



The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2023-0XX

Department: Planning, Development and Recreation
Division: Building and By-law
By-law Number: 2023-0XX
Report Number: 2023-22-Planning, Development and Recreation
Meeting Date: May 8, 2023
Subject: DRAFT By-law 2023-XXX Property Standards.docx

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

AND WHEREAS section 127 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that a local municipality may;

- a) require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- b) regulate when and how matters required under clause (a) shall be done;
- c) prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- d) define “refuse” for the purpose of this section.

AND WHEREAS the Official Plan for the City of Cornwall includes provisions relating to the conditions of maintenance and occupancy of properties;

AND WHEREAS the Council of the Corporation of the City of Cornwall is empowered by section 15.1(3) of the *Building Code Act*, S.O. 1992, c. 23, as amended, to pass a By-Law for, Inter Alia, prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the use of property that does not conform to the standards, and for requiring property that does not conform to the standards to *repaired* and *maintained* to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS sections 15.2 and 15.8 of the *Building Code Act*, S.O. 1992, c. 23, as amended, provide inspections and enforcement authorities for a By-Law made under section 15.1 of the Act;

AND WHEREAS the offence penalty provisions for contraventions are as set out in section 36 of the *Building Code Act*, S.O. 1992, c. 23, as amended, the Administrative Monetary Penalty System By-Law, as amended, and the Administrative Penalties provisions in section 15.4.1. of the *Building Code Act*, S.O. 1992, c. 23, as amended;

AND WHEREAS section 15.4.1. of the Building Code Act, S.O. 1992, c. 23, as amended, authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-Law of the municipality passed under section 15.1, or an order of an officer under subsection 15.2(2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3;

AND WHEREAS section 391(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may impose fees or charges on persons:

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

AND WHEREAS section 35.3 and 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, states that if a By-Law passed under section 15.1 of the *Building Code Act*, S.O. 1992, c. 23, as amended, setting out standards for the maintenance of property in the municipality is in effect in a municipality, the Council may prescribe minimum standards for the maintenance of the heritage



attributes of property and require property that has been designated and that does not comply with the standards to be *repaired* and *maintained* to conform with the standards;

AND WHEREAS the Council of The Corporation of the City of Cornwall deems it desirable to enact a By-Law to prescribe and enforce standards for the maintenance and occupancy of property within the City of Cornwall and prohibit the use of such property that does not conform to the standards, and for requiring any property to be *repaired* and *maintained* so as to comply with said standards as described herein or to be cleared of all buildings and structures, refuse, rubbish, debris and the property left in a graded and level condition;

NOW THEREFORE the Municipal Council of The Corporation of the City of Cornwall hereby enacts as follows:

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1.0 SHORT TITLE

1.1 This By-Law may be referred to as the “Property Standards By-Law”.

2.0 DEFINITIONS

2.1 “**Acceptable**” means:

- a) accepted by the *Chief Building Official*, or their designate, of the City with respect to matters under the *Building Code*;
- b) accepted by the Chief Fire Official, or their designate, of the City with respect to matters under the Fire Code;
- c) accepted by the Property Standards Officer with respect to the standards set out in this By-Law.

2.2 “**Accessory Building**” means a detached subordinate building or structure that,

- a) is devoted exclusively to a use normally incidental to the main use of the *property*;
- b) is not used for human habitation; and
- c) is on the same lot as the main building.

2.3 “**Act**” means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended;

2.4 “**Building Code**” means the regulations made under section 34 of the *Act*;

2.5 “**Authorized Representative**” means someone appearing on behalf of a *person* in accordance with a written authorization provided upon

request to the *Chief Property Standards Officer*, and who is not required to be licensed by any professional body;

- 2.6 “**Chief Building Official**” means the *person* appointed as the *Chief Building Official* by Council of the Corporation of the City of Cornwall or their designate, under the legislated authority of the *Building Code Act*, S.O. 1992, c. 23, as amended;
- 2.7 “**Chief Property Standards Officer**” means the Manager of the Building & By-Law Division or their delegate;
- 2.8 “**City**” means The Corporation of the City of Cornwall;
- 2.9 “**Committee**” means a Property Standards Committee established under this By-Law in accordance with section 15.6 of the Act, as amended or as substituted from time to time;
- 2.10 “**Council**” means the Council of the *City*;
- 2.11 “**Demolish**” means to do anything in the removal of a building or any material part thereof and “**Demolition**” has a corresponding meaning;
- 2.12 “**Dwelling**” means a building, structure or part thereof, occupied or capable of being occupied, in whole or in part, for the purposes of human habitation;
- 2.13 “**Dwelling Unit**” means one or more *habitable* rooms within a building which is designed, occupied and/or used as a single 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, provided for the exclusive use of such individual or individuals;
- 2.14 “**Fence**” means a structure except a structural part of a building used wholly or partially to screen from view to enclose or divide a *yard* or

other land, to mark or substantially mark the boundary between adjoining land and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, any hedge or grouping of shrubs, or other combination of fencing components which form a continuous barrier for the same purpose;

- 2.15 “**Garbage Bin**” means any dumpster, commercial roll-off bin or similar receptacle used for the accumulation and storage of construction waste, demolition waste, or other similar materials;
- 2.16 “**Graffiti**” means one or more letters, symbols or marks, words, figures, numbers or drawings; sprayed, scribbled, scratched, etched or otherwise applied on a surface, howsoever made that disfigures or defaces a *property* or object, but does not include a *sign* pursuant to the City’s Sign By-Law or a mural which has been authorized by the City;
- 2.17 “**Ground Cover**” means organic or non-organic material applied to prevent erosion such as concrete, flagstone, pavers, gravel, asphalt, grass or other equivalent landscaping;
- 2.18 “**Habitable**” means any room in a *dwelling* or *dwelling unit* used or intended for the purpose of living, sleeping, eating, cooking or preparing food;
- 2.19 “**Heritage Attributes**” means, in relation to real property, and to the buildings and structures on the real property, the attributes of the *property*, buildings and structures that contribute to their cultural heritage value or interest and that is defined or described:
- a) in a By-Law designating a property passed under section 29, Part IV, of the *Ontario Heritage Act* and identified as a *heritage attribute*, reason for designation or otherwise;

- b) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as a *heritage attribute* or otherwise;
 - c) in a By-Law designating a heritage conservation district passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a *heritage attribute* or otherwise; or
 - d) in the supporting documentation required for a By-Law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as *heritage attributes* or otherwise.
- 2.20 “**Inoperable Vehicle**” means a motor *vehicle* as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, that is not in good *repair* and capable of being operated on a highway;
- 2.21 “**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; and
 - b) the heirs, assigns personal representatives and successors in title of a *person* referred to in subsection (a).
- 2.22 “**Last Known Address**” means the address which appears on the *property* assessment roll of the *City*;
- 2.23 “**Last Known Email Address**” means the email address, which includes but not limited to any email address on the City's records or last known correspondence with a *person*;
- 2.24 “**Maintained**” means to carry out any *repairs*, reconstruction, refinishing, or replacement of any part or parts of a structure or

building or appurtenances including mechanical equipment required so they may properly perform the intended function;

