

Corporation of the Township of Howick

By-law No. 28-2023

Being a By-law for Prescribing Standards for the Maintenance and Occupancy of Property within the Boundaries of The Corporation of The Township of Howick

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Township of Howick includes provisions relating to property conditions;

AND WHEREAS the Council of The Township of Howick is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS subsection 11 of the Municipal Act provides that Council may pass by-laws in respect of the health, safety and well-being of persons:

AND WHEREAS the Council of the Township of Howick now wishes to repeal By-law 10-2010;

NOW THEREFORE the Council of The Township of Howick **ENACTS AS FOLLOWS:**

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**PART 1
DEFINITIONS**

1.1. DEFINITIONS

“Accessory Building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property;

“Act” means an enactment or statute of the Province of Ontario;

“Approved” means acceptance by the Property Standards Officer;

“Basement” shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;

“Building” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

“Building Code” means the Building Code Act and any regulations made under that Act;

“Chief Official” means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, c. 23 and having jurisdiction for the enforcement thereof;

“Code” means a regulation of the Province of Ontario known,

- (a) with respect to matters relating to building, as the Building Code;
- (b) with respect to matters relating to electricity, as the Electrical Safety Code;
- (c) with respect to matters relating to fire, as the Fire Code; and
- (d) with respect to matters relating to plumbing, as the Plumbing Code;

“Committee” means a Property Standards Committee established under this Chapter;

“Council” shall mean the Council of the Township of Howick;

“Dwelling” means a building means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;

“Dwelling unit” means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment;

“Exterior property area” means the building lot excluding buildings;

“Fence” means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen;

“First Storey” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;

“Ground cover” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping;

“Guard” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;

“Habitable room” means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without

limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;

“Non-habitable space” means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy;

“Non-Residential Property” - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein;

“Occupant” means any person or persons over the age of eighteen years in possession of the property;

“Officer” means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing the provisions of this by-law;

“Owner” includes the owner in trust, a mortgagee in possession, 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 his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include 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;

“Person” means and includes any person, firm, partnership, corporation, company, association, or organization of any kind;

“Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property;

“Repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law;

“Safe condition” means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition;

“Sewage system” means the Township of Howick system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the Township of Howick;

“Sign” means 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;

“Snow disposal site” means only those lands on which snow is placed after being brought to the lot from another lot, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot;

“Snow storage site” means that portion of lands being used for the storage of snow that has been moved to one portion of a lot after being cleared from another portion or portions of a lot;

“Township” shall mean The Corporation of the Township of Howick unless the context requires otherwise;

“Vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power-driven equipment;

“Visual barrier” shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and

shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official;

“Waste” means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather;

“Yard” means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART 2 GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.1. SCOPE

- 2.1.1.** No owner or occupant of property shall use, occupy, or allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this by-law.
- 2.1.2.** No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this by-law.
- 2.1.3.** The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.
- 2.1.4.** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
- 2.1.5.** All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.
- 2.1.6.** This by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

2.2. LOT GRADING

- 2.2.1.** All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.
- 2.2.2.** No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is:
 - (a) a construction site for which a building permit is in effect.
- 2.2.3.** No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:
 - (a) a construction site for which a building permit is in effect;
 - (b) a property being subdivided under subdivision agreement with the Township of Howick; or

(c) property being actively farmed.

2.3. WALKWAYS AND DRIVEWAYS

2.3.1. Surface conditions of walkways, driveways and yards shall be installed and maintained in a safe condition with non-organic ground cover so as to:

- (a) prevent ponding of storm water;
- (b) not exhibit an unsightly appearance;
- (c) be kept free of garbage and waste;
- (d) be kept free of deep ruts and holes;
- (e) provide for safe passage under normal use and weather conditions, day or night; and
- (f) not to create a nuisance to other property.

2.4. PARKING LOTS

2.4.1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.

2.5. UNENCLOSED PORCH – BALCONY

2.5.1. Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste, or appliances.

2.6. GARBAGE RECEPTACLES

2.6.1. Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

2.6.2. Receptacles for garbage shall be:

- (a) made of watertight construction;
- (b) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
- (c) maintained in good condition without holes or spillage; and
- (d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.

2.6.3. Plastic bags shall be considered acceptable receptacles under subsection above provided they are:

- (a) adequately secured so as to prevent spillage;
- (b) not stored outdoors unless protected from access by animals or vermin; and
- (c) are otherwise maintained in compliance with subsection 2.6.2. above.

