

**BY-LAW NO. 2002-34**

**CORPORATION OF LOYALIST TOWNSHIP**

**TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF  
PROPERTY IN LOYALIST TOWNSHIP**

WHEREAS Section 15.1 of the Building Code Act, S.O.1992, as amended provides that a Council may pass by-laws to:

1. Prescribe standards for the maintenance and occupancy of property.
2. Require property to be repaired and maintained in conformity with the prescribed standards.
3. Prohibit the occupancy or use of property that does not conform to the prescribed standards.
4. Require that property be cleared of all buildings or structures that do not conform to the prescribed standards and left in a graded or level condition.

AND WHEREAS there is in effect in the Corporation of Loyalist Township an Official Plan which relates to the former municipalities of the Corporation of the Township of Ernestown, the Corporation of the Township of Amherst Island, and the Corporation of the Village of Bath which include provisions relating to property conditions; and

AND WHEREAS the Council of the Corporation of Loyalist Township hereby repeals all previous property standards by-laws.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF LOYALIST TOWNSHIP HEREBY ENACTS AS FOLLOWS:

**SECTION 1 GENERAL**

**1.1 SHORT TITLE**

This by-law may be cited as the "Property Standards By-law".

**SECTION 2 DEFINITIONS**

In this By-law, unless the context requires otherwise:

**2.1 "ACCEPTABLE" shall mean:**

- a) accepted by the Chief Building Official of the municipality with respect to matters under The Ontario Building Code Act 1992, as amended and Regulations thereunder;
- b) accepted by the Chief Fire Official of the municipality with respect to matters under The Fire Marshalls Act, R.S.O. 1990, and Regulations thereunder; and
- c) accepted by the Property Standards Officer with respect to all other matters regulated by this By-law.

**2.2 "ACCESSORY BUILDING" shall mean a building not used for human habitation customarily incidental and subordinate to the use or building and located on the same lot with such principal use or building and shall include boat houses.**

**2.3 "BALUSTRADE" shall mean a protective barrier that acts as a guard 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.**

**2.4 "BASEMENT" shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average level or ground adjacent to the exterior walls of the building.**

**2.5 "BATHROOM" shall mean a room containing at least a wash basin and toilet and bathtub or shower, or two rooms which contain in total at least one wash basin and one toilet and one bathtub or shower.**

- 2.6 **"BOARDING HOUSE"** shall mean a dwelling house, containing not more than four guest rooms used or maintained for the accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more persons.
- 2.7 **"BUILDING"** shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods.
- 2.8 **"BULK CONTAINER"** shall mean a refuse container emptied by mechanical means without removal from the property.
- 2.9 **"CELLAR"** shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior walls of the building.
- 2.10 **"COMMERCIAL PROPERTY"** shall mean a property used for the sale of goods and/or services and for the purpose of this by-law shall include office buildings, public halls, licensed premises and private clubs, and any building that is used in conjunction with these.
- 2.11 **"COMMITTEE"** shall mean the Property Standards Committee as established under this by-law.
- 2.12 **"CORPORATION"** shall mean the Corporation of Loyalist Township.
- 2.13 **"DWELLINGS"** shall mean a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- 2.14 **"DWELLING UNIT"** shall mean one or more habitable rooms designed or intended for use as a single housekeeping unit only, in which sanitary conveniences are provided, in which only one kitchen facility is provided for cooking, and in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside.
- 2.15 **"EXTERIOR PROPERTY AREAS"** shall mean the property excluding buildings.
- 2.16 **"FENCE"** shall mean a privacy or other screen.
- 2.17 **"FIRE RESISTANCE RATING"** shall mean the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria as stated in the Ontario Building Code.
- 2.18 **"GROUND COVER"** shall mean organic or non-organic material applied to prevent erosion of the exterior property area such as concrete, flagstone, gravel, asphalt or grass.
- 2.19 **"HABITABLE ROOM"** shall mean a room commonly used for living purposes, including a bedroom and a kitchen but not including any space in a dwelling used as a lobby, hallway, closet, or bathroom or any room having floor space of less than 4.65 square metres(50 sq.ft.)
- 2.20 **"HOUSEKEEPING UNIT, SINGLE"** shall mean a single dwelling unit used by not more than four individuals who reside therein or more than four individuals who reside there as a family provided there is no program, person or agency required in the supervision of such individuals.
- 2.21 **"INDUSTRIAL PROPERTY"** shall mean a property used for the manufacturing and/or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.
- 2.22 **"MAINTENANCE"** shall mean the preservation and keeping in repair of a property.
- 2.23 **"MEANS OF EGRESS"** shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, window or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space and includes exits or access to exits.
- 2.24 **"MULTIPLE DWELLING"** shall mean a building containing three or more dwelling units other than a semi-detached dwelling.
- 2.25 **"MULTIPLE USE BUILDING"** shall mean a building containing both a dwelling unit and a non-residential property.
- 2.26 **"NON-HABITABLE SPACE"** shall mean any space in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance or common use, and for access to and vertical travel between storeys; and any unfinished basement.

- 2.27 **"OCCUPANT"** shall mean any person or persons over the age of eighteen years in possession of the property.
- 2.28 **"OFFICER"** shall mean a property standards officer as may from time to time by Council be assigned the responsibility of administering and enforcing this by-law.
- 2.29 **"OWNER"** shall mean the person for the time being paying the municipal taxes or 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 so receive the rent if such 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 the property.
- 2.30 **"PROPERTY"** shall mean 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 structure, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 2.31 **"PUBLIC BUILDING"** shall mean a building which is staffed by government personnel for the purpose of servicing the public.
- 2.32 **"REPAIR"** shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this by-law. All repairs shall be made in conformity to the Ontario Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Hydro Electric Power Commission of Ontario and Regulations made under the Public Health Act of Ontario or any other applicable regulations.
- 2.33 **"RESIDENTIAL PROPERTY"** shall mean any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such an establishment.
- 2.34 **"ROOMER OR LODGER"** shall mean person harboured, received or lodged, in the lodging house or boarding home in return for compensation.
- 2.35 **"SEWAGE"** shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm runoff.
- 2.36 **"SEWERAGE SYSTEM"** shall mean the Corporation's sanitary sewerage disposal system approved by the Medical Officer of Health and/or the Ministry of the Environment.
- 2.37 **"STANDARDS"** shall mean the standards of physical conditions and occupancy set out in this by-law.
- 2.38 **"TOILET ROOM"** shall mean a room containing a water closet and wash basin.
- 2.39 **"WALL"** shall mean the solid vertical structure forming any one of the sides of a building and/or a partition forming the side of a room.
- 2.40 **"YARD"** means the land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property.
- 2.41 **"ROLL-OFF CONTAINER"** means a refuse container which is required to be transported from the property for the purpose of emptying.
- 2.42 **"SIGN"** includes an advertising device or notice and means any medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter other than itself, for identification, information or advertising purposes.
- 2.43 **"UNSAFE CONDITION"** means:
- a) structurally inadequate or faulty for the purposes for which it is used or intended to be used; or
  - b) in a condition that could pose a serious hazard to:
    - i) persons in the normal use of a building;
    - ii) persons authorized or expected to be on or about the property, or
    - iii) persons or property in the immediate vicinity of the subject condition.