- 2.25 “**Mixed-Use**” means a building or structure used heretofore or hereafter erected in part for a *dwelling* or *dwelling unit* and in part for Non-Residential purposes;
- 2.26 “**Multi-Residential**” means a building or structure or part of a building or structure that is used or designed for use for more than two *dwelling units* and includes any *yard* appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, *fences* and erections heretofore and hereafter erected;
- 2.27 “**Nuisance**” means an injurious, inconvenient, annoying, offensive or objectionable or non-*acceptable* condition;
- 2.28 “**Occupant**” means any *person* over the age of eighteen (18) years in possession of the *property*;
- 2.29 “**Officer**” means a Provincial Offences Officer and/or a Property Standards Officer of the *City* or other *person* duly appointed by or under the authority of a *City* By-Law to administer and enforce By-Laws;
- 2.30 “**Ontario Heritage Act**” means the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended;
- 2.31 “**Order**” means an *order* made by an *Officer* under the By-Law, pursuant to section 15.2(2) of the Act;
- 2.32 “**Owner**” includes:
- a) the registered *owner* of the *property*;
 - b) the *person* for the time being managing or receiving the rent of the *property*, whether on the *person’s* own account or as an

agent or trustee of any other *person*, or who would receive the rent if the *property* were let; and

- c) a lessee or occupant of the property who, under the terms of a lease, is required to *repair* and *maintain* the property in accordance with the standards for the maintenance and occupancy of property as set out in this By-Law;

2.33 “**Part IV Heritage Property**” means real *property*, including all buildings and structures thereon, which has been designated by the City under section 29 of the *Ontario Heritage Act*, or which has been designated by the Minister under section 34.5 of the *Ontario Heritage Act*;

2.34 “**Part V Heritage Property**” means real *property*, including all buildings and structures thereon, which is located in a heritage conservation district designated under section 41 of the *Ontario Heritage Act*;

2.35 “**Person**” includes an individual, firm, corporation, association, partnership, trust, unincorporated organization or their heirs, executors, administrators or other legal representation of a *person*;

2.36 “**Property**” means a building or structure or part of a building or structure and includes the *yard* appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, *fences* and erections thereon, whether heretofore or hereafter, and is divided into:

- a) “**Non-Residential Property**” means *property* not containing a legal *dwelling* or *dwelling unit*, which is not occupied nor capable of being occupied in whole or in part for the purposes of human habitation;

- b) “**Residential Property**” means *property* which is occupied or capable of being occupied in whole or in part for the purposes of human habitation;
- c) “**Vacant Land**” means *property* on which there are no structures of any kind but does not include open space land designated as such by the *City*;
- d) “**Heritage Property**” means real *property*, including all buildings, structures and features thereon:
 - i.) that has been designated by the *City* under section 29 of the *Ontario Heritage Act*, or that has been designated by the Minister under section 34.5 of the *Ontario Heritage Act*, or;
 - ii.) this is located within a heritage conservation district which has been designated by the *City* under Section 41 of the *Ontario Heritage Act*;

2.37 “**Refuse**” means any article or thing that:

- a) has been cast aside, discarded or abandoned, whether of any *acceptable* value or not;
- b) has been used up, in whole or in part, whether of any *acceptable* value or not; or
- c) has been expended or worn out, in whole or in part, whether of any *acceptable* value or not;

2.38 “**Repair**” includes the provision of such facilities, the making of additions or alterations or the taking of any action that may be required to ensure that a *property* conforms with the *standards* established in this By-Law;

- 2.39 “**Sewage System**” means a sanitary sewer system or a private sewage disposal system approved by the relevant approval authority;
- 2.40 “**Sign**” means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea;
- 2.41 “**Standards**” means the *standards* of physical condition and of occupancy prescribed for Property in this By-Law;
- 2.42 “**Supplied Facility**” means any appliance, fixture or piece of equipment supplied in accordance with the provisions of a lease or rental agreement;
- 2.43 “**Unsafe Condition**” means any condition that could be hazardous to the health and safety of *persons* in the normal use of the *property* or premise, or *persons* whose access to the *property* or premise has not been reasonably prevented;
- 2.44 “**Vacant Building**” means a building or part of a building that is not used by an *owner* or is not occupied by an *occupant*;
- 2.45 “**Vehicle**” means a motor *vehicle*, trailer, boat, motorized snow *vehicle*, mechanical equipment, and any *vehicle* drawn, propelled or driven by any kind of power, including muscular power;
- 2.46 “**Vermin**” means a mammal, bird or insect injurious to humans, game or crops including but not limited to foxes, rats, mice, moles, birds, owls, weasels, ants, cockroaches, silverfish, fleas, insects, ticks, bedbugs or lice;
- 2.47 “**Yard**” means the land, other than publicly owned land, around or appurtenant to the whole or any part of a building or structure,

includes a *vacant land*, used or capable of being used in connection with the *property*;

2.48 Terms not defined in the By-Law shall have the meaning ascribed to them in the *Act* or the *Building Code* or other relevant legislation.

3.0 APPLICATION AND INTERPRETATION

3.1 This By-Law applies to all *property* in the City of Cornwall.

3.2 This By-Law does not apply so as to prevent a farm, meeting the definition of “Agricultural Operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, as amended, from carrying out a normal farm practice as provided for and defined under that act.

3.3 The *standards* prescribed in the By-Law, unless otherwise stated, shall be held to be the minimum *standards* for the promotion of public health, safety, comfort, convenience and general welfare and are not intended to derogate from the *standards* found in any other applicable municipal, provincial or federal legislation.

3.4 The *owner* of any *property* which does not conform to the *standards* shall *repair* and *maintain* such *property* to conform to the *standards* prescribed by this By-Law to the satisfaction of the *Officer*, or shall clear the site of all buildings, structures, debris or *refuse* and leave it in a graded and leveled condition.

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

- 3.6 All new construction or *repairs* shall conform to the *Building Code* and applicable permits shall be obtained prior to performing any work, where applicable.
- 3.7 Where required by law, or in accordance with recognized industry best practices, work shall be carried out by a duly qualified and/or licensed person in the trade concerned.

4.0 PROHIBITIONS

- 4.1 No *person* shall use, occupy, or permit the use or occupancy of any *property* that does not conform to the *standards* prescribed in this By-Law.
- 4.2 No *person* shall fail to *repair* or *maintain* the *property* in conformity with the *standards* prescribed in this By-Law.
- 4.3 No *person* shall fail to comply with an *order* issued under this By-Law.
- 4.4 No *person* shall remove from any *property* any sign, notice, *order* or placard placed thereon pursuant to section 15 of the *Act* or this By-Law.

