

THE CORPORATION OF THE TOWNSHIP OF
OTONABEE-SOUTH MONAGHAN

BY-LAW NUMBER 2014-21

Being a By-law to prescribe standards for the maintenance
And occupancy of property also referred to as the
“Property Standards By-law”

Whereas under subsection 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23 a by-law may be passed by the Council of a municipality prescribing standards for the maintenance and occupancy of property within a municipality; prohibiting the occupancy or use of such property that does not conform with the standards; and requiring that property that does not conform with the standards to be repaired and maintained to conform with the standards, section 8.6 of the official plan for the municipality includes provisions relating to property conditions;

And Whereas the Official Plan for the Corporation of the Township of Otonabee-South Monaghan includes provisions relating to Property conditions;

And Whereas the Council of the Corporation of the Township of Otonabee-South Monaghan deems it desirable to enact a by-law for prescribing minimum standards for the maintenance and occupancy of property within the Township of Otonabee-South Monaghan;

And Whereas subsection 15.6 of the *Building Code Act*, 1992 as amended, requires that a by-law passed under subsection 15.1 of the Building Code Act, 1992 shall provide for the establishment of a Property Standards Committee;

Now Therefore the Council of the Township of Otonabee-South Monaghan here ***ENACTS*** as follows:

1. **Definitions:**

In this By-law:

“Accessory Building or Structure” means a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.

“Approved” means Approved by the Property Standards Officer.

“Building” means,

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) plumbing not located in a structure
- (d) a sewage system; or
- (e) structures designated in the *Ontario Building Code*;

“Building Material” means materials intended to be used for the construction of a structure and includes both new and re-claimed materials.

“Chief Building Official” means a Chief Building Official appointed or constituted under the Building Code Act, 1992, S.O. 1992, c.23.

“Collectible Material” means ashes, garbage and such refuse as crates, packing materials, bedding, refuse and debris.

“Dwelling” means a building or structure or any part of which is, or is intended to be, used for the purpose of human habitation and includes a building that is or would be intended to be used for such purposes except for its state of disrepair.

“Dwelling Unit or Rental Dwelling Unit” means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities and approved as a permitted use by the *Township’s Zoning By-law*, as amended.

“Floor Area” means the area contained within the outside walls or outside finished furred partitions of the walls, but does not include a private garage, porch, stair well, attic or basement (definition ONLY applies to this By-law).

“Good Workmanship” includes, among other things:

- i. ensuring that the component repaired can perform its intended function; and
- ii. finishing the Repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.

“Graffiti” means one or more letters, symbols, figures, etching, scratches, inscriptions, stains or other markings that disfigure or deface a structure or things, howsoever made or otherwise affixed on the structure or thing but does not include:

- i. a sign or public notice authorized by the Township, County of Peterborough or by Provincial or Federal legislation.
- ii. in the case of private property, real or personal, any one or more letters, symbols, figures, etching, scratches, inscriptions, stains or other markings authorized by the Owner of the property upon which the letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings appear, that, in the opinion of the Officer, does not contribute to the unsightly nature of the property.

“Grade” means the average level of proposed or finished ground adjoining a building at all exterior walls.

“Gross Area” means the total area of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and centre line of firewalls (as defined in the *Ontario Building Code*).

“Guard” means a protective barrier 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. Such barrier may or may not have openings through it.

“Health Hazard” means:

- i. a condition of a premises;
- ii. a substance, thing, plant or animal other than man; or
- iii. a solid, liquid, gas or combination of any of them,

that has or that is likely to have an adverse effect on the health of any person in the opinion of the Medical Officer of Health for the County of Peterborough or a Public Health Inspector appointed to administer the Health Protection and Promotion Act.

“Landlord” includes:

- (a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
- (c) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;

“Materials Suitable and Sufficient for the Purpose” includes among other things:

- i. materials reasonably compatible in design with adjoining decorative finishing material; and
- ii. materials reasonably compatible in colour with adjoining decorative finishing material.

“Motor Vehicle” means a vehicle that is drawn, propelled or driven by any means other than by muscular power (but does not include a vehicle of a railway that is operated on rails).

