

AMENDED BY  
BY-LAW 2014-794

CITY OF TIMMINS BY-LAW NO. 2007- 6489

A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE

AND THE OCCUPANCY OF ALL PROPERTY

**BEING A BY-LAW** to repeal by-law 1998-5118 and to provide minimum standards for the maintenance of the physical condition and for the occupancy of all property in the City of Timmins:

**WHEREAS** Section 15.1(3) of the Ontario Building Code Act S.O. 1992 c. 23, as amended authorises the passing of a by-law for prescribing standards for the maintenance and occupancy of property within the municipality and 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** the Council of the Corporation of the City of Timmins deems it expedient to pass such a By-law;

**AND WHEREAS** the City of Timmins has an Official Plan, which includes provisions relating to property conditions,

**NOW THEREFORE** the Council of the Corporation of the City of Timmins enacts as follows:

**PART I - SHORT TITLE, DEFINITIONS, AND SCOPE**

**SHORT TITLE**

1.1 This by-law shall be referred to as "The Property Standards By-law".

**DEFINITIONS**

1.2 In this by-law:

"Accessory Building" means a building or structure that is naturally and normally incidental, subordinate and exclusively devoted to the main building and which is located on the same lot.

"Antique motor vehicle" means a motor vehicle that is 30 years of age or older, is owned as a collector's item, registered with a bonafide organization and is operated solely for use in exhibitions, club activities, parades and other similar functions and is not used for general transportation;

"Balustrade," means a railing supported by a series of short posts forming an ornamental parapet to a balcony or terrace.

"Basement" means that storey of a building that is partly below grade and measured from its floor to the top of the floor of the first storey.

"Building" means a building as defined in the *Building Code Act S.O. 1992* or a structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy and shall include a tent or carport.

"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.

"City" means the Corporation of the City of Timmins.

"Committee" means the Property Standards Committee.

"Corporation" means the Corporation of the City of Timmins.

"Council" means the Council of the Corporation of the City of Timmins.

"Derelict" shall mean any vehicle, machinery, trailer, boat or vessel

- (1) that has broken or missing parts of such sufficiency so as to render it incapable of being licensed to operate (where such licensing is necessary) in its current condition but shall not include a motor vehicle actively being repaired or restored by the owner; or
- (2) that is in a wrecked, dismantled, discarded, inoperative or abandoned condition.

"Derelict motor vehicle" means a motor vehicle as defined in the *Highway Traffic Act* that is;

- (1) inoperative by reason of removed wheels, motor, transmission or other parts or equipment necessary for its operation,
- (2) not in roadworthy condition;
- (3) in a state of disrepair or unsightly by reason of missing doors, glass or body parts, or
- (4) inoperable and appears incapable of use as a means of lawful transportation or has an industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic;

but does not include an antique or historic motor vehicle which is actively being restored as a collector's or historic vehicle;

"Dwelling" means a building, 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 all land and premises appurtenant thereto and all accessory buildings, fences or erections thereon or therein.

"Dwelling Unit" means one or more habitable rooms designed or intended for use by one or more persons as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such person or persons with a private entrance from outside the building or from a common hallway or stairway inside the building.

"Fence" means a barrier constructed of chain link metal, or of wood, stone, metal or material having an equivalent degree of strength.

"Fire Resistance Rating" means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria.

"Floor Area" means the sum of the areas of all floors of a building or structure measured between the external faces of the exterior walls excluding basements, cellars, attics, garages, porches or other similar appurtenant structures.

"Gate" means a swinging or sliding barrier used to fill or close an access and shall be comprised of like material as the fence.

"Ground Cover" means any organic or non-organic material so applied, to prevent the erosion of soil, including but not limited to: concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

"Habitable room" means any room in a dwelling unit designed, used or intended use is for living, sleeping, cooking or eating purposes

"Injurious Insects" means any insect that has the potential for compromising the structure of a building (e.g., termites, carpenter ants, and other similar insects) or that may pose a threat to health of residents (e.g., nesting of hornets, wasps, bees and other similar insects).