5.0 GENERAL STANDARDS FOR ALL PROPERTIES

5.1 Unsafe Conditions

- 5.1.1 Notwithstanding another provision of this By-Law, any condition on or within a *property*, in the opinion of the *Officer*, which may pose or constitute an undue or unreasonable danger, hazard or risk to the health and safety of any *person*, place or thing shall be abated or removed by the *owner* or *occupant* thereof.

5.2 Structural Adequacy

5.2.1 Every part of a building or structure on a *property* shall be *maintained* in good *repair* and in structurally sound condition as:

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

5.2.2 If, in the opinion of the *Officer*, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the *Officer* may *order* that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the *owner* of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, be provided with details of the findings of such examination and be submitted to the *Officer*.

5.2.3 An engineer's report shall contain any remedial work required specify repair drawings and details to ensure the structural adequacy and safety of the building or part thereof.

- 5.2.4 No structural element may be added, removed, *repaired* or modified in any manner until a required permit has been obtained from the *Chief Building Official*.
- 5.2.5 For the purpose of this section “structure” shall include a *fence*, shed, sign or other building in addition to structures defined in the *Act* or *Building Code*.

5.3 Maintenance of Yards

- 5.3.1 Every *yard*, whether vacant or not, shall be kept clean and free from:
- a) rubbish, *refuse*, garbage, brush, waste, litter, trade waste and other debris;
 - b) rodents, *vermin*, insects and other pests and from any condition which may encourage the infestation or harbouring of such pests;
 - c) weeds and grass exceeding six (6) inches in height;
 - d) noxious weeds as defined by the *Weeds Control Act*, R.S.O. 1990, c. W.5, as amended;
 - e) damaged or dead *ground cover*;
 - f) *vehicles*, boats and trailers that are wrecked, dismantled, partially dismantled, abandoned, unused, inoperative or not affixed with a valid plate displaying a valid permit registered to the *vehicle*, boat or trailer;
 - g) *vehicles*, except on a driveway that is constructed and surfaced in compliance with the *City Zoning By-Law*, as amended;

- h) domestic storage such as firewood, building materials, garden equipment and materials, unless such is stored neatly, but not in the front, interior or exterior side *yards*;
- i) holes, excavations or any unprotected wells that create a hazard;
- j) stagnant water which provides a breeding place for mosquitoes or other health hazards;
- k) machinery or any parts thereof, or other objects or parts thereof, or accumulation of material that creates an *unsafe condition*;
- l) excrement;
- m) damaged or dilapidated landscape or garden features such as but not limited to awnings, marquees, canopies, garden furniture, pergolas trellis, lattice, statues and benches;
- n) garbage *bins*, unless they are actively being used in connection with the construction or *demolition* of a building or structure; and
- o) any unsightly or *unsafe condition* out of character with the surrounding environment at the discretion of the Officer.

5.4 Plantings

5.4.1 Hedges, shrubs, plantings, or trees shall be *maintained* in a manner that does not:

- a) obstruct the safety of the public;

- b) obstruct the safety of vehicular or pedestrian traffic;
- c) partially or wholly conceal or interfere with the use of any hydrant or water valve; and
- d) overhang upon any pavement, sidewalk or travelled portion of any street or highway.

5.5 Erosion Control

5.5.1 Ground Cover shall be provided and *maintained* to prevent erosion of the soil. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as is required to *maintain* the grass in a living condition or manner.

5.6 Sewage Discharge and Drainage

5.6.1 Sanitary sewage or organic waste shall be discharged only through the building drain and building sewer into a sewage system.

5.6.2 Untreated or inadequately treated sanitary sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise.

5.6.3 Roof drainage or storm water, swimming pool or sump pump water discharge shall:

- a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
- b) not be discharged on walkways, sidewalks, stairs, or neighbouring property.

- 5.6.4 Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.0 m (39 in.) from the building when it is physically possible.
- 5.6.5 Subsection 5.6.4 does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.
- 5.6.6 Where eavestroughs, roof gutters and downspouts are installed, they shall be *maintained* in good *repair*, free from leaks, and securely fastened to the building.
- 5.6.7 Catch basins shall be *maintained* in good *repair* and free of debris and obstructions which would prevent them from functioning properly.

5.7 Lot Grading – Site Drainage

- 5.7.1 Any site alterations shall adhere to the *City's* Grading By-Law as required.

5.8 Outside storage

- 5.8.1 Where *refuse* or recyclable material is stored for disposal outside of the enclosed walls of a building, the *refuse* or recyclable material, except for single and semi-detached residential buildings, shall be blocked from view if stored less than 60 m (196 feet) from a public highway, street, walkway, park or residential property so as not to be visible from such locations or as required under an approved site plan.
- 5.8.2 In addition to the conditions outlined in section 5.8.1, the storage of *refuse* or recyclable material by an *owner* shall

be blocked from view and the aforementioned visual blockage shall:

- a) extend from grade to a height of 0.3 m (1 ft.) above the height of the storage container(s);
- b) consist of a continuous opaque visual barrier;
- c) be *maintained* in good *repair*, clean sanitary and odour-controlled condition;
- d) be vermin free; and
- e) comply to the requirements of the *City's Fence By-Law* as required.

5.8.3 Any *property* that introduces outside storage may be subject to Site Plan Control pursuant to the *Planning Act*, R.S.O. 1990 c. P. 13.

5.9 Accessory Buildings

5.9.1 An accessory building, other than farm out-buildings shall be:

- a) protected by paint, preservative or other weather-resistant material;
- b) structurally sound and plumb, unless specifically designed to be other than vertical;
- c) *maintained* in good *repair* and free of accident hazards;
- d) be free of unsightly appearance; and
- e) be free of any *unsafe condition*.

5.10 Fence

5.10.1 *Fences shall be maintained:*

- a) in a structurally sound condition;
- b) in good *repair*, free from cracks, missing, broken, or warped components;
- c) free from posters, *signs*, notices, advertising materials, words, slogans, pictures, drawings, *graffiti* or other defacements;
- d) as to be free of overhanging upon any pavement, sidewalk or travelled portion of any street or highway;
- e) in a plumb condition, unless specifically designed to be other than vertical;
- f) so that it is of uniform appearance;
- g) free of an unsightly appearance; and
- h) be free of any *unsafe condition*.

5.10.2 *Fences shall be free of any support for any structure, object or thing that could exert a lateral force against or upon the fence.*

5.10.3 *Fences shall be capable of performing safely the function for which they were constructed.*

5.10.4 *Fences shall be kept free from deterioration by the application of paint or other suitable protective materials of uniform colour, or constructed of a material that is resistant to such deterioration.*

5.11 Driveways and Parking Lots

5.11.1 All driveways, parking lots and walkways shall be:

- a) *maintained* in good *repair*,
- b) kept free of dirt, surface dust, *refuse*, and other debris or materials;
- c) free from deep holes and ruts; and
- d) free from excessive ponding of water.