2.6.4. Paper receptacles are not acceptable under this section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection by-laws.

2.6.5. Where commercial, industrial, or residential on-site garbage containers are visible from a public street or land, or residential properties, the area where the receptacles are stored shall be screened from view.

2.7. GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS

2.7.1. Garbage chutes, disposal and collection rooms, containers and receptacles shall be washed down, disinfected and maintained to be clean, odour free and in good working order and good repair.

2.8. SNOW DISPOSAL – STORAGE

- 2.8.1.** A property owner shall cause any snow disposal site or a snow storage site on that property to be:
- (a) maintained so as not to cause a hazard on the property; and
 - (b) maintained in such a manner and location on a property so as to prevent a hazard, flooding, erosion and other damage to neighbouring private or public lands.

2.9. EXTERIOR LIGHTING

- 2.9.1.** Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 2.9.2.** All parking and common areas shall be illuminated so as to provide safe passage.
- 2.9.3.** Facilities for lighting shall be maintained in a good state of repair.

2.10. RETAINING WALLS

- 2.10.1.** All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

2.11. WELL – CISTERN – CESSPOOL – PRIVY VAULT – PIT OR EXCAVATION

- 2.11.1.** A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

2.12. ACCESSORY BUILDINGS

- 2.12.1.** The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
- (a) constructed with suitable materials;
 - (b) maintained in good repair; and
 - (c) protected from deterioration by the application of paint or other suitable protective material.

2.13. FENCES

- 2.13.1.** A fence erected on a property or separating adjoining properties shall be maintained:
- (a) in good repair (free from loose or insufficiently secured, rotten, warped or broken materials);
 - (b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
 - (c) shall be free of dangerous objects; and
 - (d) reasonably plumb, unless specifically designed to be other than vertical.

2.14. TOWERS – GANTRIES – MASTS – ANTENNAE

- 2.14.1.** Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained: a) reasonably plumb, unless specifically designed to be other than vertical; b) in good repair; and c) in a safe and structurally sound condition.

2.15. SIGNS

- 2.15.1.** A sign and any structure connected therewith shall be installed and maintained:

- (a) in good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated;
- (b) in a safe and structurally sound condition; and
- (c) in a reasonably vertical plane unless otherwise approved by the Township of Howick.

2.15.2. An unused or discarded sign shall be removed from the property or shall be stored within a building.

PART 3 EXTERIOR OF BUILDINGS STRUCTURES

3.1. STRUCTURAL ADEQUACY – CAPACITY

3.1.1. All repairs and maintenance of property required by the standards prescribed in this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

3.1.2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:

- (a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
- (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- (c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
- (d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

3.2. FOUNDATION WALLS – BASEMENTS

3.2.1. All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.

3.2.2. Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

3.3. EXTERIOR WALLS – SURFACES – CLADDING – MASONRY

3.3.1. All exterior walls and surfaces of every building or structure shall be:

- (a) sound, plumb, and weather tight, free from loose or unsecured objects and maintained in good repair;
- (b) in good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding, flashing or trim, cracked, broken or loose stucco, loose or unsecured objects; and
- (c) so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weather tight finishing, or the installation of termite shields, if required.

3.3.2. All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.

3.3.3. Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

3.4. DOORS – WINDOWS – CELLAR – HATCHWAYS

3.4.1. Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall

be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building and to minimize heat loss through infiltration.

3.4.2. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.

3.4.3. All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.

3.4.4. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

3.5. WINDOW SCREENS

3.5.1. When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:

- (a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- (b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

3.6. CANOPIES – MARQUEES – AWNINGS

3.6.1. All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust by a periodic application of weather-coating material.

3.7. ROOF

3.7.1. Every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition.

3.7.2. Without restricting the generality of this section, such maintenance includes:

- (a) removal of loose, unsecured or rusted objects or materials;
- (b) removal of dangerous accumulations of snow or ice;
- (c) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
- (d) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

3.8. EAVESTROUGH SYSTEM – METAL DUCTS – FLASHING

3.8.1. Metal eavestrough, roof gutter, rainwater pipe, downspouts, flashing and all exterior metal ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.

3.8.2. Metal eavestroughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.

3.8.3. Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

3.9. CHIMNEY FLUES

- 3.9.1.** Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
- (a) the entrance of smoke or gases into a building;
 - (b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
 - (c) fire, health or other hazards.
- 3.9.2.** Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.
- 3.10. GARAGE – CARPORT**
- 3.10.1.** The construction between an attached or built-in garage or carport and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.
- 3.10.2.** A door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- 3.10.3.** Garages and carports, including floors, shall be maintained in good repair and free from hazards.