"Maintenance" means the preservation and keeping in repair of a property.

"Means of Egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare

"Medical Officer of Health" means the Medical Officer of Health of the Porcupine Health Unit.

"Non-Habitable Space" means any room or space in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, unfinished basement or cellar, recreation room, boiler room or other space for service and maintenance of the building for public use, and for access to, and vertical travel between storeys;

"Non-Residential Property" means a building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the lands and premises appurtenant thereto.

"Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

"Officer" means a Municipal law Enforcement Officer, Building Inspector, or other persons assigned the responsibility for enforcing and administering the By-law as a Property Standards Officer.

"Order Requiring Compliance" shall mean a Property Standards Order issued pursuant to the provisions of Section 15.2 of the *Ontario Building Code Act S.O. 1992.*

"Order" means either an Order Requiring Compliance or an Order issued pursuant to section 15.8 of the *Ontario Building Code Act S.O. 1992.*

"Owner" means any person(s), 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 their own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee, tenant or occupant of the property who under the terms of the lease or other rental agreement is required to repair and maintain the property in accordance with this by-law and may include all other persons having a legal interest in the property.

"Person" means a natural person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators or other legal representative of a person to whom the context can apply according to the law. .

"Reasonable Time Frame" is determined at the discretion of the Officer and may be determined with the assistance of a qualified registered professional.

"Repair" means the making of additions or alterations or the taking of such action as in restoring, renovating, mending as may be required so that the property shall conform to standards established in this By-law.

"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.

"Roadworthy" when used in reference to a motor vehicle, means a motor vehicle that is licensed or is eligible to be licensed by virtue of a current valid Safety Standards Certificate having been issued for that vehicle.

"Sewage" means a liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

"Sewerage System" means the municipal sanitary sewerage system or a private sewage disposal system approved by the Medical Officer of Health.

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

"Toilet Room" means a room containing a water closet and a washbasin.

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

"Yard" means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling and used or intended to be used, or capable of being used in connection with the dwelling.

"Zoning By-law" shall mean the current applicable Zoning By-law of the Municipality of the City of Timmins.

## **SCOPE & INTENT**

1.3 This by-law prescribes the standards for every building and dwelling unit situated in the City of Timmins.

1.4 The intent of this by-law is to protect the health and safety of residents in the City and to promote a pleasant and tidy community by ensuring that both buildings and properties are maintained in an attractive, safe and healthy manner.

1.5 Enforcement of this by-law will be largely generated on a complaint basis, unless any violations are obvious to the Officer. Complaints shall be provided in writing and shall include the name, address and telephone number or other contact information of the complainant. Failure to provide the required complainant information shall render the complaint incomplete and it will not be investigated. The identity of the complainant shall be treated as confidential information and shall not be released to offending property owner.

1.6 Anonymous complaints or third party complaints which attempt to obscure the identity of the complainant will not be investigated. Where an officer has determined that a complaint has been filed for a malicious or vexatious reason or as part of an ongoing pattern of harassment and does not involve a matter of legitimate health or safety, the officer may cease the investigation and close the file with no further action taken. The officer shall then advise the complainant of this in writing.

## **DUTIES AND OBLIGATIONS OF ALL OWNERS**

- 1.7 No person shall:
- a) Occupy,
  - b) Use,
  - c) Permit the use of,
  - d) Rent or,
  - e) Offer to rent,

any property that does not conform to the standards set out in this By-law.

- 1.8 The owner of any property shall:

- a) repair and maintain the property in accordance with the standards set out in this By-law, or
- b) remove or demolish the whole or the offending part of any property that is not in accordance with the standards.