5.12 Retaining Wall

5.12.1 All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be *maintained* in a structurally sound condition, in good *repair*, and free of hazards.

5.12.2 Such maintenance includes:

- a) redesigning and rebuilding to the requirements of the *Building Code*, or replacing of all deteriorated, damaged, misaligned or missing portions of the wall, railings or guards appurtenant thereto;
- b) installing subsoil drains where required to maintain the stability of the wall;
- c) grouting masonry cracks; and
- d) applying to all exposed metal or wooden components, protective coating of paint or equivalent weather-resistant material.

5.13 Exterior Lighting

- 5.13.1 Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be *maintained* in good *repair*.
- 5.13.2 All common areas, including underground parking areas shall have a permanently installed lighting fixture that shall be *maintained* in good *repair* and shall be illuminated so as to provide safe passage.
- 5.13.3 Exterior lighting fixtures and indoor lighting that can be seen outdoors, shall be directed and *maintained*, or have barriers or shades placed and *maintained* in a manner so as to prevent or block the light source, regardless of whether such building has or may have shades, drapes or other interior/exterior window coverings, from shining directly onto abutting *properties*.
- 5.13.4 Sensor activated lighting shall not be activated by activity off the property.
- 5.13.5 Exterior lighting fixtures and the connections thereto shall be *maintained* in good *repair*.

5.14 Garbage and Refuse

- 5.14.1 Every *dwelling* and every *dwelling unit* within a building shall be provided with sufficient *bins* or receptacles to contain all garbage and *refuse*.
- 5.14.2 Every receptacle shall be an acceptable bag or container that is:
- a) constructed of a watertight material;

- b) constructed to prevent the entry of *vermin*, birds or other animals;
- c) provided with a tight-fitting cover, which shall be kept closed at all times except when garbage or *refuse* is being placed therein; and
- d) *maintained* in a clean and sanitary condition.

5.14.3 Bags containing garbage or *refuse* shall not be stored outdoors unless protected from damage or stored in a receptacle.

5.14.4 In *multi-residential* buildings, when provided, every garbage chute, garbage disposal room, garbage storage area, garbage container, *bin*, or receptacle shall be:

- a) washed and disinfected as often as is necessary to *maintain* a clean and odour free condition; and
- b) *maintained* in good *repair*.

5.14.5 Every garbage disposal room and garbage area shall be readily accessible to all occupants for whom the facility is required to be provided, or in the alternative, be readily accessible by an operable garbage chute provided for this purpose.

5.14.6 The *landlord* of *multi-residential* buildings that do not have garbage disposal rooms shall provide a *bin* or receptacle of sufficient size to contain all garbage and *refuse* generated between collections by the occupants served, and such garbage or *refuse* shall not be loaded beyond the top of the *bin* or receptacle.

- 5.14.7 Every outdoor *bin* or receptacle shall be located in the rear yard, when space can accommodate it, or otherwise in a side yard, but shall not be located in a front yard and shall not be adjacent to any combustible structure or placed within 3 m (10 ft.) vertically or horizontally of any opening in a *habitable* room of the building or of any neighbouring building.
- 5.14.8 Despite any provision in this section, an outdoor *bin* or receptacle may be located in the front yard of a *dwelling* on a farm *property* and *residential property* over 7.5 acres in size where only one *dwelling unit* is situated on the *property* or where authority has been granted under a site plan or other agreement.
- 5.14.9 Where commercial *bins* or containers or in-situ are visible from a public street or lane, or the subject *property* abuts *residential property*, the area where the *bins* or containers are stored shall be enclosed on all sides by a wall or solid *fence* not less than 1.8 m (6 ft.), such wall or *fence* containing an adequate door or gate to allow for the removal of garbage or *refuse*.
- 5.14.10 Every container for organic waste and recyclable items shall be *maintained* in a clean, neat and tidy condition and emptied regularly in accordance with the waste collection schedule established by the *City*.

5.15 Elevators

- 5.15.1 Elevators shall be certified to be in good working order and in compliance with the *Technical Standards and Safety Act*, 2000, S.O. 2000, c. 16, as amended, a certificate of safety and Maximum Occupant Load shall be posted in all elevators.

5.15.2 Elevators shall be *maintained* in good repair, and in a clean condition, free from litter, garbage, *refuse* or debris, stains, *graffiti* and advertisements.

5.15.3 All elevator parts and appendages, including light fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be *maintained* and be kept in good *repair* and operational.

5.16 Swimming Pool

5.16.1 All *swimming pools*, wading pools, ponds and any appurtenance thereto, including *fences* and gates, shall be *maintained* in good *repair*.

5.16.2 All *swimming pools fences* and enclosure shall comply to the City's Fence By-Law.

5.16.3 *Swimming pools* shall be kept free from stagnant water and any other *unsafe condition*.

5.16.4 *Swimming pools* and any accessory or parts thereof which are not operated shall be removed or fitted with suitable cover so as to prevent visual blight, the entrance of elements, or the infestation of *vermin*, pests or insects.

5.17 Towers, Gantries, Masts, and Antennae

5.17.1 Towers, gantries, masts, flags, antennae, craneways, lightening arrestors, television and radio antennae and structures of similar character shall be *maintained*:

a) in good *repair*;

b) reasonably plumb, unless specifically designed to be other than vertical.; and

- c) free of unsafe conditions, fire hazards, and properly anchored in a safe and structurally sound conditions.

5.18 Signs

5.18.1 A *sign* and any structure connected therewith shall be installed and *maintained*:

- a) in good *repair* without any visible deterioration or rust when viewed from any property other than the *property* on which the sign is situated;
- b) in a safe and structurally sound condition;
- c) reasonably plumb, unless approved by the *City*; and
- d) any unused or discarded sign shall be removed from the *property* or shall be stored within a building.

5.19 Unprotected opening

5.19.1 Any unprotected holes, voids, excavations, or cavities of similar character over 0.46 metres (18") in depth shall be filled or safely covered.

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

5.19.3 Any fencing, hoarding or similar barrier, used on a *property* shall be *maintained* in good *repair*, neatly painted or otherwise treated and kept free from posters, signs,

notices, advertising material, words, pictures or other defacements and be constructed in a sturdy manner in accordance with all requirements of the Ontario Ministry of Labour.

5.20 Fire Protection Equipment

- 5.20.1 All fire protection equipment, including private fire hydrants, sprinkler/standpipe systems, fire hoses and nozzles and fire extinguishers, fire alarm systems and annunciator panel, smoke alarms/detectors, shall be *maintained* in good *repair* and free of encumbrances so as to effectively perform their intended function.
- 5.20.2 Aforementioned equipment shall be installed in conformance to all current codes, standards, legislation and By-Laws and shall be *maintained* in strict conformity with the requirements of the *Ontario Fire Code* and Cornwall Fire Services.
- 5.20.3 No *owner* or *occupant* shall:
- a) throw, place, bring or deposit snow or ice on or immediately adjacent to a fire hydrant, sprinkler connection or fire escape;
 - b) in any manner obstruct access to a fire hydrant, sprinkler connection or fire escape;
 - c) place a plant or vegetation that will obstruct or restrict access to a fire hydrant, sprinkler connection or fire escape; or
 - d) construct or place any building, structure, or part thereof or apparatus immediately adjacent to a fire hydrant, sprinkler connection or fire escape, in a manner that

obstructs access to a fire hydrant, sprinkler connection or fire escape.