“Non-collectible Waste” means any waste or matter other than Collectible Material and includes, among other things, the following:

- i. manufacturer’s or industrial waste;
- ii. stock from any wholesaler or retailer;
- iii. celluloid cuttings, moving picture film, oil soaked rags, absorbents and explosive or highly combustible material of any nature whatsoever;
- iv. broken plaster, lumber or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;

- v. swill and organic matter not properly drained or wrapped;
- vi. liquid (including motor oil) and gaseous waste;
- vii. bio-medical waste;
- viii. caustics and acids;
- ix. poisons, pesticides and herbicides;
- x. radioactive material;
- xi. septic tank pumping, raw sewage, sludge and industrial process sludge;
- xii. night soil, hay, straw and manure;
- xiii. carcasses of animals;
- xiv. sod, soil and stones;
- xv. stoves, furnaces, bedsprings, furniture, boxes, barrels and other weighty or bulky articles;
- xvi. material which has become frozen to the receptacle and cannot be removed by shaking;
- xvii. discarded trucks, automobiles and other vehicles and any parts thereof or accessories thereto, including tires; and
- xviii. trees and stumps.

“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 thereto and all 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 the responsibility of administering and enforcing this By-law.

“Owner” means any person, firm or corporation having control over any portion of the building or property under consideration and includes:

- i. the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- ii. 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 an individual, firm, corporation, association or partnership. (singular in this instance shall mean plural).

“Property” means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures or trailers in approved mobile home parks, outbuildings, fences and erections thereon, whether heretofore or hereafter erected.

“Recyclable Material” includes all items as defined by the County of Peterborough Environmental Services.

“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.

“Sewage System” means the Township’s sanitary sewer system or a private sewage disposal system Approved by the Peterborough County City Health Unit or the Ministry of the Environment.

“Storey” means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

“Structure” means a *“building”* as defined in this by-law, the Ontario Building Code and the Township of Otonabee-South Monaghan Zoning By-law.

“Township” means the Corporation of the Township of Otonabee-South Monaghan.

“Vacant” means not occupied or put to use;

“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.

“Zoning By-law” means the Comprehensive Zoning By-law passed by the Township under Section 34 of the *Planning Act* or any amendments thereto. For the purposes of this By-law, the Zoning By-law shall be deemed to include any Temporary Use By-laws passed under Section 39 of the *Planning Act*.

2. **Application and Interpretation**

2.1 This by-law applies to all Property in the Township of Otonabee-South Monaghan.

2.2 For the purpose of this by-law, unless otherwise stated to the contrary, the provisions prescribed shall be held to be the minimum standards for the promotion of the public health, safety, comfort, convenience and general welfare and are not intended to derogate from the standards found in any other applicable by-laws or legislation.

2.3 The Owner of Property which does not comply with the standards prescribed in this by-law shall repair and maintain the property to conform to the standards or the Property shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

3. **Prohibition**

- 3.1 No Owner or Occupant or Property shall use, occupy, allow or permit the use or occupation of the Property unless such Property conforms to the standards prescribed in this By-law.
- 3.2 No person shall fail to maintain the property in conformity with the standards prescribed in this By-law.
- 3.3 No person shall fail to comply with a final and binding order issued under this By-law.

4. **Standards for all Properties, Buildings and Structures**

4.1 **General**

- 4.1.1. 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 trade concerned and with Materials Suitable and Sufficient for the purpose.

4.2 **Structural Adequacy**

- 4.2.1 Every Property shall be maintained in good Repair and in structurally sound condition so as:
 - 4.2.1.1 to be capable of sustaining safely its own weight and any load to which it might normally be subjected; and
 - 4.2.1.2 to be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and
 - 4.2.1.3 to prevent the entry of moisture that would contribute to damage, decay, deterioration, including mould growth; and
 - 4.2.1.4 to be capable of safely and adequately performing its function.