1.9 All repairs and maintenance of property shall be executed with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

## **PART II – GENERAL STANDARDS FOR ALL PROPERTY**

### **YARDS AND VACANT LOTS**

- 2.1 All yards and vacant lots shall be kept clean and free from:

- a) rubbish or debris;
- b) objects or conditions that might create a health, fire, or accident hazard;
- c) all derelict machinery, vehicles, trailers, boats or vessels and any component parts thereof unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- d) all derelict motor vehicles whether exposed to view or covered over by means of a tarpaulin or other cover;
- e) long grass, brush, undergrowth and overgrown trees, which may cause a hazard;
- f) dilapidated, collapsed or partially constructed structures;
- g) any unprotected well, pit, trench or other similar unsafe condition;
- h) injurious insects, termites, rodents, vermin or other pests;
- i) dead, decayed or damaged trees or other natural growth;
- j) limbs and branches of trees which have, in whole or in part, become removed or broken off as a result of wind, lightning, snow or other natural act; and
- k) any other unsightly condition out of character with the surrounding environment.

2.2 Trees and hedges shall be kept trimmed so as not to overhang municipal sidewalks that may pose a potential hazard to pedestrians and so as not to obstruct sight lines for vehicular traffic. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the *Weed Control Act R.S.O 1990 c. W-5* and amendments thereto.

2.3 The warehousing or storage of material or operative equipment that is required for the continuing operation of the lawfully permitted industrial or commercial aspect of any property shall:

- a) be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition; and
- b) provide unobstructed access for emergency vehicles.

2.4 Where conditions as set out in subsection 2.3 are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be enclosed. A solid wall or a painted board or metal fence not less than 1.8 m (6 ft) in height and not greater than 2.6 m (8.5 ft) and maintained in good repair shall be constructed. This provision shall not apply to areas covered by a Site Plan Control Agreement.

2.5 On residentially zoned lands no machinery or parts thereof, or other objects, or materials, not associated with the normal occupancy and use of the property, including among other things, appliances and furniture not intended for outdoor use. Fixtures, paper, cartons, boxes, barrels, buckets, plastic tarpaulin, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall not be stored or allowed to remain in an exterior yard.

### **SURFACE CONDITIONS**

2.6 Surface conditions of yards shall be maintained so as to:

- a) prevent recurrent, excessive and hazardous ponding of storm water;
- b) prevent instability or erosion of soil;
- c) prevent surface water run-off from entering basements of buildings on the property or onto or into that of any neighbouring property;
- d) be kept free of garbage and refuse;
- e) be kept free of deep ruts and holes;
- f) provide for safe passage under normal use and weather conditions, day or night.

2.7 All permanent signs and billboards shall be maintained in good repair and any signs that have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, shall be removed or put into a good state of repair.

### **SEWAGE AND DRAINAGE**

2.8 Sewage or organic waste shall be discharged into sewerage system.

2.9 Sewage other than ground water or storm water shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system.

2.10 All elements of the sewage system, including but not limited to, weeping tiles, septic beds and septic tanks shall be maintained in proper working order and drained, cleaned out or replaced as required.

2.11 Roof or sump drainage or surface storm water run off shall:

- a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar, and
- b) not be channelled or installed in a location, as to discharge on sidewalks, stairs, or neighbouring property.
- c) Storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it is originated and directed to a point of disposal deemed acceptable by the Officer.

### **SAFE PASSAGE**

2.12 Steps, walks, driveways, parking areas, outside stairs or landings and similar areas shall be maintained with a safe surface for normal use and weather conditions day or night.

2.13 Adequate artificial lighting shall be maintained in yards to provide safe passage to the building entrance and wherever possible, shall not spill over onto abutting properties.

### **ACCESSORY BUILDINGS AND FENCES**

2.14 Accessory buildings and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

2.15 Accessory buildings, fences, and other structures shall be maintained in a good state of repair.

2.16 Fences shall be maintained in structurally sound condition and in good repair and shall comply with the restrictions and conditions as provided by municipal by-laws.

2.17 Fences shall be kept free from objectionable markings, painted slogans, stains or other defacements.

### **GARBAGE DISPOSAL**

2.18 Every building shall have sufficient appropriate receptacles to contain all garbage, rubbish, ashes and trade waste until pick up day.