### **SECTION 3 MAINTENANCE OF ACCESSORY AND UNOCCUPIED BUILDINGS AND YARDS**

#### **3.1 ACCESSORY BUILDING**

Accessory buildings shall be kept in good repair and free from health, fire and accident hazards.

The exterior of any accessory building shall be weather-resistant through the use of proper weather-resistant material.

### 3.2 UNOCCUPIED BUILDINGS

- 3.2.1 Where any property is unoccupied the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons.
- 3.2.2 All materials used for boarding up unoccupied buildings shall be covered and maintained with a preservative which is colour coordinated to the exterior finish of the building.
- 3.2.3 Where a building remains vacant and unattended for a period of more than ninety (90) days, the owner or his agent shall ensure that all utilities serving the property are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.
- 3.2.4 Section 3.2.3 does not apply where such utilities are necessary for the safety or security of the building.

### 3.3 DRAINAGE

- 3.3.1 Storm water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- 3.3.2 All reasonable means shall be employed to prevent the erosion of the soil in the yard.
- 3.3.3 No roof drainage shall be discharged on sidewalks, stairs or neighbouring property.

### 3.4 FENCES

Every fence shall be kept:

- a) protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or enclosure are enhanced by the lack of such material;
- b) in a structurally sound condition;
- c) free from objectionable markings, painted slogan, stains or other defacement;
- d) in good repair and free of accident hazards; and

Fences in a residential zone shall not be higher than 2.0 metres (6.5 feet) and not higher than 3.05 metres (10 feet) in an industrial or commercial zone. Residential fences are permitted to exceed to 2.0 metres where a noise assessment study related to a plan of subdivision or site plan recommends a higher fence to address noise related concerns, provided the fence is erected in conformity with the recommendations.

### 3.5 GARBAGE DISPOSAL

- 3.5.1 All garbage, rubbish and other debris from a property shall be promptly stored in receptacles and made available for removal or removed in accordance with the regulations of Loyalist Township. Where private containerized garbage pickup is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.
- 3.5.2 Without limiting and in addition to the generality of subsection 3.5.1, the collection, handling, storage and disposal of refuse shall comply with the following:
- a) it shall facilitate collection and disposal as required by the municipal corporation or private collecting agency, as applicable;
  - b) refuse storage facilities shall be readily accessible to all occupants for whom the storage facility is required to be provided, or in the alternative be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto;
  - c) refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition;
  - d) it shall not obstruct an emergency route, recreation facility, parking area,

driveway or walkway; and

- e) it shall not be stored adjacent to any building so as to create a fire hazard to the building or its occupant.

3.5.3 Where refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage and place for disposal shall:

- a) be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility;
- b) be screened from a public highway, street, walkway, park or residential or non-residential property so as not to be visible from such locations.

3.5.4 Nothing in this section shall require screening:

- a) whose only purpose is to screen a refuse collection area from another refuse collection area on the same or abutting properties, or;
- b) between each occupancy in a multiple occupancy building, or;
- c) that reduces the width of an access route to less than 10 metres (32.8 feet);
- d) in regard to the placement of refuse for imminent pickup and disposal in compliance with the refuse collection by-law of the municipality;
- e) in relation to a residence building containing less than three dwelling units.

3.5.5 Where an exterior bulk or roll-off container refuse disposal system is used it shall:

- a) be equipped with covers or similar devices which shall be readily openable but not left open except when actively being loaded; and,
- b) be large enough to contain all refuse generated between collections by the occupants served; and,
- c) not be loaded beyond the top of the container.

3.5.6 Subsection 3.5.5 (a) shall not apply to the storage of industrial or other reclaimable refuse that will not materially deteriorate by weathering or pests.

3.5.7 Where refuse is stored or placed for disposal inside the enclosing walls of a building, the storage and placement for disposal shall:

- a) comply with The Building Code Act, R.S.O. 1992, as amended, and Regulations made thereunder, the Fire Marshals Act, R.S.O. 1990, and the Fire Code thereunder; and
- b) be large enough to contain all refuse generated between collections by the occupants served.

3.5.8 Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained operative, except that acceptable alternatives may be provided if readily accessible to all occupants.

3.5.9 Refuse shall be deemed to be stored inside a building when:

- a) a bulk or roll-off container is used, and;
- b) connected to the building by a system of enclosed chutes such that the loading of refuse thereto is directly from within the building utilizing manual, compaction or other methods of handling; and,
- c) the components outside the building are screened from view and maintained as prescribed in subsection 3.5.3.

3.5.10 Notwithstanding the requirements of this section, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:

- a) it is removed frequently and in its entirety from the property;

- b) it will not cause risk to the health or safety of any persons; and,
- c) it is not stored in such a manner as to be deleterious to the neighbouring environment.

### 3.6 NOXIOUS PLANTS

All properties shall be kept free from noxious plants, including ragweed, poison ivy, poison oak and poison sumach and comply with the specifications of the Weed Control Act, R.S.O. 1990 and regulations and by-laws established thereunder.

### 3.7 PARKING, WALKWAYS AND SAFE PASSAGE

- 3.7.1 Areas used for vehicle traffic and parking shall be paved with bituminous, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonable dust free substance, and shall be free from ponding and puddles and otherwise in good repair.
- 3.7.2 In yards of multiple dwellings and non-residential properties sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways.
- 3.7.3 Artificial lighting standards and fixtures shall be kept in safe condition, in working order and in good visual condition.
- 3.7.4 Communal walkways, driveways, ramps, parking areas and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces.
- 3.7.5 Walkways shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth, slip-free and safe surface for pedestrian traffic.

