



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-050

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR MAINTENANCE AND
OCCUPANCY OF PROPERTIES WITHIN THE TOWN OF KIRKLAND LAKE**

WHEREAS the Corporation of the Town of Kirkland Lake deems it desirable to enact a by-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards; and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS section 5(3) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by By-law;

AND WHEREAS the Official Plan for the Town of Kirkland Lake provides that a Property Standards By-law be implemented to ensure buildings, structures and lands are kept in a structurally sound condition, and in good repair;

AND WHEREAS section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c.23 provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring that property that does not conform with the standards to be repaired and maintained with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS sections 15.2 and 15.8 of the *Building Code Act*, 1992 provide inspection and enforcement authorities for a by-law made under section 15.1 of the Act;

AND WHEREAS section 15.4 of the *Building Code Act*, 1992 provides authority for a municipality to cause repairs or demolition of a property where an Order made under section 15.2(2) of the Act is not complied with and the Order has been deemed confirmed or confirmed or modified by a property standards committee or judge of the Superior Court of Justice, and further provides that the municipality shall have a lien on the land for the amount of the repair or demolition, which shall have priority lien status under the *Municipal Act*, 2001;

AND WHEREAS the offence and penalty provisions for contraventions are as set out in section 36 of the *Building Code Act*, 1992;

AND WHEREAS section 391(1) of the *Municipal Act*, 2001 provides that a municipality may impose fees or charges on persons:

- a) For services and activities provided or done by or on behalf of it; and
- b) For costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION

OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

BY-LAW TABLE OF CONTENTS

Part 1 – General Provisions

Section 1.1: Short Title 4

Section 1.2: Scope 4

Section 1.3: Enforcement 4

Section 1.4: Conflicts with other By-laws 4

Part 2 – Definitions 4-8

Part 3 – General Standards for all Properties

Section 3.1: Workmanship..... 8

Section 3.2: Yards 8

Section 3.3: Surface Conditions of Yards 8

Section 3.4: Surface Conditions of Driveways, Parking Areas, and Walkways ... 9

Section 3.5: Accessory Buildings, Fences, and Other Structures 9

Part 4 – Residential Standards

Section 4.1: General Conditions For Exterior Envelope and Common Use
Areas..... 9

Section 4.2: Pest Prevention..... 9

Section 4.3: Structural Soundness 9

Section 4.4: Exterior Envelope 10

Section 4.5: Windows and Doors..... 10

Section 4.6: Roofs 10

Section 4.7: Interior Walls, Ceilings and Floors 11

Section 4.8: Stairs, Porches, Balconies, Landings, Mezzanines, and Fire
Escapes 11

Section 4.9: Guards..... 11

Section 4.10: Handrails 11

Section 4.11: Electrical Service 11

Section 4.12: Lighting..... 12

Section 4.13: Heating, Heating Systems 12

Section 4.14: Elevating Devices 12

Section 4.15: Disconnected Utilities 12

Part 5 – Vacant Lands and Buildings

Section 5.1: Vacant Lands..... 12

Section 5.2: Vacant Buildings..... 12

Part 6 – Non-Residential Use Property Standards

Section 6.1: Yards 13

Section 6.2: Parking Areas and Driveways..... 13

Section 6.3: Structural Soundness 13

Section 6.4: Exterior Walls 14

Section 6.5: Roofs 14

Section 6.6: Guards..... 14

Section 6.7: Handrails	14
Section 6.8: Lighting.....	14
Part 7 – Interior Residential Property Maintenance	
Section 7.1: Security	15
Section 7.2: Water.....	15
Section 7.3: Kitchen and Washroom Facilities	15
Section 7.4: Kitchen Facilities.....	16
Section 7.5: Electrical Services	16
Section 7.6: Ventilation.....	17
Section 7.7: Garages.....	17
Section 7.8: Egress	17
Section 7.9: Elevators.....	17
Section 7.10: Pest Control.....	17
Section 7.11: Interior Structure and Floors	17
Section 7.12: Plumbing System.....	18
Section 7.13: Heating System	18
Section 7.14: Exemption.....	18
Section 7.15: Reporting of Section 7	18
Part 8 – Administration and Penalties	
Section 8.1: Obstruction.....	19
Section 8.2: Powers of Entry.....	19
Section 8.3: Informal Notice	19
Section 8.4: Formal Notice & Order	20
Section 8.5: Notice of Appeal	21
Section 8.6: Failure to Comply with an Order	21
Section 8.7: Certificate of Compliance.....	22
Section 8.8: Offences	22
Section 8.9: Fees	22
Section 8.10: Cost Recovery	22
Part 9 – Property Standards Committee	
Section 9.1: Members of the Property Standards Committee	23
Section 9.2: Compensation	23
Section 9.3: Chair.....	23
Section 9.4: Quorum	23
Section 9.5: Secretary	23
Section 9.6: Rules of Procedure and Oaths.....	23
Section 9.7: Notice	23
Section 9.8: Duty of the Property Standards Committee.....	23
Section 9.9: Powers of the Property Standards Committee	24
Part 10 – Enactment	
Section 10.1: By-law Coming into Force.....	24
Section 10.2: Repeal	24

Appendices

Appendix 1: Informal Notice Template.....	25
Appendix 2: Schedule A Template	26
Appendix 3: Formal Notice Template (After Informal Notice)	27
Appendix 4: Formal Notice Template (Direct)	28
Appendix 5: Order to Remedy Violation Template	29
Appendix 6: Notice of Appeal Template.....	30
Appendix 7: Certificate of Compliance Template	31

PART 1 – GENERAL PROVISIONS

1.1 Short Title

This By-law shall be cited as the “Property Standards By-law”.

1.2 Scope

The provisions of this By-law shall apply to all property within the geographic limits of the Town, except where otherwise provided.

1.3 Enforcement

This By-law shall be enforced by a Property Standards Officer, By-Law Enforcement Officer, or an individual designated by the Chief Building Official.