2.19 Receptacles shall be standard garbage bags or other garbage containers commercially sold for the purpose and provided with a tight fitting cover.

2.20 Garbage receptacles including garbage bags shall be maintained in a clean state and shall not be stored in the front yard.

2.21 All garbage, refuse and ashes shall be placed in the suitable container and made available for removal in accordance with the City's current *Solid Waste Management By-law*.

## **PART III – BUILDING STANDARDS**

### **GENERAL CONDITIONS**

3.1 Every owner of a residential property shall maintain the property or part thereof and the land that they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

3.2 Every owner 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.

3.3 Accumulation or storage of garbage, refuse, appliances, or furniture in public hallways or stairways shall not be permitted.

3.4 The accumulation or storage of garbage, refuse, appliances or furniture which is not meant for outdoor use shall not be stored on any porch, deck, stoop, veranda, balcony or patio that may be visible to any person beyond the said property line.

### **PEST PREVENTION**

3.5 Buildings shall be kept free of injurious rodents, vermin and insects and the presence of their nests, droppings and chew holes at all times. Where evidence of said items are apparent, methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act, R.S.O. 1990, c. P.11* and all regulations and amendments passed pursuant thereto.

3.6 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 the entry of pests, shall be screened with wire mesh, metal grill or other durable material that will effectively exclude said pests.

### **STRUCTURAL STANDARD**

3.7 Every part of a dwelling or building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load that may be put on it through normal use having a factor of safety required by the *Ontario Building Code Act*.

3.8 All exterior surfaces shall be of materials that provide adequate protection from the weather.

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

3.10 All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, stand pipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition.

3.11 An Officer may require an engineer's report assessing a building or structure including recommended remedial measures, at the expense of the owner, if in his/her opinion the building or structure is not structurally sound or possesses a potential health and safety concern for occupants or others. The owner shall be responsible for any rehabilitation/repair work or to demolish the building or structure, including specified timelines for rehabilitation/repair or demolition, as per the recommendations outlined in the engineer's report and/or as required by the Officer.

### **FOUNDATIONS**

3.12 Foundation walls of all buildings shall be maintained in good repair free from major cracks, breaks or other defects and shall be structurally sound, and where necessary shall be so maintained by shoring of the walls and joists, grouting masonry cracks, parging and waterproofing the walls or floors, and installing subsoil drains at footing levels.

3.13 Every basement, cellar and crawl space in a dwelling or building shall be adequately drained, and adequately ventilated to the outside air.

3.14 A foundation wall of a dwelling or building shall be waterproofed to prevent the infiltration of moisture.

### **EXTERIOR WALLS**

3.15 Exterior walls of buildings and their components, including eaves, soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry, stucco, and other defective cladding, or trim, and maintained so as to prevent deterioration due to weather conditions, injurious insects or other damage.

3.16 Exterior walls of all buildings and their components shall be free of inappropriate signs, slogans, graffiti and similar defacements.

### **ROOFS**

3.17 Roofs of buildings and their components shall be maintained in a weather-tight condition, free from loose or unsecured objects or materials. Shingles or other coverings that exhibit excessive deterioration shall be replaced as required.

3.18 Accumulations of ice and/or snow shall be promptly removed from the roofs of buildings and accessory buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.

3.19 Where eavestroughing or roof gutters are provided, they shall be kept in good repair, free from obstructions or blockages and properly secured to the building and appropriately sloped to allow for proper water drainage.

### **DOORS AND WINDOWS**

3.20 Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair and shall be of such construction so as to:

- a) prevent excessive drafts,
- b) minimise heat losses through the infiltration of outside air in the cold weather, and
- c) prevent the entrance of rain.

3.21 Rotted or damaged doors, door frames, window frames, sashes and castings, weather stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

3.22 Every glass or transparent door accessible to the public shall be designed and constructed so that the existence and position of such door is readily apparent by attaching thereto non-transparent hardware, bars or other permanent fixtures and when constructed of glass shall be constructed of wired glass or safety glass.