### 3.8 SEWAGE

- 3.8.1 Sewage or organic waste shall be discharged into the sewage system or a septic tank system acceptable to the Medical Officer of Health/Ministry of the Environment.
- 3.8.2 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

### 3.9 YARDS AND PROPERTY

- 3.9.1 All yards and property shall be kept clean and free from rubbish, garbage, brush, or other debris and from objects or conditions that might create a health, fire or accident hazard.
- 3.9.2 Any vehicle, including a trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition and without current license plates shall not be parked, stored or left in any yard or property more than sixty (60) days.
- 3.9.3 All yards and property shall be kept reasonably free of weeds. Noxious weeds and heavy undergrowth shall be eliminated.
- 3.9.4 Lawns, hedges and bushes shall be kept trimmed to a suitable height and shall not be overgrown or unsightly.
- 3.9.5 All yards, property and vacant lots shall be kept clean and free from termites, rodents, vermin and other pests and any conditions which might result in the harbouring of such pests.
- 3.9.6 All yards, property and vacant lots shall be free of dilapidated or collapsed structures or erections or accumulation of materials, inoperative machinery, or any parts thereof or any other unsafe condition or unsightly condition out of character with the surrounding environment.
- 3.9.7 All yards, property and vacant lots shall be free of holes or excavations or any unprotected wells that might create an accident or health hazard.
- 3.9.8 All yards and property shall be protected by suitable ground cover which prevents erosion of the soil.

### 3.10 BUFFERING

3.10.1 Premises which, because of their use or occupancy, or for other reason, create a nuisance to adjacent premises or to the neighbourhood or to the users of streets or parks shall be buffered from such premises or public areas so as to minimize the effect of the nuisance.

3.10.2 Without limiting the generality of the foregoing, such buffering shall include:

- a) the provision and maintenance of an effective barrier to prevent wind-blown waste, wrappings, debris and the like from encroaching on the adjacent premises;
- b) the provision and maintenance of a visual screen to minimize the visual impact of nuisances to persons at grade adjacent to the property;
- c) to prevent lighting and vehicle headlights in parking areas from shining directly into dwelling unit windows;
- d) to screen transformers and other like appendages; and,
- e) to provide a safe route for persons and vehicles.

### 3.11 **PEDESTRIAN ACCESS**

A safe pedestrian access shall be provided to the principle entrance of every residential building.

### 3.12 **COMPATIBILITY**

Property that is deleterious to the environs by reason of its appearance, utilization or unsafe condition shall be repaired or other remedial measures taken so as to be compatible.

### 3.13 **ALTERNATIVES**

All conditions of development and redevelopment including, but not limited to, ground cover, hedges, trees, landscaping and recreation equipment shall be maintained in living condition or in good state of repair. The officer may accept alternatives provided the intent of the original approval is maintained.

### 3.14 **RETAINING WALLS**

3.14.1 Retaining walls shall be maintained in a structurally sound condition, good repair and free from accident hazards.

3.14.2 Without restricting the generality of subsection 3.14.1, the maintenance includes:

- a) redesigning and rebuilding to the requirements of The Ontario Building Code, The Building Code Act, R.S.O. 1992, and Regulations made thereunder, or replacing of all deteriorated, damaged, misaligned or missing portions of the wall or railings and guards appurtenant thereto;
- b) installing subsoil drains where required to maintain the stability of the wall;
- c) grouting masonry cracks; and,
- d) applying a coating of paint or equivalent preservative to prevent deterioration or an unsightly appearance deleterious to the neighbouring environment.

### 3.15 **GANTRIES AND ANTENNAS**

3.15.1 Gentries, antennas and like structures shall be maintained:

- a) plumb, unless specifically designed to be other than vertical;
- b) in good repair and free of fire and accident hazards;
- c) in a relatively rust free condition; and,
- d) so as not to present an unsightly appearance deleterious to the neighbouring environment.

### 3.16 **SIGNS**

3.16.1 Signs shall be repaired and maintained:

- a) so as not to cause any unsafe condition;

- b) in a vertical plane unless otherwise erected and approved, in which case the sign shall be maintained as erected and approved;
- c) without any visible deterioration of the sign and its structure when viewed from any property other than the property on which the sign is situated; and,
- d) in conformance with the requirements of the sign by-law of the municipality.

3.16.2 Signs and sign structures that are unused, not cared for or discarded shall be removed from the property or shall be stored within a building.

3.16.3 When the sign face or other parts of a sign have been removed, the remaining portion of the sign including the sign structure shall be maintained in a safe condition and so as not to create an unsightly appearance deleterious to the neighbouring environment, or be removed.

## **SECTION 4 MAINTENANCE OF BUILDINGS AND STRUCTURES**

### **4.1 STRUCTURALLY SOUND**

- 4.1.1 Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- 4.1.2 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.1.3 The factors of safety specified in The Building Code Act, S.O. 1992, as amended, and Regulations thereunder are the minimum standards.
- 4.1.4 Where an owner disputes the need for repairs under this section, he may submit a written report signed and sealed by a professional engineer licensed to practice in the relevant discipline in The Province of Ontario on the matters thereto.
- 4.1.5 The officer may accept the findings in the report pursuant to subsection 4.1.4 as the requirements for compliance with the required repairs provided he is satisfied all deficiencies have been identified and appropriately dealt with by the report.
- 4.1.6 The Property Standards Officer may require an engineer's report of a building if in his opinion the building is not structurally sound, such engineer's report to be at the expense of the owner(s).

### **4.2 PEST PREVENTION**

- 4.2.1 All property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin, or insects shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, as amended from time to time and all regulations passed pursuant thereto.
- 4.2.2 Basement and cellar windows or ventilators used or required for ventilation, and any other openings in a basement or cellar including a floor drain that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

### **4.3 FOUNDATION**

- 4.3.1 Foundations shall be of masonry, concrete or other acceptable materials and designed to adequately support the loads imposed and provide a dry basement or crawl space. They shall be free of leaks and defective mortar joints or masonry. Foundation walls shall be waterproof and dampproof to prevent the entry of moisture or water into the basement cellar or crawl space.
- 4.3.2 Foundations shall be maintained in good repair. The maintenance and repair includes:
  - a) extension of the wall foundations below grade or regrading to provide adequate frost cover;
  - b) installing subsoil drains where such would be beneficial;
  - c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
  - d) grouting, waterproofing, cladding or replacing as necessary so as to be weather tight;

- e) where insects and rodents are detected, the treatment by acceptable methods to deter their entrance;
- f) the replacement, cladding or treatment with other methods to restore the wall to its original or acceptable equivalent appearance;
- g) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
- h) the restoring, or replacing of:
  - i) the foundations, walls, columns, beams, floor and floor slabs; and
  - ii) components, claddings, finishes, and trims forming a part thereof.
- i) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
- j) removing or replacing loose or unsecured objects and materials.