**PART 4
INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS**

4.1. INTERIOR STRUCTURE – COLUMNS – BEAMS

- 4.1.1.** In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

4.2. WALLS – CEILINGS

- 4.2.1.** Every interior surface and finishes of walls and ceilings shall be maintained:
- (a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned;
 - (b) free of holes, cracks, loose plaster or other material;
 - (c) in a safe condition; and
 - (d) so as to possess the fire-resistant properties required by the Building and Fire Codes.
- 4.2.2.** In any bathroom, the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

4.3. FLOORS

- 4.3.1.** Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- 4.3.2.** Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

4.4. STAIRS – HANDRAILS – GUARDS

- 4.4.1.** Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
- 4.4.2.** Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.

4.4.3. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint or protective coating.

4.5. ELEVATORS

4.5.1. Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

4.5.2. All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:

- (a) in good working order and good repair; and
- (b) in a safe condition.

4.6. MEANS OF EGRESS

4.6.1. Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.

4.6.2. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.

4.6.3. In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.

4.6.4. Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.

4.6.5. All means of egress within a non-residential property shall be maintained free from all obstructions or impediments and shall be:

- (a) provided with clear, unobstructed, and readily visible exit signs for every required exit; and
- (b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

4.7. HEATING

4.7.1. Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21°Celsius (70 °Fahrenheit) at all times.

4.7.2. 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.

4.7.3. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.

4.7.4. No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

4.7.5. Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.

- 4.7.6. If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- 4.7.7. Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.
- 4.7.8. Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

4.8. AIR CONDITIONING

- 4.8.1. Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
- 4.8.2. Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
- 4.8.3. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

4.9. ELECTRICAL

- 4.9.1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 4.9.2. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
- 4.9.3. Extension cords are not permitted on a permanent basis as per the Ontario Electrical Safety Code.

4.10. VENTILATION

- 4.10.1. Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- 4.10.2. Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- 4.10.3. When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this by-law.
- 4.10.4. An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- 4.10.5. Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

4.11. LIGHTING

- 4.11.1. Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed

lighting fixture that shall be maintained in a safe condition and in good working order.

- 4.11.2.** Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

4.12. PLUMBING

- 4.12.1.** All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

- 4.12.2.** Plumbing systems on a property shall be provided, installed and maintained:
- (a) in compliance with the respective requirements of any applicable Act or by-law;
 - (b) in good working order and good repair; and
 - (c) in a safe condition.

- 4.12.3.** All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.13. WATER SUPPLY

- 4.13.1.** Every dwelling and every building to which water is available under adequate pressure through piping shall be provided with:

- (a) a supply of hot water at a temperature of not less than 43 degrees Celsius, and not exceeding a temperature of 49 degrees Celsius, except for dishwashers and clothes washing, and maintained in all dwelling units;
- (b) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
- (c) piping for cold water connected to every toilet and hose bib.

4.14. SEWAGE SYSTEM

- 4.14.1.** Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.

- 4.14.2.** Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

- 4.14.3.** The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to or impair the functioning of the sewage system.

4.15. MOULD

- 4.15.1.** Any extensive accumulation of mould shall be immediately cleaned and/or removed by the owner of the building.

- 4.15.2.** No person shall occupy, or permit the occupancy of, a building, or portion thereof, where an extensive accumulation of mould exists which could pose a health concern to any person who occupies the building, or portion thereof.

- 4.15.3.** Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed by the owner of the building.

- 4.15.4.** Notwithstanding any other provision of this by-law, section 4.15.1. and 4.15.2. shall not apply if, in the opinion of a Property Standards Officer, the presence of mould is minor in nature and relates to general maintenance and/or lifestyle.

4.16. INSULATION

- 4.16.1. The insulation requirements of the Ontario Building Code as amended from time to time, shall be complied with where necessary and practical.
- 4.16.2. Every dwelling shall be provided with sufficient thermal insulation and vapour barrier to prevent moisture condensing on the interior surfaces of walls, ceilings and floors during the winter and to ensure comfortable conditions for the occupants.

4.17. APPLIANCES

- 4.17.1. All appliances, equipment, accessories and installations provided by the owner shall be installed and maintained in good repair and working order and used for their intended purposes.

4.18. INFESTATION

- 4.18.1. All buildings shall be kept free from vermin, termites and other injurious insects.