1.4 Conflicts with other By-laws

Where provisions of the By-law conflict with a provision of another By-law in force in the Town, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

PART 2 – DEFINITIONS

Definitions of words and phrases used in this By-law that are not included in the list of definitions in this Part shall have the meanings as defined in the Building Code Act and/or Article 1.4.1.2 of Division A of the Ontario Building Code where so provided, and otherwise the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words and phrases defined in this section have the following meaning for the purposes of this By-law:

2.1 Accessory Building

Shall mean a detached building or structure, not used for human habitation, that is naturally and normally incidental and subordinate to the primary use of the building or structure located on the same property.

2.2 Apartment Buildings

Shall mean a building containing two or more dwelling units which have interior access to each other or which share a common access to exit, or common exit through an internal or exterior corridor system, lobby or stair and includes all such buildings whether under single ownership or condominium tenure.

2.3 Approved

Shall mean acceptance by the Officer enforcing this By-law.

2.4 Barrier-Free

Shall mean that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

2.5 Basement

Shall mean one or more storeys of a building located below the *first storey*.

2.6 Building

Shall mean “building” as defined in the *Building Code Act*.

2.7 Building Code Act

Shall means the Building Code Act, S.O. 1992, c.23, as amended.

2.8 By-law

Shall mean, unless otherwise referred to herein, this “Property Standards By-law”

2.9 Chief Building Official

Shall mean the Chief Building Official for the Corporation of the Town of Kirkland Lake appointed under the Building Code Act, 1992, c.23 and having jurisdiction for the enforcement thereof.

2.10 Clerk

Shall mean the Municipal Clerk of the Corporation of the Town of Kirkland Lake.

2.11 Common Area(s)

Shall mean those areas of a building, on a Residential Use Property that are not located within a dwelling unit, which are accessible to and for the use of the occupants of the *building* and or the public, and includes, but is not limited to; interior and exterior stairs, stairways, fire escapes, corridors, hallways, landings, decks, platforms, mezzanines, lobbies, laundry rooms, garbage rooms, exercise rooms, recreational rooms, and *toilet rooms*.

2.12 Council

Shall mean the Council of the Corporation of the Town of Kirkland Lake.

2.13 Dwelling Unit

Shall mean a suite within a building on residential use property operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually contains cooking, eating, living, sleeping, and sanitary facilities.

2.14 Exterior Envelope

Shall mean those parts of a building normally exposed to the elements and the effects of the sun, rain, snow and wind including the walls, roofs, soffits, fascia, gable ends, windows, doors and portions of the foundation located above grade.

2.15 Fence

Shall mean a structure which forms a barrier for enclosing, bounding, delineating, or protecting land.

2.16 First Storey

Shall mean the storey with its floor closest to grade and having its ceiling more than 1.8 metres (5 ft 11 in) above grade.

2.17 Guard

Shall mean a protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another.

2.18 Means of Egress

Shall include exits and access to exits and means a continuous path of travel provided for the escape of persons from any point in a building or in a contained open space to,

- (a) a separate building,
- (b) an open public thoroughfare, or
- (c) an exterior open space that is protected from fire exposure from the building and that has access to an open public thoroughfare

2.19 Non-Residential Use Property

Shall mean a property on which there are no buildings or structures that contain a dwelling unit, or on which no buildings or structures could lawfully be constructed that contain a dwelling unit, other than as permitted in Industrial Zones, and includes the lands and premises and accessory buildings, structures, fences or erections thereon or therein.

2.20 Occupant

Shall mean any person or persons over the age of 18 years in possession of the property.

2.21 Officer

Shall mean a Property Standards Officer, By-Law Enforcement Officer, or an individual designated by the Chief Building Official.

2.22 Ontario Building Code

Shall mean O. Reg 332/12 made under the Building Code Act, S.O. 1992, c.23 and amendments thereto.

2.23 Owner

Shall mean and include:

- (a) The registered owner of the property,
- (b) 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 so receive the rent if such land and premise were let, and
- (c) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

2.24 Pesticides Act

Shall means the Pesticides Act, R.S.O. 1990 c. p. 11.

2.25 Person

Shall mean an individual, firm, corporation, association, partnership, contractor, company, owner, or leasee.

2.26 Property Standards Committee

Shall mean the Committee established pursuant to Section 15.6 of the Building Code Act.

2.27 Property Standards Officer

Shall mean the person or persons duly appointed by Council as Property Standards Officer.

2.28 Property

Shall means the area of land as further defined in this By-law as Residential Use Property, Non-Residential Use Property and/or Vacant Property.

2.29 Residential Use Property

Shall mean a property on which a building is located, or on which a building could lawfully be constructed for use as a dwelling unit(s) for one or more persons, but does not include medical or correctional institutions or facilities, and encompasses any lands and accessory buildings and all stairways, walkways, driveways, parking spaces, and fences associated with the building and its yard.

2.30 Sign

Shall mean any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service, commodity or use.

2.31 Standards

Shall mean the minimum standards of the physical condition of a building to allow occupancy as prescribed for in this By-law.

2.32 Storey

Shall means the portion of a building,

- (a) that is situated between the top of any floor and the top of the floor next above it, or
- (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

2.33 Suite

Shall mean a single room or a series of rooms of complimentary use, operated under a single tenancy, and includes,

- (a) dwelling units,
- (b) individual guest rooms in motels, hotels, boarding and rooming houses and dormitories, and
- (c) individual stores and individual or complimentary rooms for business and personnel services occupancies.

2.34 Temporary Shelter

Shall mean a non-permanent commercially fabricated accessory structure that is designed to provide shelter to a vehicle and is designed to be easily dismantled or removed.

2.35 Toilet Room

Shall mean a room containing a toilet and a wash basin.

2.36 Town

Shall mean the Town of Kirkland Lake.

2.37 Vehicle

Shall mean a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, or as otherwise defined under the Motor Vehicle Amendment Act.