4.3 **Foundations, Walls, Columns, Beams, Floors, Roof Slabs and Balconies**

- 4.3.1 A foundation wall, basement, cellar or crawl space floor, slab on grade, exterior wall and roof shall be structurally sound, weather tight and damp-proofed and shall be maintained so as to protect against deterioration caused by the elements, fungus, mould, dry rot, rodents, vermin or insects.
- 4.3.2 The foundations, walls, columns, beams, floors, roof slabs, and balconies of all buildings including parking garages and Accessory Buildings shall be maintained:
 - 4.3.2.1 in good repair and a structurally sound state
 - 4.3.2.2 free from decayed, damaged or weakened sills, beams, piers, posts or other supports
 - 4.3.2.3 in a manner so as to prevent the entry of moisture into the building; and

- 4.3.2.4 in a manner so as to prevent settlement of the building.
- 4.3.3 The exterior walls of all buildings shall be maintained in good repair, in a manner to prevent deterioration caused by the elements or pests and free from cracked or broken masonry; defective or deteriorated wood or metal siding or trim; cracked broken or loose stucco; and loose or unsecured objects.
- 4.3.4 Where the masonry units forming an exterior wall, or part of an exterior wall, of any building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or is finished with other Approved materials.
- 4.3.5 All exterior surfaces which have been previously 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.
- 4.3.6 Metal eavestroughs, rainwater pipes, flashings 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 or replaced when such application deteriorates or becomes ineffective.
- 4.3.7 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.
- 4.3.8 Balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting member shall be maintained:
- 4.3.8.1 in good repair;
- 4.3.8.2 free from Collectible Material, brush, non-collectible waste, recyclable material and unsightly storage;
- 4.3.8.3 properly and safely anchored;
- 4.3.8.4 protected against deterioration and decay; and
- 4.3.8.5 free from broken or missing glass.
- 4.3.9 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and weathertight.
- 4.3.10 Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects unless it can be shown to the satisfaction of the Officer that the implementation of this section would adversely affect the normal operations in a non-residential property.

4.3.11 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, shall be removed.

4.4 **Air Conditioners and Water Cooled Equipment**

4.4.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways.

4.4.2 Cooling water from water-cooled equipment shall be discharged directly into a proper drainage system which complies with all applicable governmental regulations.

4.5 **Roofs**

4.5.1 All roofs shall be maintained:

4.5.1.1 in a watertight condition;

4.5.1.2 free from loose or unsecured objects or materials;

4.5.1.3 free from dangerous accumulations of snow or ice;

4.5.1.4 free from all other accident, fire or Health Hazards;

4.5.1.5 so that roof decks and related guards are in a good state of repair; and

4.5.1.6 free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.

4.5.2 Every eavestrough, roof gutter, rainwater pipe and flashing shall be kept in good repair, free from obstructions, properly secured and free from health and accident hazards.

4.6 **Stairs, Handrails and Guards**

4.6.1 All stairs, porches, decks, landings and other similar structures, all treads and risers, guards, handrails and all supporting structural members shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.

4.6.2 All guards and handrails shall be installed and maintained in accordance with the Ontario Building Code so as to afford reasonable protection against accident or injury to any person in or on a property.

4.7 **Floors**

4.7.1 Floors and floor coverings in all rental properties and all non-residential properties shall be maintained in a safe and sanitary condition, and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which may form fire, health or accident hazards.

4.7.2 The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

4.8 Heating, Ventilation and Mechanical

4.8.1 Heating, equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstruction and to comply with all applicable governmental regulations and prevent:

4.8.1.1 obstruction to the free passage of persons within a building; and

4.8.1.2 fire and accident hazards.

4.8.2 Where a heating system, heating equipment or any auxiliary heating units burn solid or liquid fuel, a receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.

4.8.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.

4.8.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.

4.8.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:

4.8.5.1 installed and maintained so as to prevent the escape of smoke or gasses into the building;

4.8.5.2 clear of obstructions;

4.8.5.3 free from open joints; free from broken and loose masonry; and

4.8.5.4 in good repair and plumb.

4.8.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good repair; properly secured and free from fire, health and accident hazards.

4.8.7 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good repair and in a safe mechanical condition.