PART 5

ADDITIONAL REQUIREMENTS FOR RESIDENTIAL OCCUPANCY

5.1. OCCUPANCY STANDARDS

- 5.1.1. A non-habitable room shall not be used as a habitable room.
- 5.1.2. No kitchen shall be used as a bedroom.
- 5.1.3. The maximum number of persons residing in a dwelling unit shall not exceed two persons per bedroom.
- 5.1.4. The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
- 5.1.5. The minimum area of a bedroom in a dwelling unit used by only one person shall be 6 square metres (64.5 square feet);
- 5.1.6. The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 8 square metres (86 square feet).
- 5.1.7. Every habitable room shall have a ceiling height of at least 2.13 metres (7 feet), except the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 5.1.8. No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - (a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - (b) each habitable room shall comply with all the requirements for ingress and egress;
 - (c) light, ventilation and ceiling height set out in this by-law and the Building Code;
 - (d) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water.

5.2. TOILET AND BATHROOM FACILITIES

- 5.2.1. Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
- 5.2.2. All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit;
- 5.2.3. All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant;

- 5.2.4. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

PART 6

ADDITIONAL REQUIREMENTS FOR NON-RESIDENTIAL PROPERTY STANDARDS

6.1. MEANS OF EGRESS

- 6.1.1. All means of egress within a non-residential property shall:
- (a) be maintained free from all obstructions or impediments;
 - (b) be provided with clear, unobstructed and readily visible exit signs, for every required exit;
 - (c) be provided with lighting facilities capable of illuminating the means of egress; and
 - (d) ensure the safe passage of persons exiting the building.

6.2. GUARDRAILS

- 6.2.1. A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers, including the landing or a height of 60 cm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies but not at loading docks, at floor pits in repair garages or where access is provided for maintenance purposes. Guardrails, balustrades and handrails shall be constructed and maintained to be rigid in nature.

6.3. SEPARATIONS

- 6.3.1. Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

6.4. VENTILATION

- 6.4.1. All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.
- 6.4.2. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
- 6.4.3. Where a system of mechanical ventilation to exhaust noxious fumes, gases, dust or sawdust from a building is installed, the discharge from the system shall comply with the Building Code.
- 6.4.4. Mechanical ventilating equipment and the supports for each equipment shall be maintained in good repair and in safe mechanical condition.

6.5. LIGHTING

- 6.5.1. All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

PART 7

VACANT – DAMAGED – DEMOLITION

7.1. VACANT LAND

7.1.1. Vacant land shall be maintained to the standards as described in Part 2, of this by-law.

7.1.2. Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

7.2. VACANT BUILDINGS

7.2.1. If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.

7.2.2. The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

7.2.3. If a building remains vacant for a period of more than ninety (90) days, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected and secure the building to prevent accidental or malicious damage to the building or adjacent property. This provision shall not apply where such utilities are necessary for the safety or security of the building.

7.3. DAMAGE BY FIRE – STORM – OTHER CAUSES

7.3.1. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.

7.3.2. Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly.

7.4. DEMOLISH BUILDING

7.4.1. Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and levelled condition.

7.4.2. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

**PART 8
ADMINISTRATION AND ENFORCEMENT**

8.1. APPLICATION

8.1.1. This by-law shall apply to all property within the limits of the municipality.

8.2. MEASUREMENT

8.2.1. The imperial measurements contained in this by-law are given for reference only.

8.3. ADMINISTRATION

8.3.1. Property Standards Officers, appointed by Council, are hereby assigned the responsibility of administering and enforcing this by-law.

8.4. ASSISTANCE

8.4.1. A Property Standards Officer may request the assistance of any person in the administration or enforcement of this by-law.

8.5. INSPECTION

8.5.1. An Officer or any person acting under his or her instructions may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an Order made under this by-law has been complied with.

8.5.2. For the purposes of an inspection under subsection 8.5.1, an 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.

8.6. OBSTRUCTION

8.6.1. Where a Property Standards Officer has reasonable grounds to believe that an offence has been committed by a person, the authorized officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

8.6.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the exercise of a power or the performance of a duty under this by-law.

8.7. NON-COMPLIANCE

8.7.1. The owner of any property which does not conform to the standards as set out in this by-law shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, waste or refuse and left in a levelled and graded condition.

8.8. ORDER TO REMEDY

8.8.1. A Property Standards Officer who finds that a property does not conform to any of the standards prescribed in the by-law may make an Order pursuant to Section 15.2 of the Building Code Act:

- (a) stating the municipal address or the legal description of such 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.