#### 4.4 **BASEMENT AND CELLAR FLOORS**

- 4.4.1 Every basement and cellar shall have a floor of concrete, masonry or other impervious material and where a floor drain is necessary it shall be located at the lowest part of the said floor and connected to the storm sewer system if possible, or a sump pump properly installed at the lowest point.
- 4.4.2 Basements, cellars or crawl spaces which are not served by a stairway leading from the building or from outside the building may have an earth floor provided it is covered with a moisture proof covering and have the required ventilation of one percent of the floor area.
- 4.4.3 Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar including a floor drain, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.
- 4.4.4 Where equipment requiring service such as plumbing, clean outs, traps and burners is located in crawl spaces, an access way with a minimum height and width and/or length of 0.61 metres x 0.91 metres (2 feet x 3 feet) shall be provided.

#### 4.5 **DAMPNESS**

The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar basement or crawl space floor.

#### 4.6 **INSULATION**

- 4.6.1 The insulation requirements of the Ontario Building Code as amended from time to time, shall be complied with where necessary and practical.
- 4.6.2 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.

#### 4.7 **EXTERIOR WALLS, COLUMNS AND BEAMS**

- 4.7.1 The exterior walls and other parts of the building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.
- 4.7.2 All exterior surfaces shall be of materials which provide adequate protection from the weather and insects.
- 4.7.3 The exterior walls and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing and by the waterproofing of joints and of the walls themselves and by the installing or repairing of termite shields or other suitable methods.
- 4.7.4 Appropriate measures shall be taken to remove any objectionable markings, stains or

other defacement occurring on the exposed finished exterior surfaces and where necessary, to restore the surface and adjacent areas to as near as possible, their appearance before the marking, staining or defacement occurred.

- 4.7.5 Exterior surfaces of a building shall be kept clean.
- 4.7.6 Exterior surfaces of materials used for the temporary barricading of openings to the interior of a building shall be surfaced with a finish compatible with the surrounding finishes.
- 4.7.7 Exterior columns and beams shall be maintained in a good state of repair and any decorative trim shall be maintained in a safe condition. Where necessary, such columns, beams and trim shall be restored, repaired or replaced and suitably protected against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the building.

#### 4.8 **ROOF**

- 4.8.1 All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering. The roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building and where necessary shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.
- 4.8.2 Every roof including related roof structures, eaves troughs, roof gutters, down pipes, and ice guards shall be maintained, repaired or replaced so as to properly perform the intended function and be of acceptable appearance.
- 4.8.3 Without restricting the generality of subsections 4.8.1 and 4.8.2. the maintenance and repair includes:
  - a) removal of obstructions or loose, unsecured objects and materials;
  - b) removal of dangerous accumulations of snow and ice;
  - c) removal of other accident and fire hazards;
  - d) the overhaul or provision of flashings.
- 4.8.4 Chimneys, smoke or vent stacks and other roof structures shall be maintained in good repair so as to be free from:
  - a) loose bricks, mortar, and loose or broken capping;
  - b) loose or rusted stanchions, guy wires, braces and attachments;
  - c) any fire or accident hazard; and,
  - d) unsightly objects and conditions detrimental to the appearance of the building.

#### 4.9 **DOORS AND WINDOWS**

- 4.9.1 All exterior openings shall be fitted with doors or windows.
- 4.9.2 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 4.9.3 Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.
- 4.9.4 Without restricting the generality of subsection 4.9.3, the maintenance and repair includes:
  - a) the refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens;
  - b) reglazing cracked, broken or missing glass;
  - c) replacing or providing defective or missing hardware;
  - d) rescreening or weatherstripping where such is defective or missing;
  - e) painting or the applying of a similarly effective preservative.

- 4.9.5 When an 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:
- a) wire mesh screen, metal grille or other equivalent durable material; or,
  - b) other protection so as to effectively prevent the entry of rodents or vermin.
- 4.9.6 All doors and opening windows in a dwelling unit shall be provided with the means of being latched or secured from within.

**4.10 FLOORS, STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS, BALCONIES, HANDRAILS AND LANDINGS**

- 4.10.1 Every floor, stair, veranda, porch, deck, balcony and every appurtenance and surface finishing attached or laid thereto shall be maintained, reconstructed, repaired, cleaned or replaced so as to properly perform the intended function and be of acceptable appearance.
- 4.10.2 Without restricting the generality of subsection 4.10.1, the maintenance, reconstructing or repair includes:
- a) repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet that contain depressions, protrusions, deterioration, or are broken, torn, warped, loose or otherwise defective.
  - b) renewing or strengthening structural members that are rolled, deteriorated or loose.
  - c) providing or renewing balustrades, guardrails and railings;
  - d) restricting openings in and climbability of guards to which small children have access to the requirements of The Building Code Act S.O. 1992, as amended, and Regulations thereunder; and,
  - e) painting or the applying of other equivalent preservative.

**4.11 WALLS AND CEILINGS**

- 4.11.1 Every wall and ceiling finish shall be maintained so as to be free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space or the collapse of which might cause injury.
- 4.11.2 Where dwelling units are separated vertically, the divided walls from the top of the footings to the underside of the roof deck, and any space between the top of the wall and the roof deck shall be tightly sealed by caulking, mineral wool or similar non-combustible material, and such walls shall conform to the fire resistance ratings contained in the Ontario Building Code.

**4.12 EGRESS**

- 4.12.1 Every required exit from a residential building shall open directly to a street or outer court.
- 4.12.2 Every dwelling which contains dwelling units located other than on the ground floor shall be provided with a second means of egress.
- 4.12.3 In the case of a multiple dwelling, wherever there are not two means of egress from each apartment, suitably remote from each other, there shall be ready access to at least two means of egress leading to separate and independent exits or safe place of rescue.
- 4.12.4 A required exit shall not pass through an attached garage, or built-in garage or an enclosed part of another dwelling unit.
- 4.12.5 All commercial, institutional and industrial buildings shall be provided with exits of size and number so as to be in compliance with the requirements of The Ontario Building Code, as amended from time to time for the appropriate group and division.
- 4.12.6 All commercial, institutional and industrial buildings shall be provided with lighting facilities capable of supplying no less than eleven (11) lux (1 foot candle) of light intensity of the floor surfaces continuously. { 1 lux = 1 lumen/sq metre } { 1 foot candle = 1 lumen/sq. foot }
- 4.12.7 All commercial, institutional and industrial buildings shall be provided with clean, clear, unobstructed and readily visible exit signs where such exit signs would be required to

locate means of egress.