5. Standards for Yards and Parking Areas

5.1 General

5.1.1 All vacant lots and every yard shall be kept clean and free from:

5.1.1.1 injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of such pests;

5.1.1.2 dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition; and

- 5.1.1.3 stagnant water which provides a breeding place for mosquitoes or other Health Hazards.
- 5.1.2 Every yard, field, parking lot, carport and vacant property shall be kept free of collectible material, brush, non-collectible waste, recyclable material and unsightly storage.
- 5.1.3 No motor vehicle, other than a Motor Vehicle currently bearing a valid licence plate sticker issued by the Ministry of Transportation and capable of being driven, shall be parked other than in a building, on any Property in the Township unless the parking of the unlicensed inoperative motor vehicle is incidental to a permitted use under the Township Zoning By-law for the zone in which the property is located.
- 5.1.4 No machinery, motor vehicle, boat, trailer or part thereof which is in an unusable, wrecked, discarded, dismantled, partially dismantled or abandoned condition, shall be stored or allowed to remain on any property, unless otherwise permitted by the Township's Zoning By-law.
- 5.1.5 Lawns, hedges and bushes will not be permitted to become overgrown or unsightly. Specifically, grass and weeds shall not exceed 20.33 cm (8 inches) in height.
- 5.1.6 **Maintenance for vacant residential properties in built up residential areas designated as Hamlet.** Any vacant properties designated as Hamlet Area are to be maintained, kept clean and grass shall not exceed 20.33 cm (8 inches) in height in the Township Official Plan.
- 5.1.7 Walks, driveways and parking lots will be maintained free from accident hazards.
- 5.1.8 All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.
- 5.1.9 Dilapidated, collapsed or partially constructed structures which are not currently under construction.
- 5.2 **Sewage Discharge**
 - 5.2.1 Sewage shall be discharged into a Sewage System.
- 5.3 **Exterior Lighting and Supports**
 - 5.3.1 In the yards of all properties, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good repair and in good working order.
- 5.4 **Fences**
 - 5.4.1 Fences, retaining walls and all structures appurtenant to a Property shall be installed and maintained in accordance with the Township's Fence By-law and in addition shall be:
 - 5.4.1.1 reasonably uniform in height and appearance;
 - 5.4.1.2 maintained in good repair;

- 5.4.1.3 maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 5.4.1.4 maintained free from health, fire and accident hazards;
- 5.4.1.5 protected from deterioration by the application of paint or other suitable protective materials or uniform colour, or constructed of a material that is inherently resistant to such deterioration and compatible with surrounding finishes;
- 5.4.1.6 made with suitable materials and designed and erected in a workman like manner and maintained so as not to appear unsightly; and
- 5.4.1.7 capable of safely performing the function for which they were constructed.

5.5 **Miscellaneous**

- 5.5.1 Storm water runoff shall be drained from the grounds of Property and any area below exterior grade so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.
- 5.5.2 Unprotected wells, holes or cavities over one metre in depth shall be filled or safely covered.
- 5.5.3 Parking garages shall be maintained so as to prevent the accumulation of toxic fumes or the escape of toxic fumes into a building.

6. **Supplementary Standards for Vacant Property/Buildings**

- 6.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this By-law, the following additional standards shall apply to vacant property/buildings.
 - 6.1.1 where any property/building is unoccupied, the owner or his/her agent shall protect every such property/building against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons; and
 - 6.1.2 all materials used for boarding up unoccupied buildings shall be maintained; and
 - 6.1.3 where a building remains vacant for a period of more than ninety days, the owner or agent thereof shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property, but this shall apply where such utilities are necessary for the safety or security of the building; and

- 6.1.4 vacant buildings shall be kept clear of all collectable material, non-collectable waste, recyclable material and unsightly storage.

7. Supplementary Standards for Unfinished Buildings or Structures

- 7.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this By-law, all buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and where applicable, in accordance with all relevant legislation and by-laws.