5.20.4 Private fire hydrants and sprinkler/standpipe connections shall be maintained by the owner in good repair in accordance with the *Ontario Fire Code* and applicable regulations and shall be readily available and unobstructed for use at all times.

5.20.5 *Owners and occupants* shall ensure that fire hydrants, sprinkler connections and fire escapes on or adjacent to their property, are clear of snow accumulation.

6.0 STANDARDS FOR EXTERIOR OF PROPERTIES

6.1 Foundations

6.1.1 The foundations, walls, columns, beams, floor and roof slabs of a building, including ancillary structures such as parking garages, shall be *maintained* in good *repair*.

6.1.2 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* in good *repair*, so as to protect against deterioration caused by the elements, fungus, mould, dry rot, rodents, *vermin* or insects.

6.1.3 The foundations, walls, columns, beams, floors, roof slabs and balconies of all buildings, including parking garages and accessory buildings, shall be *maintained*:

a) in a state of good *repair*;

- b) free from decayed, damaged or weakened sills, beams, piers, post or other supports;
- c) in a manner so as to prevent the entry of moisture into the building; and
- d) in a manner to prevent settlement of the building.

6.2 Exterior Walls

- 6.2.1 The exterior walls and their components shall be *maintained* in good *repair*, so as to prevent their deterioration due to weather or *vermin*, and shall be so *maintained* in good *repair* by:
 - a) painting, restoring, or *repairing* of the walls, coping or flashing; or
 - b) the waterproofing of joints and of the walls themselves.
- 6.2.2 Patching and *repairs* to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- 6.2.3 Appropriate measures shall be taken to remove any unsightly makings, stains, or other defacement, including *graffiti*, occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original condition.
- 6.2.4 All exterior surfaces shall be *maintained* of materials which by themselves or when treated provide adequate protection from the weather.

6.3 Doors and Windows

- 6.3.1 All exterior openings for doors or windows shall be fitted with doors or windows that are capable of being opened or closed easily, unless, in the case of windows, the windows were manufactured to be fixed.
- 6.3.2 Windows, exterior doors and basement or cellar hatchways shall be *maintained* in a weathertight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of *vermin* into the building.
- 6.3.3 Doors, doorframes, window frames, sashes, casings and weatherstripping that have been damaged or show evidence of decay or other deterioration shall be painted, *repaired* or replaced.
- 6.3.4 Weatherstripping and caulking that have been damaged or show evidence of decay or other deterioration shall be *maintained* in good *repair*.
- 6.3.5 The following items shall be *repaired* or replaced:
- a) missing, broken and/or cracked, glass;
 - b) missing and/or defective door hardware; or
 - c) missing and/or defective window hardware.
- 6.3.6 Every entrance door in every *dwelling unit* shall have a locking device so as to be capable of being locked from both inside and outside the dwelling unit.
- 6.3.7 The entrance door in every rooming unit shall have a locking device so as to be capable of being locked from both inside and outside the rooming unit.

- 6.3.8 All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the *dwelling unit*.
- 6.3.9 All windows in a *dwelling unit* shall be double glazed or provided with storm windows or other approved means of minimizing heat loss and infiltration, during the season in which heat is required.
- 6.3.10 All windows in a *dwelling unit* that are capable of being opened shall be provided with screens, and the screens shall be *maintained* in good *repair* so as to effectively prevent the entry of *vermin*.

6.4 Garage and Garage Doors

- 6.4.1 The construction between an attached or built-in garage and a *dwelling unit* shall provide an effective barrier to gas and exhaust fumes.
- 6.4.2 A door to an attached or built-in garage and a *dwelling unit* shall be tight-fitting and weather-stripped which will automatically close and latch to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- 6.4.3 Windows between an attached or built-in garage and a dwelling unit shall be non-operable.
- 6.4.4 Garage doors shall be *maintained* and:
- a) kept in good *repair* and structurally sound;
 - b) kept free from holes and cracks;

- c) able to open and close without impediment;
- d) able to open manually if there is an interruption in power or there is a mechanical failure; and
- e) kept free of any *graffiti*.

6.5 Balconies, Porches, and Decks

6.5.1 Balconies, porches and decks shall be *maintained*:

- a) in good *repair*;
- b) free from *refuse*, rubbish, debris and the accumulation of materials;
- c) properly and securely anchored; and
- d) protected against deterioration and decay by the periodic application of a weather resistant material such as paint.

6.5.2 Any accessory attachments to a balcony, porch or deck, including screens and awnings, shall be *maintained* in good *repair*.

6.6 Roofs

6.6.1 Roofs and their components shall be *maintained*:

- a) in a structurally sound condition;
- b) in a water-tight condition;
- c) free from loose or unsecured objects or materials;

- d) free from hazards, including dangerous accumulations of snow and/or ice;
- e) free from any garbage or *refuse*; and
- f) free from conditions causing or contributing to leaks.

6.6.2 Soffit and fascia components shall be secured and *maintained* in good *repair*.

6.7 Eavestrough and Flashings

6.7.1 Eavestrough, roof gutter, rainwater pipes, and downspouts, flashing and all exterior metal ducts shall be properly secured free from loose or unsecured objects, free from obstructions and other hazards, weathertight, free of holes and *maintained* in good *repair*.

6.7.2 Eavestrough, roof gutter, rainwater pipes, and downspouts, flashing and all exterior metal ducts shall be kept free from rust by the application of a suitable protective material such as paint, and shall be *maintained* in good *repair*.

6.7.3 Every roof drainage shall be discharged onto the ground at least 1.0 m (39 in.) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

6.8 Chimneys

6.8.1 Every chimney, smoke pipe, flue and gas vent and other similar structure shall be *maintained* in good *repair* and:

- a) clear of obstructions;
- b) free from open joints;

- c) free from broken and loose masonry;
- d) in good *repair* and plumb;
- e) free of loose or missing bricks and mortar;
- f) free of loose, missing, or broken chimney caps;
- g) free from rusted stanchions, guy wires, braces, and similar attachment; and
- h) free from *unsafe conditions* and shall prevent gases and smoke from leaking into a building.

6.8.2 Any fuel-burning heating equipment used in a building shall be properly vented to the exterior by means of an approved flue pipe, smoke pipe, vent pipe or chimney.

6.9 Canopies, Marquees and Awnings

6.9.1 All canopies, marquees and awnings shall be properly anchored so as to be *maintained* in good *repair*, in safe and sound condition and shall be protected from decay and rust by a periodic application of weather-coating.