3.23 Transparent panels used near accesses to buildings which, because of their physical configuration or design could be mistaken for doors shall be made inaccessible to the occupants by a guard, barrier or railing at least 105 cm (42 in) above the adjacent floor.

### **STAIRS, PORCHES AND BALCONIES**

3.24 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 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.

3.25 Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

### **GUARDRAILS AND BALUSTRADES**

3.26 Except as permitted herein, a handrail shall be installed and maintained in good repair on at least one side of stairs less than 1.1 m (3.6 ft) in width and on 2 sides of stairs 1.1 m (3.6 ft) in width or greater.

3.27 Handrails are not required for stairs within dwelling units having not more than 2 risers or for exterior stairs having not more than 3 risers and serving not more than one dwelling.

3.28 Only one handrail is required on exterior stairs having not more than 3 risers provided such stairs serve not more than 1 dwelling.

3.29 Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided, for other than for maintenance purposes shall be protected by guards on all open sides. Where the difference in elevation between adjacent levels exceeds 60 cm (23.6 in), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 60 cm (23.6 in).

3.30 When a interior stair has more than 2 risers, the sides of the stair and the landing or floor level around the stair well shall be enclosed by walls or be protected by guards.

### **WALLS, CEILINGS AND FLOORS**

3.31 Every wall, ceiling and floor in a building shall be maintained so as to provide a continuous surface free from hazardous holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.

3.32 Every floor in a building shall be reasonably smooth, level, and maintained so as to be free of loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.

3.33 Every floor in a bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be resistant to water.

### **KITCHENS**

3.34 Every dwelling shall contain a kitchen area equipped with:

- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- b) hot water shall be supplied at a temperature of not less than 43 °C (110 °F)
- c) a counter or work area, 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.

### **TOILET AND BATHROOM FACILITIES**

3.35 Every dwelling unit shall contain a bathroom consisting of at least one operational water closet, washbasin, and bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 °C (110 °F). Every water closet shall have a suitable supply of running water.

3.36 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door.

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

3.38 No toilet or urinal shall be located within a room that is used for,

- a) the preparation, storing or consumption of food, or
- b) sleeping purposes.

### **PLUMBING**

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

3.40 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

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

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

### **DISCONNECTED UTILITIES**

3.43 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 as may be necessary for repairing, replacing, or otherwise altering said service or utility.

### **ELECTRICAL SERVICES**

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

3.45 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings and shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.

3.46 All electrical services shall conform to all applicable regulations of the *Electricity Act 1998, S.O. 1998 c. 15* and the *Ontario Electrical Safety Code, Ontario Regulation 164/99* or its successor legislation.

3.47 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 m<sup>2</sup> (120 ft<sup>2</sup>) of floor space and for each additional 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.

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

3.49 Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements shall provide sufficient illumination to avoid health or accident hazards in normal use.

### **HEATING SYSTEM**

3.50 Every dwelling unit and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 22 °C (71.6° F) in the occupied dwelling units. The heating system shall be maintained in good working condition and capable of safely heating the individual dwelling units to the required standard on request of the dwelling unit's tenant.

3.51 When the temperature level cannot be controlled by the tenant, the owner shall provide an approved secondary heat source under the tenant's control, which is capable of producing and maintaining the ambient temperature of 22 °C (71.6° F) within the dwelling unit.

3.52 Adequate combustion air shall be supplied to space that contains a fuel-fired heating appliance. Only heating appliances approved for use by a recognised standards laboratory shall be installed or maintained in any room used or intended to be used for sleeping purposes.

3.53 No dwelling unit shall be equipped with a portable heating appliance as the primary source of heat.

3.54 Where heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided, maintained and properly constructed to be free from fire or accident hazards. All storage of fuel shall be at least 1.5 m (5 ft) from the heating appliances. The storage of propane or fuel oil shall comply with the standards and requirements set out in provincial acts and regulations covering the storage of such materials.