8. Supplementary Standards for Non-Residential Properties

8.1 General

- 8.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this By-law, every owner and every occupant in the part of a non-residential property that he or she occupies or controls shall maintain the property:

- 8.1.1.1 in a sanitary and safe condition free from litter, refuse and debris, and shall provide containers for the disposal of such litter or refuse; and

- 8.1.1.2 free from objects or conditions which are health, fire or accident hazards; and

- 8.1.1.3 free from rodents, vermin and injurious insects; and

- 8.1.1.4 free of accumulation of building materials other than these being actively used for construction projects on the property where they are being stored or as permitted by the Township Zoning By-law.

8.2 Means of Egress

- 8.2.1 All means of egress for a Non-Residential Property shall be:

- 8.2.1.1 maintained free from all obstructions or impediments; and

- 8.2.1.2 provided with clean, clear, unobstructed and readily visible exit signs, for every required exit.

8.3 Interior Walls, Ceilings and Floors

- 8.3.1 Interior walls, floors and ceilings of a Non-Residential Property shall be maintained:

- 8.3.1.1 free from health, fire and accident hazards;

- 8.3.1.2 in good repair and free from holes, large cracks, broken plaster and loose or broken masonry;

- 8.3.1.3 in a clean and sanitary condition which is reasonable considering the use or operation; and

- 8.3.1.4 free from cracked and broken glass in door panels, glass screens and windows. Cracked broken glass in door panels, glass screens and windows shall be replaced with *Approved* glass or other *Approved* material.
- 8.3.2 Plaster repairs made to the walls and ceilings of a non-residential property shall be completed in workman like manner and each repair shall be finished to match the existing wall or ceiling.
- 8.3.3 Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.
- 8.3.4 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door.
- 8.3.5 Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.
- 8.3.6 All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and in compliance with all applicable governmental regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

9. **Supplementary Standards for Residential Rental Properties**

9.1 **General**

- 9.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this By-law, and the Residential Tenancies Act, S.O. 2006, C-17.
- 9.1.2 The landlord shall maintain all services and facilities supplied by the landlord and maintain common areas intended for the use of the tenants.
- 9.1.3 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 trade concerned and with materials suitable and sufficient for the purpose.

9.2 **Light and Ventilation**

- 9.2.1 An existing opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function and landlord shall:
 - 9.2.1.1 ensure that the doors, windows and skylights are weathertight; and
 - 9.2.1.2 refit, replace, renew, caulk and weatherstrip any damaged, decaying, defective or missing doors, windows, frames, sashes, casings, hatchways or screens; and

- 9.2.1.3 replace broken or missing glass; and
- 9.2.1.4 replace defective or missing hardware
- 9.2.2 **Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be:**
 - 9.2.2.1 maintained in good repair and weathertight; and
 - 9.2.2.2 free from rotted or defective members; and
 - 9.2.2.3 free from defective or missing hardware; and
 - 9.2.2.4 free from torn, damaged or, where supplied, missing screens; and
 - 9.2.2.5 free from defective or missing weatherstripping or caulking; and
 - 9.2.2.6 free from defective storm or screen doors; and
 - 9.2.2.7 free from broken or missing glass.
- 9.2.3 All bedrooms, living rooms and dining rooms shall have a window or a door which contains a window that faces directly to the outside of the building.
- 9.2.4 All habitable space shall have natural or mechanical means of ventilation.
- 9.2.5 A window or natural ventilation is not required in a kitchen or washroom if electrical lighting and mechanical means of ventilation is provided; and a window is not required in habitable space, other than a bedroom or dining room, if there is an opening in a dividing wall to an adjoining room and the adjoining room has a minimum of 5 percent window area of the combined floor areas, and if the required ventilation is provided.
- 9.2.6 At the request of the tenant, each window in a rental unit that is located above the Storey that has its floor closest to grade and that has its ceiling more than 1.8 metres above grade, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult tenant in a emergency without the use of tools.
- 9.2.7 Artificial lighting shall be provided in all habitable space and in interior common areas and maintained to permit safe use and passage, in accordance with the Ontario Building Code.
- 9.2.8 An exterior lighting outlet with fixture controlled by a wall switch located within the building shall be provided at every entrance to buildings of residential occupancy.

9.3 Interior Walls

9.3.1 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained in a safe and sanitary condition, free from holes, leaks or deteriorating materials. All interior walls, must be painted or finished in a manner similar to other interior walls in the building.