2.38 Vacant Property

Shall mean the area of land situated between the lot lines of a lot, on which there are no buildings or structures or portions thereof currently constructed or situated.

2.39 Yard

Shall mean an open, uncovered space on a lot appurtenant to a building, except a court, and unoccupied by buildings or structures except as specifically permitted in this By-law.

2.40 Zone(s)

Shall mean an area of district of land shown on the schedules of the Zoning By-law 21-032.

PART 3 – GENERAL STANDARDS FOR ALL PROPERTIES

3.1 Workmanship

3.1.1. 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, renovations or repairs shall conform to the Building Code Act, the Ontario Building Code, the Fire Prevention and Protection Act, and the Ontario Fire Code where applicable.

3.2 Yards

Every yard in all zones shall be kept clean and free from:

- 3.2.1. rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- 3.2.2. vehicles or any part of such vehicle which is in a wrecked, discarded, dismantled, inoperative, unlicensed or abandon condition, with the following exceptions:
 - (a) where it is part of an automotive repair establishment use, an automotive sales establishment (new or used) use or a vehicle compound use permitted by any zoning by-law;
 - (b) where it is part of any legal non-conforming automotive repair establishment use, automotive sales establishment (new or used) use, vehicle compound use or salvage yard use; or
 - (c) where the vehicle is operative and can licensed pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c.H. 8.
- 3.2.3. dilapidated, collapsed, partially collapsed or partially constructed buildings or structures that are not currently under construction or renovation authorized by a permit issued pursuant to the Building Code Act.
- 3.2.4. buildings or structures which have sustained damage due to flood, fire, or the effects of wind, rain or snow that render the building unusable for its normal intended use, that are not under renovation authorized by a permit issued pursuant to the Building Code Act.

3.3 Surface Conditions of Yards

Surface conditions of yards on developed lots shall be maintained so as to:

- 3.3.1. prevent ponding of storm water.
- 3.3.2. prevent instability or erosion of soil.
- 3.3.3. prevent surface water run-off from entering basements.
- 3.3.4. not exhibit an unsightly appearance in comparison to adjacent property.
- 3.3.5. be kept free of deep ruts and holes.
- 3.3.6. provide for safe passage under normal use and weather conditions, day or night.
- 3.3.7. not to create a nuisance to other property.
- 3.3.8. kept free of injurious insects, termites, rodents, vermin or other pests.

3.4 Surface Conditions of Driveways, Parking Areas, and Walkways

- 3.4.1. The surface condition of yards on developed lots used for vehicular traffic, driveways, parking areas or pedestrian walks shall be of asphalt, concrete, concrete paving stones, compacted stone or gravel and shall be kept in good repair free of dirt and litter so as to afford safe passage under normal use and weather conditions day or night.
- 3.4.2. Accumulations of ice and snow shall be promptly removed from all main entrances and exits of occupied buildings.
- 3.4.3. Where buildings and property have been designated, designed, constructed or altered for barrier-free access, every barrier-free path of travel and all barrier-free features and equipment shall be installed in accordance with the Building Code, and shall be maintained in good repair and shall function as designed.

3.5 Accessory Buildings, Fences, and Other Structures

- 3.5.1. Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition, good repair and free from accident hazards.
- 3.5.2. Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

PART 4 – RESIDENTIAL STANDARDS

4.1 General Conditions For Exterior Envelope and Common Use Areas

- 4.1.1. Every owner of a building on a residential use property shall maintain the exterior envelope and the common areas of the buildings located on the property in accordance with this Part.

4.2 Pest Prevention

- 4.2.1. Openings in the exterior envelope of buildings on residential use property that may permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.
- 4.2.2. Buildings on residential use property shall be kept reasonably free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act and all Town By-laws.

4.3 Structural Soundness

- 4.3.1. Buildings on residential use property shall be maintained in a structurally sound condition so as to be capable of withstanding the live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.3.2. Foundation walls supporting buildings on residential use property shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, and the installation of sub soil drains at the footing level, grouting masonry cracks, and the damp proofing and waterproofing of walls and floors where necessary.

4.4 Exterior Envelope

- 4.4.1. The exterior envelope of buildings on residential use property, including siding or cladding, masonry, soffits, fascia, and trim components shall be maintained in good repair, free from loose or improperly secured objects or materials. Paint or other suitable preservatives or coatings must be applied where necessary so as to prevent deterioration due to weather conditions, insects or other hazards.
- 4.4.2. Building materials susceptible to ultraviolet light deterioration shall not be left exposed longer than their manufacturer specified timeframe.
- 4.4.3. Buildings on residential use property shall not use temporary weather protection measures such as tarps or plastic sheeting for a period longer than thirty (30) days without providing a permanent exterior envelope solution.

4.5 Windows and Doors

- 4.5.1. Windows, doors, skylights, and basement hatchways in the exterior envelope of buildings on residential use property shall be maintained in good repair, weather tight and draft free, so as to prevent heat loss and infiltration by the elements. Maintenance includes painting, and the repair or replacement of damaged doors, door frames, window frames and sashes, and the replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.5.2. Windows and doors in a required means of egress shall be equipped with hardware that can be readily opened from the interior without keys, special devices or special knowledge and shall be maintained in operable condition.
- 4.5.3. Doors between the common areas of buildings and individual suites shall be equipped with a locking device with a minimum 1 inch throw.
- 4.5.4. Where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 4.5.5. All windows located above the second story in the exterior envelope of a building on residential use property that have a sill height less than 1000 mm (3 ft 3 in) from the adjacent floor level shall be equipped with an approved safety device that prevents any part of the window from being opened to a position that would permit the passage of a 100 mm diameter (4 inches) sphere, or the window shall be protected by a guard described in Section 4.8 of this by-law.
- 4.5.6. Notwithstanding Section 4.5.5, where an exterior balcony is constructed, the full length of the window and this balcony is equipped with an approved guard system, the safety device described in section 4.5.5 need not be installed on the window.