- 8.8.2.** The Order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the Order may be posted on the property.
- 8.8.3.** No person shall obstruct the visibility of an Order and no person shall remove a copy of any Order posted under this by-law unless authorized to do so by a Property Standards Officer.
- 8.8.4.** An Order required by this by-law to be served may be served personally, by email to the last known email address of the person to whom service is required to be made or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
- 8.8.5.** If an Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of 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 Order was not received until a later date.
- 8.8.6.** If an Order is served by email, the service shall be 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 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.
- 8.8.7.** An Order may be registered on the property in the 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 subsection 8.8.2 and, when the requirements of the Order have been satisfied, the clerk of the municipality shall forthwith register in the Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.
- 8.9. APPEAL TO PROPERTY STANDARDS COMMITTEE**
- 8.9.1.** Council of the Corporation of the Township of Howick shall, by by-law, appoint no fewer than three (3) persons of the municipality to the Property Standards Committee for a term concurrent with the term of Council. Said by-law shall prescribe the remuneration to be paid to such Committee members.
- 8.9.2.** An owner or occupant who has been served with an Order made under subsection 8.8.1, and who is not satisfied with the terms or conditions of the Order may appeal to the Property Standards Committee by sending a Notice of Appeal by registered mail, to the Secretary of the Property Standards Committee within 14 days after being served the Order. The Notice of Appeal shall be accompanied by payment, in the form of a certified cheque or a money order, of the prescribed fee as set out in the Township's Fees and Charges By-law, as amended from time to time.
- 8.9.3.** An order that is not appealed within the time referred to in subsection 8.9.2 shall be deemed to be confirmed.
- 8.9.4.** Where a Notice of Appeal is received in accordance with subsection 8.9.2, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the officer who made the Order, and may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan:
- (a) confirm, modify or rescind the Order to demolish or repair; or
 - (b) extend the time for complying with the Order.

8.9.5. The Township, or any owner or occupant or person affected by a decision under subsection 8.9.4 may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent by the Committee.

8.9.6. On the appeal, the judge has the same powers and functions as the committee.

8.9.7. An Order that is deemed to be confirmed under subsection 8.9.3. or that is confirmed or modified by the committee under subsection 8.9.4 or by a judge under subsection 8.9.6, as the case may be, shall be final and binding upon the owner and/or occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

8.10. POWER OF TOWNSHIP TO REPAIR OR DEMOLISH

8.10.1. If an Order of a Property Standards Officer under subsection 8.8.1 is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Committee or a Judge, the Township of Howick may cause the property to be repaired or demolished accordingly.

8.10.2. For the purpose of subsection 8.10.1, employees or agents of the Township of Howick may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

8.10.3. Despite subsection 31 (2) of the Building Code Act, S.O. 1992, c.23, the Township of Howick or any 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 municipality in reasonable exercise of its powers under subsection 8.10.1.

8.10.4. Council may impose fees and charges to recover costs in relation to the administration and enforcement of this by-law.

8.10.5. The Township of Howick shall have a lien on the land for the amount spent on the repair or demolition under subsection 8.10.1 and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001.

8.11. EMERGENCY ORDER

8.11.1. If upon inspection of a property an Officer is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order in accordance with section 15.7 of the Building Code Act containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

8.12. CERTIFICATE OF COMPLIANCE

8.12.1. Following the inspection of a property, the Officer shall issue a certificate of compliance to the owner who requests one and who pays the fee, if in his or her opinion, the property is in compliance with the standards of this by-law.

8.13. PENALTY FOR NON-COMPLIANCE

8.13.1. An owner who fails to comply with an Order that is final and binding under this by-law, or who fails to comply with a direction is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

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

8.14. CONFLICTS

8.14.1. Where a provision of this by-law conflicts with the provisions of another by-law, Act or Regulation in force within the municipality, the provision which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.15. SEVERABILITY

8.15.1. It is hereby declared that each and every of the foregoing provisions of this by-law is severable and that, if any provisions of this by-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.16. TRANSITIONAL RULES

8.16.1. This by-law shall come into full force and effect on the date of final passing.

8.16.2. After the date of the passing this by-law, By-law No. 23-2010, shall apply only to those properties in which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

8.17. TITLE

8.17.1. This by-law may be referred to as "The Property Standards By-law".

Read a first and second time this 2nd day of May, 2023.

Read a third time and finally passed this 2nd day of May, 2023.

Reeve, Doug Harding

Clerk-Administrator, Caitlin Gillis