9.4 Supply Fuel

9.4.1 Unless required to be provided by the tenant, a landlord shall ensure a continuous and adequate supply of fuel, service or utility which provides light, heat, refrigeration, water or cooking facilities for a rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repair or replacement of the service or utility.

9.5 Heating, Ventilation, Mechanical

9.5.1 Heating, ventilating and mechanical systems, including stoves, heating, appliances, fireplaces, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained and capable of being operated.

9.5.2 A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.

9.5.3 Every residential rental property shall have heating facilities capable of maintaining the habitable space at 22° Celsius.

9.5.4 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.

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

9.6 Electrical

9.6.1 A supply of electrical power by Hydro One and wiring and receptacles acceptable to the Electrical Safety Authority or a supply of another type of power with its associated apparatus acceptable to the governmental authority regulating that type of power shall be provided to all habitable space in a residential complex and properly maintained.

9.6.2 If extension cords are provided by a landlord they shall:

9.6.2.1 be rated for the intended use; and

9.6.2.2 be installed in a safe manner.

9.7 Safety and Security

9.7.1 Every residential rental property shall have a safe, continuous and unobstructed passage from every part of the interior to a safe exterior open space at street grade level.

9.7.2 All windows and exterior doors which are intended to be opened and which are accessible from outside a rental dwelling unit or a building containing a rental dwelling unit shall have hardware that makes them capable of being secured.

9.7.3 At least one entrance door in a rental dwelling unit, shall be capable of being both secured from inside and locked from the outside of the rental dwelling unit.

9.8 **Refuse Storage**

9.8.1 One or more suitable containers or compactors shall be provided for Collectable Material and Recyclable Material and shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person.

9.8.2 The container shall be maintained in a clean and sanitary condition, accessible to tenants and shall not obstruct an emergency route, driveway or walkway.

9.9 **Pest Prevention**

9.9.1 Every residential rental property shall be kept reasonably free of rodents, vermin and insects at all times, and methods used for exterminating rodents and insects shall be in accordance with any applicable legislation.

9.9.2 Openings and holes in a building containing rental dwelling units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests shall be screened or sealed as appropriate.

10. **Graffiti**

10.1 No person shall place or cause or permit Graffiti to be placed on property or on a wall, fence, or other structure or thing in a highway or other public place not included in the definition of Property.

10.2 The owner or occupant of a property shall maintain the property free of graffiti.

10.3 The owner or occupant of a wall, fence, or other structure or thing located in a highway right of way or other public place shall maintain the structure or thing free of graffiti.

11. **Demolition**

11.1 Where a building, accessory building or other structure is being demolished and authorization for such demolition has been obtained under the Ontario Building Code, every precaution shall be taken to protect adjoining property and members of the public. Such precaution may include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

11.2 Where a building, accessory building, fence or other structure on a property is demolished, the site shall be cleared of all collectible material, brush, non-collectible waste, recyclable material and unsightly storage and left in a graded and leveled condition within thirty days.

12. **Damage by Fire, Storm or Other Causes**

12.1 A building or structure damaged by fire, storm or by other causes shall be demolished or repaired.

12.2 For a building or structure damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

13. **Enforcement**

13.1 Employees of the Township who are otherwise authorized to enforce by-laws within the Township are authorized to enforce this By-law.

14. **Property Standards Committee**

14.1 A Property Standards Committee shall be established in accordance with section 15.6 of the *Building Code Act, 1992*, as amended and the Terms of Reference passed by Council from time to time, to hear appeals or orders issued under this By-law, and shall consist of no less than three members.

15. **Inspection of Property Without Warrant**

15.1 An officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant, in accordance with section 15.2 of the *Building Code Act, 1992*, as amended, for the purpose of inspecting the property to determine whether the property conforms with the standards prescribed in this by-law, or whether an order made under this by-law has been complied with.

15.2 For the purposes of an inspection, an Officer may be accompanied by a person with special knowledge in relation to a property or part thereof, and may require the production of information, documents or samples as permitted under section 15.8 of the *Building Code Act, 1992*.

