.

Overall Structure

8. Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
9. All exterior surfaces shall be of materials which provide adequate protection from the weather. Tar paper, building paper, asphalt roll-type siding, roll roofing, mill ends and non-external grade plywood shall not be used for any exterior vertical facing on any wall of any building or structure.
10. The exterior walls, roofs and other parts of a building shall be free from loose, rotten, warped and broken materials and objects and such materials and objects shall be removed, repaired or replaced.

Accessory Buildings/Structures

11. Accessory buildings, structures, and fences shall be maintained in structurally sound condition and in good repair such that they do not constitute an unsightly or unsafe condition.
12. Accessory building exteriors shall be kept weather resistant through the use of appropriate weather resistant materials.
13. Accessory dwelling house and converted dwelling houses shall meet the standards applicable to dwelling houses. Accessory dwelling units shall meet the standards applicable to dwelling units.

Foundations

14. The foundation walls and basement and/or cellar floor shall be maintained in good repair and be structurally sound, and where necessary shall be so maintained by the shoring of the walls, grouting masonry cracks, damp proofing the walls or floors and installing subsoil drains at footing levels.

Exterior Walls

15. The exterior walls of a building shall be maintained so as to prevent their deterioration due to weather and insects and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and of the walls themselves, by the insulating and repairing of termite shields and by the treating of the soil with appropriate pesticides.

Roofs

16. A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent the leakage of water into the building. All rotted or deteriorated roofs shall be repaired or replaced.

PART V: Additional Standards Applicable to Buildings on Residential and Non-Residential Property

Exterior Stairs, Porches, Doors and Windows

17. Exterior stairs, porches, doors and windows 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.
18. Every dwelling unit shall be provided with an adequate supply of drinkable running water from a source approved by the Medical Officer of Health.

Lighting

19. Lighting fixtures shall be installed and maintained in all areas outside every building or structure in compliance with the requirements of the Building Code including providing the required illumination levels, and shall utilize fully shielded design or cut-off devices to reduce or limit light trespass from a property.
20. Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a neighbouring dwelling unit or increasing the light intensity on any adjacent roads so as to create an unsafe condition.

PART VI -- Administration

Property Standards Committee

21. A Property Standards Committee (the "Committee") is hereby established to hear appeals against Orders to repair issued by an Officer pursuant to the Building Code Act S.O.1992, c. 23, as amended.
22. The Committee shall be a Committee of the Whole of the Council of the Town of Mono and shall be chaired by the Mayor, or such other member of Council as may be designated by the Committee.
23. The Committee shall appoint a Secretary. The Committee Secretary shall keep on file the minutes, records and decisions for all appeals and all other materials related to the Committee's official business, pursuant to the Building Code Act.
24. A quorum for the Committee shall be three members.
25. Oaths may be administered by any member of the Committee.
26. The Committee may, subject to the Building Code Legislation and this By law, adopt its own rules of procedure and any member may administer oaths.

Property Standards Officers

27. Town Council may from time to time appoint other Property Standards Officers and staff to carry out the administrative functions of this by-law including the enforcement thereof. In addition to any other Property Standards Officers that Council may appoint, the Chief Building Official of the Town and the building inspectors appointed by the Town pursuant to section 3 of the Building Code Act, and the Town's Fire Prevention Officer(s) are hereby authorized and appointed as Property Standards Officers.

28. All Property Standards Officers shall possess all powers of inspection as prescribed in the Building Code Act Legislation. Where an inspection is to occur, the owner of the property shall be notified and advised that entry onto the property will be made for inspection purposes to ensure property compliance with this By-law, unless an emergency situation exists.

Orders

29. The Property Standards Officer, following an initial inspection of the property, if satisfied that the property does not conform to the standards contained in this By-law, may serve or cause to be served personally or by registered mail a courtesy Notice of Violation (Notice). In more serious circumstances, or as a result of repeat offenders, the Officer may proceed to issue an Order to Remedy Violation of Property Standards, as outlined in the following paragraph.
30. When the Property Standards Officer, after a second inspection or under the conditions specified in Paragraph 44, is satisfied that the property does not conform to the standards contained in this By-law, the Officer shall serve or cause to be served personally or by registered mail an Order to Remedy Violation of Property Standards (Order). The Order to Remedy Violation of Property Standards shall include the following information, details regarding the violation; timing to correct said violations; and, notice that the Town may rectify said violations at the Owners expense, and may cause a prosecution to be brought against the Owner. Appeal procedures shall be outlined in the Order.