#### 4.13 **AIR CONDITIONERS**

All air conditioners (including heat pumps) shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

#### 4.14 **ELEVATING DEVICES**

Elevating devices shall be maintained:

- a) in accordance with the requirements of The Elevating Devices Act R.S.O. 1990, The Building Code Act, S.O. 1992, as amended, and all Regulations made thereunder;
- b) with all parts and appendages including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational.

#### 4.15 **FIRE AND ACCIDENT PREVENTION**

4.15.1 When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a premises, the building code shall apply to the extent necessary to abate the unsafe condition.

4.15.2 In the event that strict application of the regulations in the building code is not practical, the Officer may accept alternative measures provided the standard of safety that results is generally equivalent to the standard provided by the detailed building code regulations.

4.15.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.

4.15.4 In the event the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level and tidy condition.

4.15.5 Materials of a flammable nature shall be safely stored or removed at once from the property.

### **SECTION 5 STANDARDS FOR USE AND OCCUPANCY OF BUILDINGS**

#### 5.1 **CLEANLINESS**

Every floor, wall, ceiling and fixture in any building shall be maintained in a clean and sanitary condition and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

#### 5.2 **WATER**

5.2.1 Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of drinkable running water from a source approved by the Ministry of the Environment and/or Medical Officer of Health.

5.2.2 Every sink, wash basin, bathtub, or shower required by this by-law shall have an adequate supply of hot and cold running water.

5.2.3 Adequate running water shall be supplied to every water closet.

#### 5.3 **PLUMBING**

5.3.1 Sewage shall be discharged into the sewerage system or a system approved by the Medical Officer of Health.

5.3.2 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order and be protected from freezing.

5.3.3 The plumbing system shall provide an adequate and potable hot and cold water supply, drainage, venting and operation of fixtures.

5.3.4 Every water heater shall have sufficient capacity to provide an adequate supply of hot

water at a temperature of not less than 43°C (109.4°F) at all times in all parts of every building, dwelling unit, or shared facility.

- 5.3.5 All plumbing fixtures and piping shall conform to all Federal and Provincial legislation and regulations and to municipal by-laws.
- 5.3.6 Where washing machines and plumbing fixtures are provided, they shall be maintained in good working order and in accordance with the manufacturer's recommendations or be removed.

#### 5.4 **TOILET AND BATHROOM FACILITIES**

- 5.4.1 Every dwelling unit except as provided in subsection 5.4.2 hereof, shall contain plumbing fixtures consisting of at least:
  - a. water closet
  - b. a kitchen sink
  - c. a wash basin
  - d. a bathtub or shower
- 5.4.2 In a boarding or lodging house there shall be a water closet, wash basin and bathtub or shower for not more than eight persons and these facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.
- 5.4.3 Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 5.4.4 All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.
- 5.4.5 All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.
- 5.4.6 Where practical a wash basin shall be located in the same room as the water closet, or shall be conveniently adjacent to the room containing the water closet.
- 5.4.7 No facilities for the preparation, cooking, storage or consumption of food or for sleeping shall be within a room that contains a toilet.
- 5.4.8 In a building containing dwelling units, the sanitary conveniences and toilet facilities used in connection with the residential portion of the building shall be separated from any facilities and conveniences used in connection with any non-residential portion unless the occupants of the residential portion are also the occupants of the non-residential portion.
- 5.4.9 Rooms containing sanitary conveniences and toilet facilities shall:
  - a) be regularly cleaned so as to be maintained in a clean and sanitary condition;
  - b) have smooth surfaces reasonably impervious to water.

#### 5.5 **KITCHEN**

- 5.5.1 Every kitchen area shall be equipped with a sink served with hot and cold running water, storage facilities and counter top work area having minimum dimensions of 1,200 mm (48 inches) in length by 560 mm (22 inches) in width and space shall be provided for a stove and refrigerator.
- 5.5.2 The splash back and counter top around the kitchen sink shall have an impervious surface.
- 5.5.3 Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes and there shall be at least 76 centimetres (30 inches) clear space above any exposed combustible cooking surface. Clear space may be reduced in compliance with the requirements of The Building Code Act, S.O. 1992, as amended, and Regulations made thereunder.

#### 5.6 **GARBAGE, REFUSE STORAGE ROOMS AND CHUTES**

Where garbage, refuse storage rooms and chutes are provided they shall be in conformity with the Ontario Building Code as amended from time to time and maintained in a clean and sanitary condition.

#### 5.7 **HEATING, VENTILATING AND MECHANICAL SYSTEMS**

- 5.7.1 Every dwelling and/or dwelling unit shall be provided with a heating system capable of maintaining a temperature in all habitable rooms, bathrooms and toilet rooms as follows:
- a. not less than 21 degrees Celsius (70°F) and 15 degrees Celsius (59°F) in unfinished basements or cellar from the first day of October in each year to the 31st day of May in the following year; and
  - b. not less than 15 degrees Celsius (60°F) first day of June in each year to the 30th day of September in the same year.
  - c. Crawl spaces need not be heated.
- 5.7.2 The heating system required by Section 5.7.1 shall be maintained in good working conditions so as to be capable of heating the dwelling safely to the required standard.
- 5.7.3 Any heating appliance or device shall be located with reference to clear space requirements on all sides in accordance with The Building Code Act, S.O. 1992, as amended and Regulations made thereunder nor placed so as to impede the free movement of persons within the room where it is located.
- 5.7.4 A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- 5.7.5 Where a heating system, or part of it, or any auxiliary heating system burns solid or liquid fuel, a space or receptacle for the storage of the fuel or residue shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 5.7.6 Fuel burning equipment shall be vented to a duct by means of a connection leading to a chimney or a vent or flue which conforms to building and safety standards.
- 5.7.7 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the dwelling.
- 5.7.8 All flues shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 5.7.9 Fireplaces and similar construction used or intended to be 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.
- 5.7.10 In multiple dwellings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance ratings as required by the Ontario Building Code. The room shall be provided with sufficient combustion air directly from the outside.
- 5.7.11 In all commercial, institutional or industrial buildings provided with a central heating system, the heating unit shall be located in a separate room, having walls, ceilings and doors, all of which have the appropriate fire resistance rating as required by the Ontario Building Code.
- 5.7.12 Thermal insulation and vapour barrier shall be provided to prevent moisture condensation on the interior surfaces of walls, ceilings and floors during the winter and to minimize heat loss.
- 5.7.13 Heating, ventilating and mechanical systems including factory built stoves, fireplaces and chimneys, fans, pumps, filtration and other equipment provided to supply heat or other services shall be maintained:
- a) operational in accordance with manufacturers specifications;
  - b) for spaces provided for human habitation, with a heating capacity in accordance with the indoor/outdoor design temperatures as required by The Building Code Act, S.O. 1992, as amended, and Regulations made thereunder; and,
  - c) free of hazards that could cause an accident.
- 5.7.14 Ventilation systems shall be:
- a) regularly cleaned and maintained in good repair, working order and in a safe condition at all times; and,
  - b) in conformance with the requirements of The Building Code Act, S.O. 1992, as

amended, and Regulations made thereunder; and The Fire Marshals Act, R.S.O. 1990, and the Fire Code thereunder.