6.10 Miscellaneous

6.10.1 Where features, including but not limited to building design and placement, site access and servicing, waste storage, parking, loading, landscaping, grading, drainage and storm water management, have been required by the *City* as a condition of development or redevelopment approval or, in the case of grading or drainage, by an approved grading plan, such features shall be *repaired* or *maintained* so as to ensure continuous compliance with the *City*

development or redevelopment approval requirements or the approved grading plan.

7.0 STANDARDS FOR INTERIOR OF PROPERTIES

7.1 Air Quality

- 7.1.1 All buildings, or part thereof, shall be *maintained* in good *repair* as to be kept free from accumulations of airborne contaminants that may pose a health concern to any *person*.
- 7.1.2 No *person* shall occupy, or permit the occupancy of, a building, or part thereof, where a high concentration of airborne contaminants exist which may pose a health concern to any person who occupies the building, or part thereof.
- 7.1.3 Notwithstanding any provision of this By-Law, this section shall not apply if, in the opinion of the *Officer*, the presence of airborne contaminants is minor in nature and relates to general maintenance and/or lifestyle.

7.2 Mould

- 7.2.1 Any accumulation of mould shall be immediately cleaned and removed.
- 7.2.2 No *person* shall occupy or permit the occupancy of, a building, or part thereof, where an extensive accumulation of mould exists which could pose a health concern to any *person* who occupies the building, or part thereof.
- 7.2.3 Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation,

which may relate to the creation and growth of mould, shall be *repaired* or removed.

7.2.4 Notwithstanding any other provision of the By-Law, this section, shall not apply if, in the opinion of the *Officer*, the presence of mould is minor in nature or relates to general maintenance and/or lifestyle.

7.3 Interior Structure

7.3.1 In every building, or part thereof, all structural components, including but not limited to all joists, beams, studding, columns and roof rafters, shall be sound material and adequate for the load to which they are subjected.

7.4 Walls and Ceilings

7.4.1 Every wall and ceiling finish shall be:

- a) *maintained* in good *repair*;
- b) *maintained* so as to be easily cleaned; and
- c) free of holes, cracks, loose coverings, mould or other defects.

7.4.2 Where *dwelling units* are separated vertically, the dividing walls shall:

- a) be continuous in the basement from the top of the footing or the floor to the underside of the finished ceiling surface on the uppermost level;
- b) be continuous in the attic from the top of the finished ceiling surface to the underside of the finished roof surface; and

- c) be tightly sealed with caulking or similar non-combustible material.

7.4.3 Where *dwelling units* are separated horizontally, the separating ceiling shall be continuous to the interior side of the exterior walls, and such ceilings shall consist of gypsum wallboard or material providing an equivalent fire resistance rating, and all cracks or openings shall be tightly sealed with caulking or similar non-combustible material.

7.4.4 Sufficient thermal insulation to prevent condensation shall be provided between heated spaces and unheated attic spaces.

7.4.5 Every exterior wall above ground or part of a *habitable* room of a *residential* building opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation of the interior surfaces.

7.4.6 When walls and ceilings are *repaired*, they shall be surfaced with a finish compatible with the surrounding finishes.

7.4.7 Walls around a bathtub or shower shall be *maintained* as to be water-resistant and readily cleaned.

7.4.8 When walls, ceilings and columns of a storage garage have been painted, the surface shall be repainted as necessary and *maintained* in good *repair*.

7.5 Floors

7.5.1 Every floor shall be:

- a) acceptably level; and
- b) *maintained* in good *repair* so as to be free of all loose, warped, protruding, broken or decayed flooring, or other hazardous conditions that may cause an accident or allow dirt or mould to accumulate.

7.5.2 For the purposes of this section, “acceptably level” shall be defined as not more than 75 mm (3 in.) slope in 3 m (10 ft.) and not more than 2.5 cm (1 in.) in any 610 mm (2 ft.).

7.5.3 Where floors have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be *repaired* or replaced.

7.5.4 Any *repair* or replacement required by this section shall be such that the material used shall have a finish similar to that of the original covering.

7.5.5 Every bathroom, powder room and shower room shall have a floor of water-repellent material.

7.6 Means of Egress

7.6.1 Every *dwelling unit* shall have a direct egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the street or grade level.

7.6.2 There shall be a secondary means of egress for every *dwelling unit* located on each floor above the second floor, and for two (2) or more dwelling units or two (2) or more rooming units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.

- 7.6.3 For the purposes of this section, a window may be used as a secondary means of egress in a unit provided that:
- a) it can be easily opened from the inside without the use of a key, tools, special device or knowledge;
 - b) it has an individual open portion that is a minimum width of 0.56 m (22 in.) and a minimum height of 1.0 m (39 in.); and
 - c) it has a sill no more than 1.0 m (39 in.) above the floor or permanent access.
- 7.6.4 A secondary means of egress may be required for a *dwelling unit* or rooming unit if, in the opinion of the *Officer*, there exists a hazardous condition.
- 7.6.5 A required means of egress shall not pass through an attached or built-in garage or an enclosed part of the *dwelling unit*.
- 7.6.6 All means of egress shall be:
- a) *maintained* in good *repair*, and
 - b) free of ice, snow, *refuse*, or conditions which constitute a hazard.

7.7 Stairs, Handrails, and Guards

- 7.7.1 All stairs, porches, decks, landings, treads, risers, fire escapes or other similar structures shall have guards or handrails which shall be *maintained* in good *repair* and shall be capable of supporting all loads to which they might reasonably be subjected.

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

7.8 Electrical Systems

7.8.1 A supply of electrical power, wiring and receptacles acceptable to the Electrical Safety Authority shall be provided and properly *maintained* by the *landlord* to all *habitable* areas and interior common areas in a *residential* rental *property*.

7.8.2 All electrical fixtures, switches, receptables, wiring and connections thereto shall be *maintained* in good *repair*, and free of conditions dangerous to *persons* or *property*.

7.8.3 Every kitchen in *dwelling* or *dwelling unit* shall have outlets suitable for a refrigerator and a cooking appliance.

7.8.4 If the *landlord* supplies a meter for electricity for the purposes of billing the tenant individually, it shall be properly *maintained* by the *landlord* and kept accessible to tenants.

7.9 Natural Light

7.9.1 Every *habitable* room except a kitchen and/or bathroom, shall have a window facing outside and admits as much natural light equal to not less than:

a) ten (10) percent of the floor area for living and dining rooms; and

b) five (5) percent of the floor area for bedrooms and other finished room.