### **VENTILATION**

3.55 All systems of mechanical ventilation shall be maintained in good working order.

3.56 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 m<sup>2</sup> (3 ft<sup>2</sup>), or an approved system of mechanical ventilation such that provide hourly air exchanges.

3.57 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated to prevent the build up of dampness and mould within the unit.

### **CHIMNEYS**

3.58 Any heating or cooking apparatus or equipment used in the process of burning fuel shall be properly vented to the outside air by means of a smoke pipe vent pipe or similar adequate chimney.

3.59 Such heating or cooking apparatus or cooking equipment shall be properly connected to the chimney or flue by a permanently sealed connection.

3.60 All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in good repair.

3.61 All gaseous and liquid fuel burning appliances and equipment shall comply with the Energy Act, 1971, as amended. Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair to prevent the expelled smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

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

3.63 Every dwelling unit shall be constructed to prevent the passage of smoke, fumes, and gases from that part of the dwelling that 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*.

### **SMOKE/FIRE ALARM**

3.64 Every Owner shall be responsible for providing approved smoke/fire alarm systems that meet the requirements of the Ontario Building Code, as amended.

3.65 Every Tenant shall be responsible for ensuring that approved smoke/fire alarm systems required to be provided by the Owner shall be maintained in proper working order at all times.

## **OCCUPANCY STANDARDS**

3.66 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

3.67 Basements, 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) floor and walls shall be constructed so as to be damp proofed and impervious to water leakage;
- c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment 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 furnace room, boiler room or storage room.

3.68 The occupant load of a floor area, or part of a floor area, or of a building or part of a building not having a floor area, shall be based on 2 persons per sleeping room or sleeping area in a dwelling unit or suite.

3.69 The floor area under a ceiling that is less than 2.1 m (6.9 ft) high shall not be counted for computing habitable room space.

3.70 Every room used for sleeping purposes in a dwelling or dwelling unit shall not be less than 7 m<sup>2</sup> (75 ft<sup>2</sup>) of floor area where built-in cabinets are not provided and not less than 6 m<sup>2</sup> (65 ft<sup>2</sup>) of floor area where built-in cabinets are provided.

## **EGRESS**

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

3.72 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1.067 by 0.558 m (42 x 22 in) with a sill height of not more than 0.914 m (36 in) above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

## **NATURAL LIGHT**

3.73 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space. The glazed areas of the opening shall have a minimum area of not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

## **PART IV – VACANT OR DAMAGED BUILDINGS**

4.1 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

4.2 Where any building is vacant, unoccupied, or has been damaged by accident, storm, neglect or other causes or intentional damage, the owner or agent shall protect such building against the risk of accidental or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized persons to the building, by effectively preventing entrance by unauthorized persons to the satisfaction of the Property Standards Officer.

4.3 For the purpose of Section 4.2, doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the openings.

4.4 Where a vacant or damaged property has not been sufficiently secured, the officer may issue an Order requiring the owner to secure the property in any of the following ways:

- a) boarding which completely covers the opening with at least 12.7mm (0.5 in) weatherproofed sheet plywood securely fastened to the building;
- b) rigid composite panels, securely fastened to the building;
- c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
- d) brick and mortar securely fastened to the building; or
- e) concrete blocking and mortar securely fastened to the building.

The options listed above shall be considered progressively more secure with clause (e) being the most secure. It shall be the officer's discretion to determine the minimum level of security required. In all options listed above, the materials used to secure building openings shall be painted or otherwise coated to generally match the colour of the exterior of the building.

4.5 Where it has been shown that a proper level of security has not been achieved, or the owner's control, attendance or lack of security measures to protect the property suggests a more secure option be used, the officer may order the owner to supply more stringent security measures as may be necessary beyond the options listed in subsection 4.4.