## 5.8 **ELECTRICAL SERVICE**

- 5.8.1 Electrical installations, including the service capacity of the installations and the number and distribution of circuits, shall conform to the Ontario Electrical Safety Code made pursuant to the Power Commission Act of Ontario.
- 5.8.2 Every habitable room, except for a kitchen, shall contain at least one electrical duplex convenience outlet. Additional duplex convenience outlets shall be provided in accordance with the requirements of The Building Code Act, S.O. 1992, as amended, and Regulations made thereunder and of the Hydro Electric Power Commission of Ontario.
- 5.8.3 Every kitchen shall have at least two electrical duplex convenience outlets, which shall be on separate circuits. One such outlet shall be provided over the counter top work surface and one shall be provided at the refrigerator space. In addition, an outlet shall be provided in a dining area forming part of a kitchen.
- 5.8.4 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 5.8.5 An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, stairwell, basement and cellar.
- 5.8.6 Extension cords shall not be permitted on a permanent basis.
- 5.8.7 The electrical wiring and all electrical fixtures located or used in any building shall be installed and maintained in good working order and in conformity with the regulations of the Hydro Electric Power Commission of Ontario.
- 5.8.8 Every dwelling shall be wired for electricity and lighting equipment shall be installed.
- 5.8.9 A smoke alarm shall be installed in each living unit on each sleeping floor and maintained in operable condition at all times.

## 5.9 **LIGHT**

- 5.9.1 Every habitable room, except for a kitchen, shall have a window or windows, skylights or translucent panels that face directly outside at least 15 centimetres (6 inches) above the adjoining finished grade with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.
- 5.9.2 Every hall, stairway, entrance and exit in all buildings shall be illuminated at all times so as to provide safe passage and the level of illumination, at floor level, shall not be less than 11 lux (1 foot candle).
- 5.9.3 Whenever walls or other portions of structures are located on the outside less than 0.91 metres (3 feet) from a window, such a window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room.

## 5.10 **VENTILATION**

- 5.10.1 Every habitable room shall have an opening or openings for natural ventilation from the outside. Such opening or openings shall have a minimum aggregate unobstructed area of 0.28 square metres (3 feet) and shall be located in the exterior walls or through openable parts of skylights.
- 5.10.2 Openings for natural ventilation may be omitted from a kitchen, living or living-dining room, basement, cellar and crawl space if mechanical ventilation is provided which changes the air once every hour.
- 5.10.3 Every bathroom or room containing a water closet, shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights except said openings may be omitted where a system of mechanical ventilation has been provided, such as an electrical fan with a duct leading to outside the dwelling.
- 5.10.4 All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- 5.10.5 Every basement, cellar, and unheated crawl space shall be adequately vented to the

outside air by means of screened windows which can be opened or by louvres with screened openings.

- 5.10.6 In multiple dwellings, every laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated and where a system of mechanical ventilation is used, it shall be maintained in good working condition.
- 5.10.7 Where insulation is installed so that there is a space between the insulation and the roofing, such space shall be ventilated.

## **SECTION 6 OCCUPANCY STANDARDS FOR DWELLINGS**

- 6.1 Every occupant of a dwelling, in that part of the dwelling that he occupies or controls shall:
- a) limit the number of occupants thereof to the maximum number permitted by this by-law;
  - b) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean sanitary condition;
  - c) keep all exits clean and unobstructed;
  - d) maintain the same in a clean and sanitary condition.
- 6.2 A dwelling shall be at all times kept free of rodents, vermin and insects which may be deleterious to safety or health and from conditions which may encourage infestation by such pests.
- 6.3 In a residence unit, openings in the exterior walls or roof shall be fitted and maintained as to protect all habitable space from water and weather entry and so as to make such space reasonably free from drafts. Every floor, wall, ceiling fixture and appliance in a dwelling unit shall be maintained in a clean and sanitary condition and the dwelling shall be kept free from rubbish, garbage, debris or conditions which constitute a fire, accident or health hazard.
- 6.4 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 6.5 The maximum number of occupants in a dwelling or dwelling unit shall not exceed one person per 9.29 square metres (100 sq. feet) of habitable room floor area.
- 6.6 For the purpose of computing the maximum number of occupants in subsection 6.5 any child under twelve years of age shall be deemed one-half person.
- 6.7 For the purpose of computing the habitable room space in subsection 6.2 the floor area under a ceiling which is less than 2.13 metres (7 feet) high shall not be counted.
- 6.8 No room in any dwelling shall be used for sleeping purposes unless there is a minimum width of 2 metres (6.6 feet) and a minimum floor area of 7 square metres (75 sq. feet) At least one half of the required minimum floor area shall have a ceiling height of 2.13 metres (7 feet) and no floor area with a ceiling height of less than 1.37 metres (4.5 feet) shall be counted.
- 6.9 A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.
- 6.10 For the purpose of computing the habitable room space in sub-section 6.8, the floor area under a ceiling which is less than 2.13 metres (7 feet) high shall not be counted. If a finished ceiling is not applied to the underside of the joists, then the bottom of the joists shall be deemed to be a ceiling for the purpose of establishing this measurement.
- 6.11 The minimum floor area of a room used by two or more persons for sleeping shall be 3.72 square metres (40 sq. feet) for each person so using the room.
- 6.12 Food shall not be stored or prepared in a room that contains a water closet.
- 6.13 Every room in which meals are prepared shall have a sink.
- 6.14 No portion of a building shall be occupied if it does not meet the requirements of this by-law.

## **SECTION 7 ADMINISTRATION**

### **7.1 APPLICATION OF BY-LAW**

- 7.1.1 This by-law shall apply to all property in the Corporation that is situated in areas covered

by the former Corporations of the Village of Bath, Township of Amherst Island, and Township of Ernestown.