4.6 Roofs

- 4.6.1. Roofs and their components on buildings on a residential use property shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 4.6.2. Buildings on residential use property shall not use temporary roofing measures such as tarps or plastic sheeting for a period longer than thirty (30) days without providing a permanent roofing solution.
- 4.6.3. Roofs shall be kept clear of accumulations of ice or snow where such accumulations could result in a hazard as a result of the ice or snow falling from the roof, or could affect the structural integrity of the building.
- 4.6.4. Where eave troughs or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.7 Interior Walls, Ceilings and Floors

- 4.7.1. Every wall, ceiling and floor in the common area of a building on a residential use property shall be maintained so as to provide a continuous surface free from excessive holes, cracks, loose coverings or other defects and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

4.8 Stairs, Porches, Balconies, Landings, Mezzanines, and Fire Escapes

- 4.8.1. Every stair, porch, balcony, landing, mezzanine and fire escape located in the common area or on the exterior envelope of a building on a residential use property shall be maintained in good repair and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

4.9 Guards

- 4.9.1. Every open side of a flight of steps, ramp, porch, balcony, landing, mezzanine or fire escape that is located in the common area or on the exterior envelope of a building on a residential use property, in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a guard in conformance with the Ontario Building Code.
- 4.9.2. Notwithstanding subsection 4.9.1, existing guards are acceptable, unless considered unsafe by the Officer.

4.10 Handrails

- 4.10.1. Every ramp, and stairway with 3 risers or more in the common area and exterior envelope of a building on a residential use property, shall have a handrail on at least one side, and where 1.5 metre (59 in) or more in width, shall have handrails on both sides. Handrails shall be constructed in conformance with the Ontario Building Code.
- 4.10.2. Notwithstanding subsection 4.10.1, existing handrails are acceptable, unless considered unsafe by the Officer.

4.11 Electrical Service

- 4.11.1 Every building on a residential use property that has access to hydro shall be wired for electricity and shall be connected to an approved electrical supply system unless it can be shown that an alternate method of supply is being provided. The electrical wiring, fixtures, switches, receptacles, and appliances located or used in a building in a residential use property shall be installed and maintained in good working order so as not to cause fire

or electrical shock hazards and in conformity with the Ontario Electrical Safety Authority.

4.12 Lighting

- 4.12.1. An electrical light fixture shall be installed in common areas of building on a residential use property, including but not limited to storage rooms, service rooms, laundry rooms, service hallways, stairways, recreation rooms and public toilet rooms.
- 4.12.2. Lighting fixtures and appliances installed in common areas of building on a residential use property shall provide an adequate illumination level at the floor or tread level and at angles and intersections and changes of level where there are stairs or ramps.
- 4.12.3. Notwithstanding subsection 4.12.2, existing lighting fixtures are acceptable, where approved by the Officer.

4.13 Heating, Heating Systems

- 4.13.1. The common area of a building on a residential use property located within the interior of the exterior envelope shall be provided with a heating system and those areas shall be maintained with a minimum ambient temperature of 18° Celsius (64° Fahrenheit).
- 4.13.2. Notwithstanding subsection 4.13.1, the minimum ambient temperature requirement does not apply to storage rooms, service rooms or recreation rooms.
- 4.13.3. It is the responsibility of the owner that all heating and mechanical systems, and their components, be installed, operational, and maintained in good working order.
- 4.13.4. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used for or intended to be used for sleeping purposes.
- 4.13.5. No residential dwelling suite shall be equipped with portable heating equipment as the primary source of heat.

4.14 Elevating Devices

- 4.14.1. Required elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems in the common areas of a building on a residential use property shall at all times be in good condition, operational and maintained.

4.15 Disconnected Utilities

- 4.15.1. Owners of residential use property 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 the common area of a building on an occupied residential use property, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

PART 5 – VACANT LAND AND BUILDINGS

5.1 Vacant Lands

5.1.1. Vacant land shall be maintained to the standards as described in Part 3 of this By-Law and with the requirements of this Part.

5.2 Vacant Buildings

5.2.1. Where any property is vacant, or has been damaged, the owner shall protect the property against unauthorized entry.

5.2.2. A building is deemed to be vacant if unoccupied for a period of more than ninety (90) days, or otherwise determined to be vacant by an Officer responsible for the enforcement of this By-law.

5.2.3. Vacant buildings shall be kept cleared of all garbage, rubbish and debris.

5.2.4. Vacant buildings shall have all water, electrical, gas, and other utility services properly disconnected.

5.2.5. Subsection 5.2.4. shall not apply where such utilities are necessary for the safety or security of the building.

5.2.6. The owner or agent of a vacant building shall keep the building secure to the satisfaction of the Officer by covering all openings through which entry may be obtained.

5.2.7. All materials used for boarding up unoccupied, vacant, or damaged buildings shall be made of a durable weather resistant material, and be securely fastened to the building.

PART 6 – NON-RESIDENTIAL USE PROPERTY STANDARDS

6.1 Yards

6.1.1. Yards in non-residential use property shall be maintained to the standards as described in Part 3 of this By-Law.

6.1.2. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard, or an unsightly condition. Where conditions are such that a neat and orderly fashion is achieved, however the site is still offensive to view from a location not on the property, as determined by the Property Standards Officer, the offensive area shall be suitably enclosed by a solid wall or a painted board or privacy type fence not less than 1.8 metre (6 ft) in height, and shall be maintained in good repair.

6.2 Parking Areas and Driveways

6.2.1. All areas used for vehicular traffic and parking on a non-residential use property shall have a surface covering of asphalt, concrete, compacted stone or gravel sufficient to support the loads it will be subjected to and the covering shall be kept in good repair free of litter. Notwithstanding the foregoing, where a non-residential use property abuts a residential use property, all areas used for vehicular traffic and parking on the non-residential use property located within 30 meters (100 feet) of the residential use property shall have a surface covering of asphalt or similar hard surface, or such other measures as required shall be undertaken to eliminate the effects of dust, sand or gravel particles originating on those areas from being displaced onto the adjoining residential use property by the effects of wind or rain.