4.6 Where a building remains vacant for a period of more than ninety (90) days, or in the opinion of the officer further measures are required, the officer shall ensure that all utilities serving the building that are not required for the safety or security thereof, are disconnected or otherwise secured. The purpose of which is to prevent accidental or malicious damage to the building or adjacent property.

4.7 Any such work required under Part 4 of this by-law shall be done in compliance with the *Ontario Building Code*, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

4.8 In the event, that it has been determined by the Officer that a building is beyond repair, the Officer may order the building to be demolished and the land shall be cleared of all remains and left in a graded, level and tidy condition.

4.9 Unless new construction is to commence on the same footing and/or foundation walls immediately following demolition of a building, the footing and foundations shall be removed unless authorized by the Officer.

#### **FIRE DAMAGED BUILDINGS**

4.10 Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

4.11 When a building is damaged by fire, the officer may order the owner to restore the building to meet the requirements of this by-law and the *Ontario Building Code*.

4.12 When the fire-damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be first brought into compliance with all applicable sections of this by-law and the *Ontario Building Code*.

4.13 The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.

4.14 Where, in the opinion of the officer, structural restoration as it relates to Section 4.11 is not possible or feasible, or is not possible or feasible within a reasonable timeframe, the officer may order the building to be demolished or otherwise order the required repair work to be completed.

## **PART V - DEMOLISHED BUILDINGS AND STRUCTURES:**

5.1 Where buildings and other structures are demolished, the owner of the property shall be required to:

- a) clear the site of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition,
- b) unless new construction is to commence immediately on the same footings or foundation walls, the footings and foundations shall be removed unless authorized by the Officer,
- c) only clean, inert or native material shall be used as backfill,
- d) ensure that building rubble and building contents including, but not limited to, broken bricks, concrete, furniture, and other items shall not be acceptable as backfill material,
- e) ensure that building services such as gas, electrical and water lines, sewer lines, and other such services, shall be properly capped off; and
- f) the site shall be graded to ensure that water shall not pond on the site or drain onto adjoining properties.

5.2 When part of a building or structure is demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law. The walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors and floors and from areas of multi-coloured paint or wallpaper.

## **PART VI - GROW HOUSES/DRUG OPERATIONS**

6.1 In the event that an officer has been notified by a police service that a property has been or is being used as either a Marijuana Grow House or a Clandestine Drug Operation facility (including methamphetamine labs), the officer shall, in addition to any other action ordered or permitted by law, register any and all Orders issued pursuant to an Order or Orders Requiring Compliance under the authority of section 15.2 of the *Building Code Act, S.O 1992*, against the title of the property at the local Land Registry Office.

6.2 The Order referred to in Section 6.4 shall contain a Schedule that will state:

*"This property has been identified as having been used as a Marijuana Grow Operation (Clandestine Drug Operation facility). Operations of this nature are well known to have detrimental effects on the air quality, electrical systems and structural elements within the structure. It is the opinion of the municipality that this property shall not be occupied until all matters referred to in this Order have been addressed and resolved to the satisfaction of the investigating officer."*

## **PART VII – INTERPRETATION, ADMINISTRATION, GROW HOUSES ENFORCEMENT, AND REMEDIES/PENALTIES**

### **INTERPRETATION**

7.1 Nothing in this by-law is intended to suggest that existing buildings and uses that are lawful shall be made to be brought into conformity with new/updated legislative requirements (e.g., Ontario Building Code and/or other applicable legislation) unless otherwise required by law.

7.2 Despite Section 7.1, any new construction, new uses, or unlawful buildings or uses, shall be required to meet the current legislative standards together with the provisions as detailed in this by-law.

### **GENERAL ADMINISTRATION**

7.3 This By-law shall be administered and enforced by an Officer as defined in this by-law.

7.4 An Officer shall keep records of any action taken pursuant to this by-law, shall maintain a database of property standards files, and shall provide Council with a report when so requested.