7.10 Lighting

- 7.10.1 Within a *dwelling unit*, every stairway, exterior exit and entrance doorway, bath or shower room, toilet room, kitchen, corridor, basement, laundry room and utility room in a building shall have permanently installed working lighting that shall be *maintained* in good *repair*, so as to properly perform its intended function.
- 7.10.2 Every hallway, stairway, common area and underground parking area shall have permanently installed working lighting that shall be *maintained* in good *repair*, so as to properly perform its intended function, and be properly illuminated so as to provide safe passage.
- 7.10.3 Lighting required by the *Building Code* shall be provided and be *maintained* in good *repair* as to allow for an adequate level of lighting so that the use normally carried out in such areas can be undertaken safely.

7.11 Water Supply

- 7.11.1 Every *dwelling unit*, shall be provided with an adequate supply of potable and running water from a source approved by the Medical Officer of Health.
- 7.11.2 Every sink, washbasin, bathtub or shower required by this By-Law shall have an adequate supply of hot and cold running water.
- 7.11.3 Hot water as required in section, shall be supplied at a temperature of not less than 43° C (109° F) and not more than 49° C (120° F) in a quantity of at least 165 litres (36 gallons) for 15 minutes with a minimum recovery rate for the temperature of 45 litres (10 gallons) per hour.

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

7.12 Plumbing

7.12.1 All plumbing, drainpipes, water pipes, plumbing fixtures and appliances, and every connecting line to the sewage system shall:

- a) be *maintained* in good *repair*, free from leaks or defects;
- b) be protected from freezing;
- c) be connected to the sewage system through water sealed traps; and
- d) be kept in a clean sanitary condition.

7.13 Heating

7.13.1 Every *dwelling* and *dwelling unit* shall be provided with an adequate heating system capable of maintaining a room at 1.5 m above floor level and 1.0 metre from exterior walls in all *habitable* spaces and in any area intended for normal use, is at least 20° C (68° F).

7.13.2 Every *multi-residential* building shall have heating equipment capable of maintaining the temperature levels as required by this section.

7.13.3 Heating systems shall be *maintained* in good *repair* and in a safe working condition.

7.13.4 No *dwelling unit* shall be equipped with portable heating equipment as the primary source of heat.

- 7.13.5 Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 7.13.6 Solid fuel burning appliances shall conform to the standards as set out in the *Building Code* and any other applicable regulations.

7.14 Heating, Ventilation, and Air Conditioning

- 7.14.1 All heating, ventilation, and mechanical systems and their components shall be provided, *maintained* and operated free from safety hazards and kept in good *repair*.
- 7.14.2 Ventilation shall be provided to, maintained, and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or other hazard.
- 7.14.3 An opening for natural ventilation may be omitted from a bathroom where a system of mechanical ventilation has been provided, such as exhaust fan with a duct leading to the exterior.
- 7.14.4 Air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

7.15 Vermin Control

- 7.15.1 The property shall be kept free of *vermin* at all times, and methods used for exterminating shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990,

c. P. 11, as amended, and all regulations enacted pursuant thereto.

a) The owner of a building shall take the appropriate steps to remove all vermin infestations using a licensed pest control agency in accordance with all applicable laws.

b) The *owner* of a building that has used a pest control agency shall produce for the *Officer*, on demand, documented proof of steps taken to eliminate the *vermin*.

7.15.2 Basement or cellar windows used or required for ventilation, and any other opening in a basement or cellar, including a floor drain, that may permit the entry of *vermin* shall be screened with wire mesh, metal grill or other durable material which will effectively exclude *vermin*.

7.15.3 Openings and holes in a building, 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 and *maintain* in good *repair*.

8.0 ADDITIONAL STANDARDS FOR DWELLING UNITS

8.1 Duties of Owners and Occupants

8.1.1 In addition to the *standards* for the maintenance and occupancy of *property* as set out in this By-Law, the *owner* of a *residential property* shall also comply with *standards* for *dwelling units* in this section.

8.1.2 Every *occupant* of a *dwelling unit*, or in that part of the *dwelling unit* that they occupy or control shall:

- a) limit the number of *occupants* thereof to the maximum number permitted by the By-Law;
- b) keep all exits unobstructed; and
- c) cooperate with the *landlord* in complying with the requirements of this By-Law.

8.2 Occupancy Standards

- 8.2.1 The maximum number of *occupants* in a *dwelling unit* shall not exceed one (1) *person* for each 9.3 m² (100 ft²) of *habitable* room floor area.
- 8.2.2 No room in a *dwelling unit* shall be used for sleeping purposes unless there is a minimum width of 1.8 m (6 ft.) and a floor area of 5.5 m² (60 ft²).
- 8.2.3 The minimum floor area of a room in a *dwelling unit* used by two (2) or more persons for sleeping shall be 3.7 m² (40 sq. ft.) for each person so using the room.
- 8.2.4 No room in a rooming house shall be used for sleeping purposes unless it has a minimum width of 2 m (6 ft. 7 in.) and a floor area of at least 7 m² (75 ft²).
- 8.2.5 The minimum floor area of a room in a rooming house used by two (2) or more persons for sleeping shall be 4.6 m² (50 ft²) for each person so using the room.
- 8.2.6 Every service room, in other than a *dwelling unit* not serving another *dwelling unit*, shall be separated by partitions having the fire resistance rating of at least one (1) hour.

8.2.7 Access to each habitable room shall be gained without passage through a furnace, boiler room or hazardous equipment room.

8.3 Facilities

8.3.1 Every *supplied facility* shall be so constructed and *maintained* so that it will function safely and effectively, and in good *repair*.

8.4 Required Plumbing Fixtures

8.4.1 Every *dwelling* or *dwelling unit* shall contain; a water closet, a kitchen sink, a washbasin and a bathtub or shower, and with the exception of a water closet, be equipped with hot and cold running water.

8.4.2 Where a *dwelling unit* is used as a rooming or boarding house, the *occupants* may share a single bathroom provided that:

- a) a total of not more than five (5) *persons* occupying the *dwelling unit*;
- b) for each additional five (5) *persons* or less, there shall be an additional water closet, washbasin and bathtub or shower; and
- c) access to the bathroom can be accessed without passing through another *dwelling unit*, travelling along an unheated corridor, or travelling outside the building containing the *dwelling unit*.

8.5 Kitchens

- 8.5.1 The back splash and countertop around the kitchen sink shall have an impervious surface.
- 8.5.2 Every kitchen shall have connected and operating gas or electrical supply for cooking and refrigeration purposes as approved by the appropriate authority.
- 8.5.3 Cupboards for food, dishes and cooking utensils shall be of sufficient strength that they will not collapse, tip or if fastened to a wall, become detached when filled.
- 8.5.4 Every kitchen shall have a countertop work surface at least 1.2 m (4 ft.) in total length, exclusive of the sink, is impervious to moisture and grease, and easily cleanable so as to not impart any toxic or deleterious effect to food.
- 8.5.5 The following items in every kitchen shall be *maintained* in good *repair*,
- a) cupboards and cupboard doors;
 - b) missing or defective cupboard hardware;
 - c) drawers;
 - d) missing or defective drawer hardware; and
 - e) countertops.
- 8.5.6 Where appliances are provided, they shall be *maintained* in good *repair* and in a safe condition.