6.2.2. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

6.3 Structural Soundness

- 6.3.1. Every part of a building or structure on a non-residential use property shall be maintained in a sound condition so as to be capable of withstanding the anticipated live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed under normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

6.4 Exterior Walls

- 6.4.1. Exterior walls and their components on a building on non-residential use property, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim and shall be free of unauthorized signs that would require a building permit. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

6.5 Roofs

- 6.5.1. Roofs and their components on buildings on non-residential use property shall be maintained in a weather tight condition, free from loose or unsecured objects or material and shall be kept clear of accumulations of ice or snow where such accumulation may have a detrimental effect on the structural integrity of the building or where such accumulations otherwise creates a hazard.
- 6.5.2. Where eaves trough or roof gutters are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

6.6 Guards

- 6.6.1. Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located on the exterior or interior of a building on a non-residential use property, and in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a guard constructed to the standards as described the Ontario Building Code.
- 6.6.2. Notwithstanding Section 6.6.1, if it can be shown that children will unlikely be present except under strict supervision, guards in a building of Industrial Occupancy may be built with openings that will prevent a spherical object having a diameter of 200 mm (7-7/8 inches) from passing through it.
- 6.6.3. Notwithstanding Section 6.6.1, if it can be shown that children will unlikely be present except under strict supervision, guards in a building on a non-residential use property are not required at loading docks, maintenance pits or at such locations where the presence of the guard would detrimental to the functionality of the business currently operating in the building.
- 6.6.4. Notwithstanding subsection 6.6.1, existing guards are acceptable, unless considered unsafe by the Officer.

6.7 Handrails

- 6.7.1. Every ramp, and stairways with 3 risers or more in a building on a non-residential use property, shall have a handrail on at least one side, and where 1.5 metre (59 inches) or more in width, shall have handrails on both sides. Such handrails shall be constructed to the standards as described in the Ontario Building Code.

6.7.2. Notwithstanding subsection 6.7.1, existing handrails are acceptable, unless considered unsafe by the Officer.

6.8 Lighting

6.8.1. Every building on a non-residential use property shall have sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

6.8.2. Notwithstanding Section 6.8.1, interior or exterior lighting on non-residential use property shall not be positioned or directed in manner that causes any impairment of use or enjoyment of neighbouring properties or causes a hazard to pedestrian or vehicular traffic on public streets, highways, or pedestrian walkways.

PART 7 – INTERIOR RESIDENTIAL PROPERTY MAINTENANCE

In addition to the standards, obligations, and requirements of this by-law, Sections 7.1 through 7.13 shall apply to all residential properties within the municipality.

7.1 Security

7.1.1 All operable windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.

7.1.2 All exterior doors to a dwelling unit shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space.

7.1.3 Solid core or equivalent exterior type doors shall be provided for all entrances to dwellings and dwelling units.

7.1.4 The owner of a dwelling, upon the written request of an occupant of a dwelling unit in which children under the age of ten years are occupants, shall be subject to subsection 7.1.5 below, and shall provide and install a protective device on any window that,

(a) has a moveable sash, and

(b) is more than 2.0 metres (6 feet 3 inches) above adjacent finished ground level.

7.1.5 A protective device shall be installed within seven (7) days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, unless that such person and the occupant giving notice agree that the protective device is not required on every such window that meets the requirements of Section 7.2.4 above.

7.1.6 The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 millimetres (4 inches).

7.2 Water

7.2.1 Every dwelling shall be provided with a supply of potable water from at least one of the following sources:

(a) Municipal Water System;

(b) Communal Water System; or

(c) Private Source

7.2.2 For the purpose of this by-law, hot water shall be supplied at a temperature of not less than 43° Celsius (100° Fahrenheit) and not

more than 49° Celsius (120° Fahrenheit) other than for installed dishwashers or clothes washers

7.3 Kitchen and Washroom Facilities

7.3.1 Every dwelling unit shall contain plumbing fixtures in operative condition, consisting of a minimum of:

- (a) one kitchen sink;
- (b) one water closet;
- (c) one hand wash basin; and
- (d) one bathtub or shower

7.3.2 The walls to a minimum height of 900 mm (3 feet) above the bathtub rim in every washroom is to be maintained as to be water-resistant and readily cleaned.

7.3.3 All washrooms and toilet rooms shall be located within and accessible from within the building.

7.3.4 All washrooms and toilet rooms shall be fully enclosed so as to provide privacy for the occupant.

7.3.5 A hand wash basin shall be located in the same room as each toilet or in an adjoining washroom except that no sink in a kitchen shall be considered a hand wash basin for the purpose of this Part.

7.3.6 Where toilet, kitchen or washroom facilities are shared by the occupants of residential accommodation, 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. The minimum number of toilets, kitchens or washrooms required shall be in accordance with the Ontario Building Code.

7.3.7 Every washroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good work order.

7.3.8 No toilet or urinal shall be located within a bedroom or kitchen.

7.4 Kitchen Facilities

7.4.1 Every dwelling unit shall be provided with a kitchen.

7.4.2 The kitchen provided for in Section 7.4.1 shall:

- (a) be equipped with a sink that:
 - i) is provided with a potable cold and hot water supply; and
 - ii) is maintained in a state of good repair;
 - iii) has a back splash which is water & grease resistant
- (b) be equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking surface;
- (c) when equipped with a refrigerator, cooking surface, or kitchen fixtures, such appliances or fixtures shall be maintained in working order;
- (d) has a clear space above any exposed cooking surface of a cooking apparatus of at least 610 mm (24 inches).

7.5 Electrical Services

7.5.1 Where electrical services are available, every suite and dwelling unit shall be:

- (a) connected to an electrical supply system; and
- (b) wired to receive electricity.