16. **Enforcement and Code of Ethics**

16.1 Standard Operating Guidelines for the administration, application and enforcement for the property standards by-law as indicated on Schedules "A, B, C, D, E, F, G, H" attached hereto and forming part of this By-law.

17. Orders

- 17.1 An Officer who finds that a property does not conform with any of the standards prescribed in this By-law may make an order:
 - 17.1.1 stating the ownership, municipal address and the legal description of the property; and
 - 17.1.2 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 leveled condition; and
 - 17.1.3 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
 - 17.1.4 indicating the final date for giving notice of appeal from the order.
- 17.2 The order shall be served on the Owner of the property and a copy of the order shall be posted on the property.
- 17.3 The order may be registered in the proper land registry office and, when the requirements of the order have been satisfied, the Secretary/Clerk of the Township shall register in the property land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

18. Appeals

- 18.1 When the Owner upon whom an order has been served is not satisfied with the terms and conditions of the order, he or she may appeal to the property standards Committee by sending a notice of appeal by registered mail to the Secretary/Clerk within fourteen (14) days of the service of the order.
- 18.2 An appeal fee of \$200.00, payable to the Township must accompany the notice of appeal.
- 18.3 In the event that no appeal is made within such fourteen (14) days, the order shall be deemed to have confirmed and shall be final and binding.
- 18.4 Where an appeal has been made, the Property Standards committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order or may modify or rescind it, or may extend the time for complying with the order provided that in the opinion of the Property Standards Committee, the general intent and purpose of this By-law is maintained.

19. **Power of Municipality if Order Not Complied With**

- 19.1 If an order of an Officer under this By-law is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the property standards committee or judge, the Township, in addition to all other available remedies, may cause the property to be repaired or demolished accordingly.
- 19.2 For the purpose of section 19.1 employees or agents of the Township may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- 19.3 A municipal corporation 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 Township in the reasonable exercise of its powers under subsection 19.1.
- 19.4 In accordance with Section 446(3) of the Municipal Act, S.O. 2001, c.25 the Township may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

20 **Emergency Provisions**

- 20.1 If upon inspection of a property, the Officer is satisfied there is non-conformity with the standards prescribed in this By-law to such extent so as to pose an immediate danger to health or safety of any person, the officer may make an Order in accordance with Section 15.7 of the Building Code Act, 1992, as amended, containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

21. **Offences and Penalties**

- 21.1 An Owner or occupant of property is guilty of an offence if the Owner or Occupant uses, occupies, allows or permits the use or occupancy of the property unless such property conforms to the standards prescribed in this By-law.
- 21.2 A person is guilty of an offence if the person:
 - 23.1.1 fails to maintain the property in conformity with the standards prescribed in this By-law; or
 - 23.1.2 fails to comply with a final and binding order issued under this By-law.
- 21.3 Every person who is convicted of an offence is liable to a fine of not more than \$50,000.00 for a first offence and to a fine or not more than \$100,000.00 for a subsequent offence in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P – 33 as amended.
- 21.4 Every corporation convicted of an offence, is liable to a fine of not more than \$100,000.00 for a first offence, and to a fine of not more than \$200,000.0 for a subsequent offence in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P – 33 as amended.

21.5 An offence is a subsequent offence if there has been a previous conviction under the *Building Code Act, 1992*, as amended.

21.6 If 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 of repetition of the offence by the person convicted.

22. **Severability**

22.1 If any section, clause or provision of this By-law hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect.

23. **Conflicting By-laws**

23.1 Where a provision of this By-law conflicts with a provision of any other by-law in force in the Township or regulation in force in the Province of Ontario, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

24. **Short Title**

24.1 This By-law may be cited as the “***Property Standards By-law.***”

25. **Repeal**

25.1 By-law 2009-71 and all amendments thereto are hereby repealed.

Read a First time this 28th day of April, 2014

Read a Second time this 28th day of April, 2014

Read a Third time and finally passed this 28th day of April A.D. 2014.

Original Signed by David P. Nelson
Head of Council – David P. Nelson

Original Signed by Heather Scott
Clerk – Heather Scott