Service

31. A Notice or Order issued pursuant to this By-law may be served by personal service or by 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.
32. If a Notice or Order is served by registered mail, the service shall be deemed to have been received on the fifth day after the day of mailing unless the person or persons on whom service is being made established that he/she did not, acting in good faith, through absence, accident, illness, or other cause beyond his/her control, receive the Notice or Order until a later date.

Appeals Before the Property Standards Committee

33. Every person who initiates an appeal of an Order made by an officer shall submit a Notice of Appeal in the time frame and manner as prescribed in the Building Code Act Legislation.
34. The Notice of Appeal shall be in the form or provide the same information as set out in Schedule "A hereto.
35. Before conducting a hearing the Property Standards Committee shall give Notice to such persons or direct that Notices are to be given to such persons as the Property Standards Committee considers are required to receive Notice. The Notice shall be provided in the manner directed by the Property Standards Committee.
36. After hearing an appeal the Property Standards Committee may confirm, modify or quash the Order, or the Property Standards Committee may extend the time for complying with the Order provided that, in the opinion of the Property Standards Committee, the general intent and purpose of this By-law and the Official Plan has been maintained.
37. The proceedings at the hearing shall be in accordance with the provisions of the Statutory Powers Procedures Act, R.S.O. 1990, c. S.22, as amended.

Appeals Before the Superior Court of Justice

38. The Owner or occupant or any person affected by the Order of the Property Standards Committee may appeal the Order to a Judge of the Superior Court of Justice pursuant to the Building Code Act Legislation.

Effect of Final Order

39. The Order shall be final and binding:
 - (a) upon the time expiring for the appeal to the Property Standards Committee and there being no appeal; or
 - (b) in the event there is an appeal to the Property Standards Committee, upon the Property Standards Committee confirming or modifying the Order and the time for the appeal to the Superior Court of Justice having expired and there being no appeal; or
 - (c) in the event that there is an appeal to the Superior Court of Justice, upon the final disposition by the Courts through an Order of the Courts, including appellate Courts, if applicable.

Registration

40. Where an Order has been made pursuant to this By-law, a copy may be registered in the Dufferin County Land Registry Office.
41. If the Order is registered and there has been compliance, then the Clerk of the Town shall forthwith register, in the Dufferin County Land Registry Office, a certificate declaring that there has been compliance with the registered Order after the Clerk is satisfied that there has, in fact, been compliance with the Order.

Enforcement and Penalties

42. Where an owner or occupant of property fails to demolish or to repair in accordance with the final and binding Order, the Town, in addition to any other remedies, shall have the right to demolish any structures and/or fencing and/or to repair the property.
43. For the purposes of demolishing and/or repairing under this By-law and the Building Code Legislation, an agent, employee or servant of the Town may enter upon the property of the occupant or owner and shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Town under the provisions of this By-law.
44. When demolition or repairs have been taken by the Town under this By-law and/or the Building Code Legislation, the Town may recover all the expenses incurred in respect thereof, including legal fees, by any or all methods available by statute, including collection through the property tax system.
45. In addition, the Town may cause a prosecution to be brought against any person in breach of a final and binding Order in accordance with the provision of Section 36 of the Building Code Act. Upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his or her territorial jurisdiction, the penalties provided for in the Building Code Act.

Certificate of Compliance

46. Following the inspection of a property, the Property Standards Officer may, or at the request of an 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.
47. Where a Certificate of Compliance is issued at the request of the Owner, the Owner shall be required to pay a fee of \$250.00 to the Corporation of the Town of Mono.

General

48. The imperial measurements contained in this By-Law are given for reference only.
49. This by-law may be cited as the Property Standards By-law.
50. The provisions of this by-law shall apply to all property situate in the Town of Mono.

51. Where a provision of this By-law conflicts with the provision of another By-law in force within the Town of Mono, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

Validity and Severability

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

READ A FIRST, SECOND and THIRD TIME, and passed this 27th day of SEPTEMBER, 2005.

Original signed by:

Keith Thompson, Mayor
Keith McNenly, Clerk

SCHEDULE "A"
To Bylaw 2005-34, as amended

NOTICE OF APPEAL
TO THE PROPERTY STANDARDS COMMITTEE
Pursuant to Section 15.1 of the Building Code Act, S.O. 1992, c.23, as amended

[Date]

Secretary
Property Standards Committee
Corporation of the Town of Mono
347209 Mono Centre Road
Mono, Ontario
L9W 6S3

RE: Property Standards Order
[Description and Location of Property in
Violation]
Town of Mono

TAKE NOTICE of appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above referenced Order to Demolish or Repair.

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order, the owner or occupant may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the Committee within **fourteen** days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed and shall be final, binding and effective. Reference: Building Code Act, S.O. 1992, c. 23, s.15.3(1)

Signature of Owner of Authorized Agent