7.5.2 An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

7.6 Ventilation

7.6.1. In every dwelling unit, all habitable rooms, washrooms and toilet rooms shall have adequate ventilation, either natural or mechanical to maintain a healthy environment.

7.7 Garages

7.7.1. Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

7.8 Egress

7.8.1 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.

7.8.2 Each dwelling and every building containing more than one dwelling unit shall have at least two (2) exists. 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 through a room or means of egress that has unrestricted access to the occupants of the dwelling unit.

7.9 Elevators

7.9.1. A building containing one or more dwelling units and more than three storeys in height and which has an elevator or elevators for the use of tenants shall have at least one elevator maintained and operable except for such reasonable time as may be required for repair or replacement.

7.10 Pest Control

7.10.1 Every dwelling, multiple dwelling and dwelling unit shall be kept free of infestation by pest(s).

7.10.2 Openings, including windows, that permit the entry of rodents, insects vermin or other pests shall be appropriately screened or sealed.

7.11 Interior Structure and Floors

7.11.1 Every structural component in every building, shall be of sound material and adequate for the load to which they are subjected.

7.11.2 Every floor shall be level and free of excessive holes and maintained to be safe, such defective floors shall be repaired or replaced.

7.11.3 Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that may create

an unsafe condition, the sheet or other flooring shall be repaired or replaced.

7.11.4 Every wall and ceiling shall be maintained in a condition free from excessive holes, open cracks, loose covering or other substantial defects. Walls surrounding showers and bathtubs shall be impervious to water.

7.11.5 Where fire resistant walls, doors and/or floors exist between separate dwelling units, they shall be maintained in a condition, which maintains their fire-resistant quality.

7.12 Plumbing System

7.12.1 The plumbing system in every building shall be maintained in good working order and free from leaks and defects.

7.12.2 All water pipes and appurtenances thereto shall be protected from freezing.

7.12.3 All plumbing fixtures shall be connected to a sewage system shall be protected by a P trap.

7.13 Heating System

7.13.1 Except for spaces exempted by the Ontario Building Code, a heating system shall be installed in every building or dwelling that is capable of supplying during normal hours of occupancy sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) at the outside design temperature specified in the Ontario Building Code.

7.13.2 For the purposes of subsection 7.13.1., heat shall be provided and maintained so that the room temperature at 1.5 metres (5 feet) above floor level and 1 metre (39 inches) from exterior walls in all habitable rooms and in any area intended for use by occupants including washrooms, and laundry rooms but excluding sun rooms, locker rooms and garages, is capable of maintaining 20° Celsius (68° Fahrenheit).

7.13.3 A fuel fired heating appliance shall not be located in corridors, hallways or other means of egress.

7.13.4 Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.

7.13.5 All fuel burning appliances, equipment and accessories to such appliances and equipment, in a dwelling shall be installed and maintained to the standards provided by the applicable legislation.

7.14 Exemption

7.14.1 This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.

7.14.2 This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the most current version of the Farming and Food Production Protection Act, from performing day to day operations.

7.15 Reporting of Section 7

7.15.1 Any persons reporting inadequate property maintenance standards covered by sections 7.1 through 7.14, must be:

- a) A resident of the dwelling unit or property the concern applies to; or
 - b) an agent acting directly on the behalf of a resident of the dwelling unit
- 7.15.2 Except in the case of immediate life safety concerns, before provisions of Section 7 of this By-law are enforced all issues shall be reported in writing to the property owner or agent, and a reasonable amount of time be given to allow necessary repairs.

PART 8 – ADMINISTRATION AND PENALTIES

8.1 Obstruction

- 8.1.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.
- 8.1.2. Any person who is alleged to have contravened any provision of this By-law shall identify themselves to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the Officer in the execution of the Officer's duties.

8.2 Powers of Entry

- 8.2.1. An Officer or any person acting under their instruction may, upon producing proper identification, enter upon a property at any reasonable time without a warrant for the purpose of inspecting the property to determine:
 - a) whether the property conforms to the standards prescribed in this By-law; or,
 - b) whether an Order made under section 15.2(2) of the Building Code Act, 1992, has been complied with.
- 8.2.2. For the purposes of an inspection under this By-law, and Officer may:
 - a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
 - b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to a property or part thereof;
 - d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
 - e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs, necessary for the purposes of the inspection; and
 - f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

8.3 Informal Notice

8.3.1. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law may issue an informal notice to the owner of the property:

- a) stating the municipal address or legal description of the property containing the non-conformity;
- b) giving reasonable particulars of the repairs to be made;
- c) indicating the time for complying with the notice, and giving notice that if not complied with an Order may be issued.

8.3.2. An informal notice shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.

8.4 Formal Notice & Order

8.4.1. An officer who finds that an informal notice has not been complied with may issue a formal notice and/or an Order to Remedy Violation to the owner of the property:

- 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.

8.4.2. An officer who finds that a property does not conform with any of the standards prescribed in this By-law may, without first issuing an informal notice, issue a formal notice and/or an Order to Remedy Violation to the property owner:

- 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.

8.4.3. A formal notice shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.

8.4.4. An Order to Remedy Violation shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.

8.4.5. An Order shall be served on the owner of the property and such other persons affected by it, as an Officer determines, and a copy of the

Order may be posted on the property in a location visible to the public.

- 8.4.6. An Order may be served personally, by email to the last known email address of the person to whom service is requiring to be made, or by registered mail sent to the last known address of the person to whom the notice is given or to that person's agent for service.
- 8.4.7. If a notice or Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.
- 8.4.8. If a notice or Order is served by email, the service is deemed to have been made on the day of sending unless,
 - a) the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or
 - b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.
- 8.4.9. An Order may be registered in the proper land registry office, and upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under section 8.4.5. & 8.4.6. of this By-law and, when the requirements of the Order have been satisfied, a certificate of compliance shall be registered forthwith, which shall operate as a discharge of the Order.