- 7.1.2 Where a provision of this by-law conflicts with a provision of another by-law in force in the Corporation, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 7.1.3 If any section of this by-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.
- 7.1.4 Any owner of property which is below the standards prescribed by this by-law is required to repair and maintain such property to comply with the standards prescribed by this by-law and the occupancy and use of property that does not conform to such minimum standards is prohibited or the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.
- 7.1.5 All notices and documents herein required shall be signed by the officer or, in his absence, by his designated deputy.

## 7.2 **PROPERTY STANDARDS COMMITTEE**

- 7.2.1 This by-law shall be administered by a Property Standards Committee composed of such persons, not fewer than three, as Council considers advisable and who shall hold office for three years. When a vacancy occurs in the membership of the Committee, Council shall forthwith fill such vacancy.
- 7.2.2 The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.
- 7.2.3 The members of the committee shall be paid such compensation as the Council may provide.
- 7.2.4 The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and Section 74 of the Municipal Act applies with the necessary changes having been made to such documents.
- 7.2.5 A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 8.1 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

## 7.3 **PROPERTY STANDARDS OFFICER**

- 7.3.1 The office of Property Standards Officer is hereby created and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this by-law, subject to review by the foregoing Committee.
- 7.3.2 The Property Standards Officer or any person acting under his instructions may at all reasonable time and upon producing proper identification, enter and inspect any property.
- 7.3.3 The Property Standards Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupant except under the authority of a search warrant issued under Section 158 of the Provincial Offences Act.
- 7.3.4 The Property Standards Officer for the purposes of inspection 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 examination 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.
- 7.3.5 The Property Standards Officer shall divide the sample taken under section 7.3.4(e) into two parts and deliver one part to the person from whom the sample is taken, if the person

so requests at the time is taken and provides the necessary facilities.

7.3.6 If the Property Standards Officer takes a sample under section 7.3.4(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

7.3.7 The Property Standards Officer shall provide a receipt for any document or thing removed under section 7.3.4(e) and shall promptly return them after the copies or extracts are made.

#### 7.4 **ORDERS**

7.4.1 The Property Standards Officer may issue an Order with regard to a property not in compliance with the standards prescribed by this by-law, and serve the Order on the owner of the property and such other persons affected by it as the Property Standards Officer determines and a copy of the Order may be posted on the property.

7.4.2 Such an Order shall conform with the requirements of Section 15.2(2) of the Building Code Act, S.O. 1992, as amended and shall:

- a) state the municipal address or legal description of such property;
- b) state reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the Order and Notice that, if such repair or clearance is not so done within the time specified in the Order, the municipality may carry out the repair or clearance at the expense of the owner and/or a statement that the occupancy or use of such property that does not conform to the standards is prohibited;
- c) state the final date of giving Notice of Appeal from the order.

#### 7.5 **ORDER TO BE SENT TO LAST KNOWN ADDRESS**

An Order under Section 7.4 sent by registered mail shall be sent to the last known address of the person to whom it is sent.

#### 7.6 **PLACARDING**

7.6.1 A Property Standards Officer may cause to be placed in a prominent position on the exterior of any building which does not conform to the standards set out in this by-law a placard in the form set out in Schedule "A" to this by-law and no person shall pull down or deface any such placard. The placing of the placard shall be deemed to be sufficient service of the Notice or Order on the owner or other persons.

7.6.2 Any person who removes from the premises any such notice or placard placed thereon pursuant to Section 15.2 of The Building Code Act, 1992, or under this by-law shall be guilty of an offence and shall pay the same penalty as provided in the enforcement section of this by-law.

#### 7.7 **DATE OF SERVICE**

When an Order has been served by a Property Standards Officer, the date of service shall be deemed to be the date upon which the Notice or Order is delivered for Registered Mailing at a Post Office, or when a Notice or Order is personally served by a Property Standards Officer upon any person, or upon the date of placarding of a property as provided in the Building Code Act, as amended from time to time.

#### 7.8 **REGISTRATION OF ORDER**

An order under subsection 7.4 may be registered in the proper registry or land titles 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 date on which the order was served under subsection 7.4 and when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied which shall operate as a discharge of such order.

#### 7.9 **DISCHARGE OF ORDER**

When an order as written or as confirmed or modified by the Committee or a Judge of the Ontario Court (General Division) is registered in the registry of land titles office, 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 date on which the order was served under Section 7.4 and, when the

requirements of such order have been satisfied, the Clerk of the municipality shall forthwith register in the proper Registry or land titles office a certificate that such requirements have been satisfied which shall operate as a discharge of such order.

#### 7.10 **COMPLIANCE WITH ORDER**

Where no appeal is taken, or after all appeals are completed, the order as confirmed or modified shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition or otherwise comply with the order.

### **SECTION 8 ENFORCEMENT**

#### 8.1 **APPEAL TO PROPERTY STANDARDS COMMITTEE**

When an Owner or occupant upon whom an Order of the Property Standards Officer has been served is not satisfied with the terms or conditions of the Order, he may appeal to the Property Standards Committee by sending Notice of Appeal by Registered Mail to the Secretary within fourteen (14) days after service of the Order and if no Appeal is taken, the Order shall be deemed to have been confirmed.

#### 8.2 **HEARING OF APPEAL**

8.2.1 Where an Appeal has been taken, the Committee shall hear the Appeal within thirty (30) days after receipt of the Notice of Appeal by its secretary.

8.2.2 The Committee shall have all the powers and functions of the Property Standards Officer and may confirm the Order to demolish or repair or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan are maintained.

8.2.3 Notice of a person's intention to appear as a delegation to appeal an Order, shall be given to the Property Standards Officer and he will also be heard.

#### 8.3 **APPEAL FROM DECISION OF COMMITTEE**

The municipality in which the property is situated or any owner or occupant or person affected by a decision under Section 8.2.2 may appeal to a Judge of the Ontario Court (General Division) of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision, and,

- a) the Judge shall, in writing, appoint a day, time and place for the Hearing of the Appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- b) the appointment shall be served in the manner prescribed; and,
- c) the Judge on such Appeal has the same powers and functions as the Committee.

#### 8.4 **ORDER TO BE FINAL AND BINDING**

The Order, as deemed to have been confirmed pursuant to Section 8.1 or as confirmed or modified by the Committee pursuant to Section 8.2.2 or, in the event of an Appeal to the Judge pursuant to Section 8.3 as confirmed or modified by the Judge, shall be final and binding upon the Owner and occupant who shall make the repair or effect the clearance within the time and in the manner specified in the Order and on Loyalist Township if it entails a modification of the by-law or any clause thereof.