### **ENFORCEMENT AND ENACTMENT**

#### **OFFICERS**

7.5 The Council of the City of Timmins shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law.

7.6 Unless otherwise specified in their appointment By-laws, the Municipal Law Enforcement Officers and Building Inspectors are hereby assigned the duties of Property Standards Officers for the City of Timmins

#### **ORDER REQUIRING COMPLIANCE**

7.7 Where an Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer may make an “Order Requiring Compliance” as provided for in Section 15.2(2) of the *Building Code Act S. O. 1992*.

7.8 When an officer has reason to believe that there is a notable deficiency in any structure or structural systems, of a building they may issue an Order pursuant to Section 15.8 of the *Building Code Act*. Upon receipt of such Order, the owner shall provide the officer with a report from the required expert or agency detailing the condition and needed repairs, if any, to the structure or structural system.

#### **PENALTY**

7.9 Every owner or occupant of property shall comply with an Order Requiring Compliance as confirmed or modified. Should the owner or occupant fail to demolish, clean up or repair the property in accordance with an Order Requiring Compliance as confirmed or modified, the municipality may take action as stipulated in Section 15.4 of the *Building Code Act* to bring the property into compliance.

7.10 Every owner or occupant of property who fails to comply with an Order issued pursuant to Section 15.8 of the *Building Code Act* is guilty of an offence and subject to the penalties as set out in the *Act*.

7.11 Notice of costs incurred by the Municipality to perform any work required in an order issued pursuant to this By-law, including an additional administration cost of \$100 for first offence and \$250 for each subsequent offence, may be registered against the owner's land for the purpose of giving notice of the Municipality's lien against such lands and may be recovered by action or as municipal taxes

### **APPEALS AND PROPERTY STANDARDS COMMITTEE**

7.12 Any person receiving an order under this by-law may appeal to the City's Property Standards Committee within the timeline specified under the Ontario Building Code Act, as amended.

7.13 There shall be and is hereby established a Property Standards Committee. In the City of Timmins, the Committee of Adjustment shall perform the duties of the Property Standards Committee, whose members shall be ratepayers in the municipality, appointed by By-law to hold office.

7.14 The Secretary shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committee.

7.15 The rules and practices as set out in Section 15.3 of the *Building Code Act S.O. 1992* shall apply to all Appeal proceedings.

7.16 Upon receipt of the Notice of Appeal the Secretary shall arrange for an Appeal hearing to take place not less than seven days and not more than thirty days from the date of receipt of the Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Committee members and the Officer.

### **VALIDITY**

7.17 Should any section, clause, or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

7.18 Where a provision of this By-law conflict with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the public shall prevail.

### **TRANSITIONAL PROVISION**

7.19 Notwithstanding the provisions of Sections 7.20 and 7.21, after the passing of this By-law, By-law 1998-5118, shall apply only to those properties in respect of which an Order has been issued prior to the date of passing of this By-law, and then only to the said properties until such time as all matters relating to such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and repair by the Municipality, have been concluded.

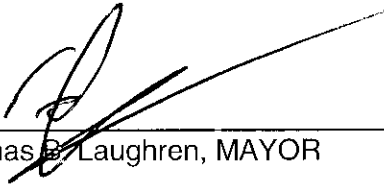
### **EFFECTIVE DATE OF BY-LAW**


7.20 This By-law shall come into force and effect upon the date of its final passage.

**REPEAL OF EXISTING BY-LAW**


7.21 Subject to the provisions of Section 6.18, By-law 1998-5118 is hereby repealed.

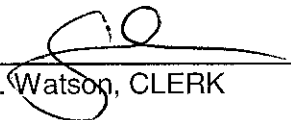
READ a First time this 23<sup>rd</sup> day of July, 2007.

  
Thomas B. Laughren, MAYOR


  
R. J. Watson, CLERK

READ a Second this 29<sup>th</sup> day of October, 2007.

  
Thomas B. Laughren, MAYOR

  
R. J. Watson, CLERK

READ a Third time and finally passed this 12<sup>th</sup> day of November, 2007

  
Thomas B. Laughren, MAYOR

  
R. J. Watson, CLERK