8.5 Notice of Appeal

- 8.5.1. An owner or occupant who has been served with an Order may appeal the Order to the Property Standards Committee by sending a Notice of Appeal by registered mail to the secretary of the Committee within fourteen days of being served with the Order.
- 8.5.2. An Order that is not appealed within the time provided by subsection 8.5.1. of this By-law shall be deemed to be confirmed.
- 8.5.3. The Town or any owner or occupant or person affected by a decision under subsection 9.9.1. of this By-law may appeal to the Superior Court of Justice by notifying the Town Clerk in writing and by applying to the court within fourteen days after a copy of the decision is sent, and the provisions of sections 15.3(5) through (7) of the Building Code Act, 1992 shall apply thereto.

8.6 Failure to Comply with an Order

- 8.6.1. If an Order is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Property Standards Committee, or a judge of the Superior Court of Justice, the Town may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be.
- 8.6.2. For the purpose of subsection 8.6.1. of this By-law, employees or agents of the Town may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the area of non-compliance.

- 8.6.3. The Town or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under subsection 8.6.1. of this By-law.
- 8.6.4. The Town shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolition under subsection 8.6.1. of this By-law and the amount shall have priority lien status as described in s.1 of the Municipal Act, 2001.

8.7 Certificate of Compliance

- 8.7.1. An Officer who inspects a property and is of the opinion that the property is in compliance with the standards established by this By-law may issue a certificate of compliance to the owner.
- 8.7.2. Where an owner requests a certificate of compliance and where, having inspected the property, an Officer is of the opinion that the property is in compliance with the standards established by this By-law, the Officer shall issue a certificate to the owner.
- 8.7.3. A certificate of compliance shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.

8.8. Offences

- 8.8.1. A person who fails to comply with an order, direction or other requirement made under the Building Code Act, 1992 and this By-law is guilty of an offence.
- 8.8.2. A person who is convicted of an offence under this By-law is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.
- 8.8.3. Notwithstanding subsection 8.8.2., if a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed upon the corporation is \$500,000 for the first offence and \$1,500,000 for a subsequent offence.
- 8.8.4. If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or repetition of the offence by the person convicted.

8.9 Fees

- 8.1.1. Every owner shall pay the fees imposed pursuant to the Town's User Fees By-law which become due and payable upon written notification by an Officer or upon issuance of an invoice by the Town.
- 8.1.2. Where an owner is in default of payment of fees for more than thirty (30) calendar days after due, the Town may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

8.10 Cost Recovery

- 8.10.1. Where the Town does work or causes work to be done such work shall be done at the expense of the owner.
- 8.10.2. If the Town undertakes the work to correct the contraventions, the owner will be charged one-hundred percent of the cost of any third party invoice plus any costs incurred by the Town.

- 8.10.3. If the owner fails to pay the cost of the work completed under this By-law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

PART 9 – PROPERTY STANDARDS COMMITTEE

9.1 Members of the Property Standards Committee

- 9.1.1. Council shall pass a By-law to provide for the establishment of a Property Standards Committee, composed of such persons that the Council considers advisable to hold office for such term and on such conditions as the By-law may establish.
- 9.1.2. The Property Standards Committee shall not be composed of fewer than three members.
- 9.1.3. Appointed members of the Property Standards Committee shall not be members of Council, or employees of the municipality.
- 9.1.4. The Council shall forthwith fill any vacancy that occurs in the membership of the Property Standards Committee.

9.2 Compensation

- 9.2.1. The members of the Property Standards Committee shall be paid such compensation as the Council may provide.

9.3 Chair

- 9.3.1. The members of the Property Standards Committee shall elect one of themselves as chair; when the chair is absent through illness or otherwise, the Property Standards Committee may appoint another member as acting chair.

9.4 Quorum

- 9.4.1. A majority of members of the Property Standards Committee constitutes a quorum for transacting the Property Standards Committee's business.

9.5 Secretary

- 9.5.1. The members shall make provisions for a secretary for the Property Standards Committee.
- 9.5.2. The secretary shall keep on file the records of all official business of the Property Standards Committee, including records of all applications and minutes of all decisions respecting those applications.

9.6 Rules of Procedure and Oaths

- 9.6.1. The Property Standards Committee may, subject to section 15.6(8) of the Building Code Act, 1992, adopt its own rules of procedure and any member may administer oaths.

9.7 Notice

- 9.7.1. The Property Standards Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

9.8 Duty of the Property Standards Committee

9.8.1. The Property Standards Committee shall hear appeals of Orders issued under 15.2(2) of the Building Code Act, 1992.

9.8.2. The Property Standards Committee shall hear evidence and determine if an Order issued under 15.2(2) of the Building Code Act, 1992, has or has not been complied with, in accordance with 15.4(1) of the Building Code Act, 1992.

9.9 Powers of the Property Standards Committee

9.9.1. On an appeal, the Property Standards Committee has all the powers and functions of the Officer who made the Order and the Property Standards Committee may do any of the following things if, in the Property Standards 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 Orders issued under the Property Standards By-law.
2. Extend the timer period for complying with the Order.

PART 10 - ENACTMENT

10.1 By-law Coming Into Force

10.1.1. This By-law shall come into force and effect upon the date of passing.

10.2 Repeal

10.2.1. Town of Kirkland Lake By-law 19-054 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2022.

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk



Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Informal Notice

Informal Notice of Non-Compliance with Property Standards By-law

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

RE: [Property of Concern, Roll Number]

Dear Sir/Madam:

Please be advised that on [date of inspection], an inspection of your property, as noted above, revealed non-compliance with the Town of Kirkland Lake's Property Standards By-law, 2022-000.

Attached to this letter is a *Schedule A* form, which details the areas of non-compliance. Please correct the areas of non-compliance at your earliest convenience, and within the time frames indicated in the *Schedule A*.