#### 8.5 **POWER OF THE CORPORATION TO REPAIR OR DEMOLISH**

8.5.1 If the Owner or occupant of property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies:

- a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and,
- b) shall not be liable to compensate such owner, occupant or any other persons having an interest in the property by reason of anything done by or on behalf of the Corporation under the provisions of this subsection.

- c) Any item not removed by the date stated on the Order to remedy a violation may be removed by the Corporation at the expense of the owner, and all expenses shall be collected as in Section 8.5.2. If any vehicle is not claimed within 30 days, it shall be sold and all expenses shall be collected as in Section 8.5.2.

8.5.2 The Corporation shall not demolish any dwelling or carry out any removals without first obtaining approval of Council and the cost of such demolition or removals or repair shall be added to the owner's tax bill and collected in the same manner as municipal taxes.

8.5.3 Where the property does not conform to the standards prescribed by the by-law and an order to repair and maintain has been given but has not been complied with and the order as confirmed or modified is final and binding, the Corporation may serve notice on the owner and all persons having an interest in the property requiring that the property be vacated on or before the time specified in the notice and after such time the occupancy and use of the property is prohibited.

## 8.6 ISSUANCE OF CERTIFICATE OF COMPLIANCE

8.6.1 Following the inspection of a property, the Property Standards Officer may, or on the request of the Owner shall, issue to the Owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this by-law.

8.6.2 If a Certificate of Compliance is issued at the request of the Owner, the Owner shall pay a fee of fifty (\$50.00) dollars.

## 8.7 PENALTIES

8.7.1 Any owner who fails to comply with an order issued under the provisions of this by-law, which is final and binding, or who contravenes any other provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$10,000 for any subsequent offence.

8.7.2 Notwithstanding Section 8.7.1, if a corporation is convicted of an offence under the provisions of this by-law, the maximum penalty that may be imposed upon the corporation is \$10,000 for the first offence and \$50,000 for any subsequent offence.

## SECTION 9 EMERGENCY PROCEDURES

### 9.1 EMERGENCY ORDER

Despite any other provisions of this section, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the 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 containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

### 9.2 EMERGENCY POWERS

After making an order under sub-section 7.4, the officer may either before or after the order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

### 9.3 COMPENSATION

The officer, the municipality or anyone acting on behalf of the municipality 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 the reasonable exercise of its powers under subsection 9.2.

### 9.4 SERVICE OF ORDER AND STATEMENT

Where the order was not served before measures were taken by the officer to terminate the danger as mentioned in subsection 9.2, the officer shall forthwith after the measures have been taken, serve or send copies of the order in accordance with subsections 7.4 and 7.7 on or to the owner of the property and all persons mentioned in subsection 7.4.1 and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

### 9.5 SEPARATE SERVICE OF STATEMENT

Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection 9.4 in accordance with subsections 7.4, 7.7 and 7.9 on or to the owner of the property and all persons

mentioned in subsection 7.4.1.

## 9.6 APPLICATION

Forthwith after the requirements of subsection 9.4 or 9.5 have been complied with the officer shall apply to a judge of the Ontario Court (General Division) of the judicial district in which the property is situate for an order confirming the order made under subsection 9.1 and:

- a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- b) the appointment shall be served in the manner prescribed by the judge; and
- c) the judge in disposing of the application may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

## 9.7 DISPOSITION BY JUDGE

The disposition of the application under Clause 9.6 c) is final and binding.

## 9.8 RECOVERY OF EXPENSE

Where a municipality demolishes or repairs property or takes measures to terminate a danger as mentioned in subsection 9.2, the municipality may recover the expenses incurred in respect thereof by any or all of the methods provided for in Section 326 of the Municipal Act, except that such amount, if any, as is to be borne by the municipality as a result of a determination under Clause 9.6 c) may not be recovered.

## SECTION 10 SCOPE OF BY-LAW

### 10.1 REPAIRS

- 10.1.1 All repairs to comply with this schedule shall be carried out with suitable and sufficient materials in a manner acceptable as good and workmanlike for the trades concerned.
- 10.1.2 Nothing in this by-law shall require repairs to be carried out inside an unused building or inside an unused part thereof, except as necessary to remedy an unsafe condition.
- 10.1.3 Nothing in this by-law shall require, under the authority of this by-law, repairs to be made to property which repairs are with respect to matters under the jurisdiction of the Building Code Act, S.O. 1992, as amended, and the Regulations thereunder.
- 10.1.4 Nothing in this by-law shall require, under the authority of this by-law repairs to be made to property which repairs are with respect to matters under the jurisdiction of the Fire Marshals Act, R.S.O. 1990, and the Fire Code thereunder.
- 10.1.5 Nothing in this by-law shall require, under the authority of this by-law, repairs to be made to property which repairs are matters regulated by any other Act of the Province of Ontario and Regulations thereunder.

### 10.2 GENERAL

- 10.2.1 Where a provision of this by-law conflicts with a provision of another by-law in force in the municipality, the provisions that establish the higher standard shall prevail in order to protect the health, safety and welfare of the general public.
- 10.2.2 When any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this by-law still continues in force.

## SECTION 11 AUTHORITY

- 11.1 This by-law shall be read subject to the Building Code Act, S.O., 1992, as amended from time to time, and whenever the provisions of this by-law conflict or are otherwise inconsistent with the provisions of the Building Code Act, the provision of the Building Code Act shall be deemed to be incorporated in this by-law.
- 11.2 This by-law shall come into force on the date it is passed by the Council of the Corporation of Loyalist Township.

- 11.3 This by-law repeals by-law 98-120 of Loyalist Township. Any actions taken by Loyalist Township under by-law 98-120, which are not been completed, remain in force and will be disposed of under the provisions of this by-law.

Enacted and Passed this 22nd day of April, 2002.

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REEVE

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CLERK

**FOR INFORMATION ONLY - NOT PART OF THIS BY-LAW**

THE CORPORATION OF LOYALIST TOWNSHIP

NOTICE

This Property has been found to be not in conformity with the standards set out in the Property Standards By-law No. \_\_\_\_\_.

Any person who pulls down or defaces this placard is liable to the same penalty as provided in Section 8.7 of the Property Standards By-law of the Corporation.

DATED at the Corporation of Loyalist Township this \_\_\_\_\_ day of \_\_\_\_\_