Be advised that if the areas of non-compliance are not addressed, or addressed in a way that is deemed to be insufficient, By-law 2022-000 gives the Town of Kirkland Lake the authority to issue an Order to Remedy Violation pursuant to Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c.23. Non-compliance with an Order to Remedy Violation is an offence under the Provincial Offences Act.

It is desired that compliance is obtained through this informal notice so that the abovementioned procedural step will not be necessary.

A follow-up inspection of this property will take place on or about [insert date] to determine if compliance with the Property Standards By-law has been achieved. If the areas of non-compliance are addressed before that date, please notify the building department by emailing building@tkl.ca.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

Violations of Property Standards By-law

Schedule A

Address: [Insert property address]

Item 1	
Property Standards Violation	[Insert clause of non-compliance from Property Standards By-law]
Required Action	[Insert required action]
[Insert photo(s) of violation]	

Item 2	
Property Standards Violation	[Insert clause of non-compliance from Property Standards By-law]
Required Action	[Insert required action]
[Insert photo(s) of violation]	

Item 3	
Property Standards Violation	[Insert clause of non-compliance from Property Standards By-law]
Required Action	[Insert required action]
[Insert photo(s) of violation]	



Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Formal Notice (Follow-up)

Formal Notice of Non-Compliance with Property Standards By-law

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

RE: [Property of Concern, Roll Number]

Dear Sir/Madam:

Please be advised that on [insert date of informal notice], an informal notice was sent to your address alerting you to your property's non-compliance with the Town of Kirkland Lake's Property Standards By-law, 2022-000.

The area(s) of non-compliance detailed in that notice have not been addressed, or have been addressed in way that has been deemed insufficient. As such, the Town is now issuing an Order to Remedy Violation, ordering you to correct the area(s) of non-compliance. Attached to this formal notice is the Order to Remedy Violation, and the previously sent Schedule A form, outlining the areas of non-compliance.

A follow-up inspection of this property will take place on or about [insert date] to determine if compliance with the Property Standards By-law has been achieved. If the areas of non-compliance are addressed before that date, please notify the building department by email at building@tkl.ca.

Not complying with an Order to Remedy Violation is an offence, and can carry a financial penalty. If the area(s) of non-compliance are not adequately addressed during the time period stated in the Order, the Town may correct the deficiency and collect the cost to do so through the municipal tax system. A certificate of compliance will be issued by the Town when the area(s) of non-compliance are adequately addressed.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer



Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Formal Notice (Direct)

Formal Notice of Non-Compliance with Property Standards By-law

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

RE: [Property of Concern, Roll Number]

Dear Sir/Madam:

Please be advised that on [insert date of inspection], an inspection of your property, as noted above, revealed non-compliance with the Town of Kirkland Lake's Property Standards By-law, 2022-000.

Attached to this notice is a *Schedule A* form, which details the areas of non-compliance. Also attached is an *Order to Remedy Violation*, issued under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c.23. Please note that non-compliance with an Order to Remedy Violation is an offence under the Provincial Offences Act.

Please correct the area(s) of non-compliance at your earliest convenience, and within the time frame(s) indicated in the Order.

A follow-up inspection of this property will take place on or about [insert date] to determine if compliance with the Property Standards By-law has been achieved. If the areas of non-compliance are addressed before that date, please notify the building department by email at building@tkl.ca.

If the area(s) of non-compliance are not adequately addressed during the time period stated in the Order, the Town may correct the deficiency and collect the cost to do so through the municipal tax system. A certificate of compliance will be issued by the Town when the area(s) of non-compliance are adequately addressed.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

Town of Kirkland Lake Development Services – Building Division
T: 705 567 9365 ext. 326 E: building@tkl.ca A: 1 Dunfield Road, Kirkland Lake, ON P2N 3P4



Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Order to Remedy Violation

Order to Remedy Violation of Property Standards By-law

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

Inspection:

Date of Inspection: _____

Inspected by: _____

Address Inspected: _____

Name of Owner: _____

Property Occupied by: _____

Non-conformity:

See attached *Schedule A*.

Required Action:

See attached *Schedule A*.

Terms:

Take notice that if such required actions are not completed within the time specified, the municipality may carry out the required actions at the expense of the property owner. BCA Clause 15.2(2)(c)
Appeal to property standards committee – an owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the property standards committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen (14) days of the serving of this order. BCA Clause 15.3(1).
Offence – A person is guilty of an offence if the person fails to comply with order made under the Building Code Act. A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first time offence. BCA Subsection 36(3).

Served by:

Property Standards Officer



Notice of Appeal

Notice of Appeal of Order to Remedy Violation

Pursuant to Section 15.3(1) of the Building Code Act, 1992, S.O. 1992, c.23

Secretary, Property Standards Committee
Town of Kirkland Lake
P.O. Box 1757
3 Kirkland Street West
Kirkland Lake, ON P2N 3P4

Date: _____

RE: Property Standards Order No.: _____

Address of Property Under Order: _____

TAKE NOTICE of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above references Order to Remedy Violation served upon the undersigned.

Date of Order: _____ Name of Property Owner: _____

Telephone Number: _____ Email: _____

Reason for Appeal Request: _____

Pursuant to Section 15.3(1) of the Building Code Act, 1992, S.O. 1992, c.23:

An owner or occupant who has been served with an order made under subsection 15.2(2) of the Building Code Act, and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen (14) days after being served with the order.

Signature of Property Owner



Certificate of Compliance

Certificate of Compliance with Property Standards By-law 22-050

Pursuant to Section 15.5(1) of the Building Code Act, 1992, S.O. 1992, c.23

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

RE: Property Standards Order No.: _____

Address of Property Under Order: _____

On [insert date of inspection] an inspection was conducted at the above stated property. At the time of the inspection, the property was in compliance with the standards established in the Town of Kirkland Lake's Property Standards By-law 22-000.

Pursuant to Section 15.5(1) of the Building Code Act, 1992, S.O. 1992, c.23:

An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner.

Property Standards Officer