8.6 Bathrooms

- 8.6.1 Every bathroom shall be located within and accessible from within the *dwelling unit*.

- 8.6.2 Every bathroom shall be fully enclosed and shall have a door capable of being locked from the inside so as to provide privacy for the user.
- 8.6.3 A washbasin shall be located in the same room as the water closet and, where this is not possible, a washbasin shall be located in a room conveniently adjacent to the room containing the water closet.
- 8.6.4 Materials, items or components in a bathroom or powder room including but not limited to the vanity, vanity top, vanity drawers, vanity doors, missing vanity hardware, defective vanity hardware, missing vanity door hardware or defective vanity door hardware shall be *maintained* in good *repair*.
- 8.6.5 Bathtubs and showers shall be caulked so as to form a continuous watertight seal and *maintained* in good *repair*.
- 8.6.6 No water closet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

8.7 Floors

- 8.7.1 Floors and floor coverings shall be *maintained* free from refuse, rubbish, and debris.
- 8.7.2 Floors and floor coverings shall be *maintained* in good *repair* and reasonably smooth and level and free from warped or decayed boards, holes, large cracks, depressions, protrusions, deterioration or other defects.
- 8.7.3 Floors and floor coverings shall be water resistant material in every bathroom, kitchen, laundry or shower room.

8.7.4 Deteriorated or damaged floor coverings shall be *repaired* or replaced with materials so that the flooring presents a uniform and neat appearance.

8.7.5 *Repairs* made to floor coverings shall be finished to reasonably match existing floor coverings.

8.8 Interior Walls and Ceilings

8.8.1 Interior walls and ceilings shall be *maintained* in good *repair* free from holes, cracks, broken plaster, loose or broken masonry;

8.8.2 *Repairs* made to interior walls and ceilings shall be finished to match existing walls and ceilings.

8.9 Smoke Detectors

8.9.1 Smoke detectors shall be *maintained* in good *repair*.

8.9.2 Smoke detectors shall be installed adjacent to each sleeping area in a *dwelling unit*.

8.10 Disconnection of Utilities

8.10.1 No *owner* or *occupant*, shall disconnect or cause to be disconnected or permit to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for a *dwelling unit* occupied by a tenant except for such a reasonable period of time as may be required for the purposes of *repairing*, replacing or altering such service or utility.

8.10.2 No *owner* shall disconnect a utility service that is provided as part of a lease or rental agreement.

9.0 ADDITIONAL STANDARDS FOR MULTI-RESIDENTIAL PROPERTIES

9.1 Application

9.1.1 In addition to the *standards* for the maintenance and occupancy of *property* as set out in this By-Law, the *owner* of *multi-residential properties* shall also comply with the Standards for *multi-residential properties* in this section.

9.2 Ancillary Rooms

9.2.1 All provided laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and *maintained* in a safe condition and in good *repair*.

9.2.2 All sinks provided in ancillary rooms shall be connected to hot and cold water and properly connected to the drainage system.

9.2.3 All laundry rooms shall have a trapped floor drain connected the drainage system capable of adequately draining the floor.

9.2.4 Recreational amenities, facilities rooms, play areas and play surfaces, indoor and outdoor *swimming pools* and equipment shall be *maintained* in good *repair*, clean and be available for use at reasonable hours.

9.3 Common Areas

9.3.1 Every common area including but not limited to, floor, stair, landing and every appurtenance, surface and finish attached to or laid upon it shall be *maintained* so as to properly perform its intended function.

- 9.3.2 Every common area including but not limited to, laundry room, garbage room, boiler room and storage garage of the building shall be adequately ventilated.
- 9.3.3 Common area stair handrails shall be *maintained* free from damage and obstructions.
- 9.3.4 Exit signs shall be lighted, placed at appropriate locations, and *maintained* in good *repair*.
- 9.3.5 All pedestrian exit doors and associated hardware shall be *maintained* in good *repair* and provided with proper security measures to prevent unwanted access.

9.4 Storage Rooms

- 9.4.1 Walls, ceilings, floors, and doors of a storage room shall be *maintained* in good *repair* and kept clean and free from holes and cracks.
- 9.4.2 Storage room doors and their locking devices shall be *maintained* in good *repair*.
- 9.4.3 Walls, ceilings, floors and doors of a storage room shall be kept clean and free from *graffiti*.
- 9.4.4 Adequate lighting shall be provided and *maintained* in every storage room and kept in good *repair* and working order.

9.5 Shared Entrances

- 9.5.1 Every door used as an entrance to or exit from a *multi-residential* building shall be kept closed and locked and equipped with self-closing and self-locking

mechanisms, and the door shall not be secured in an open position except in an emergency situation.

9.5.2 All doors used as an entrance to or exit from a *multi-residential* building, including the self-closing and self-locking mechanisms, shall be kept in good working order.

9.6 Communication Systems

9.6.1 Where a communication system between each *dwelling unit* and the principal entrance and a security locking and release device for the entrance has been provided and is controlled from each *dwelling unit*, such devices, shall be *maintained* in good *repair*.

9.6.2 The communication system shall not identify an *occupant* by unit number.

9.7 Garage Doors

9.7.1 Garage doors equipped with an automatic closing mechanism shall be equipped with an operational sensory device to detect any *person, vehicle*, animal or object when crossing its path.

9.7.2 All swipe card or key access devices to a garage door shall be *maintained* in good *repair* and working order.

9.8 Parking Garages

9.8.1 Every wall, floor, ceiling and columns of every parking garage shall be *maintained* in good *repair*, and free from holes, breaks or cracks and impervious to water.

- 9.8.2 Every wall, floor, ceiling and column shall be free from any *graffiti*.
- 9.8.3 Every parking garage shall be kept clean and free from *refuse*, garbage, litter, debris or rubbish.
- 9.8.4 No machinery, boats, *vehicles*, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be kept or allowed to remain in a parking garage.
- 9.8.5 Every parking garage shall be adequately lighted.

9.9 Garbage

- 9.9.1 *Multi-residential properties* shall have a garbage storage facility of sufficient number of suitable *bins* or receptacles, that are readily accessible to all *occupants* so as to contain all garbage, debris, refuse, and waste.
- 9.9.2 Every garbage chute, garbage storage facility, *bin* or receptacle shall be washed and disinfected as often as it is necessary to *maintain* a clean and odour free condition.

9.10 Mail

- 9.10.1 Where mailboxes or mail slots are provided, they shall be:
- a) *maintained* in good *repair*;
 - b) secured with a locking device; and
 - c) one shall be provided for each *dwelling unit*.
- 9.10.2 Mail rooms shall be kept clean and free from any discarded papers, litter, rubbish, *refuse* and debris.

9.11 Contact Signs

- 9.11.1 A contact sign shall be posted and *maintained* in a prominent place in the front lobby or entrance of the building.
- 9.11.2 The sign shall indicate; the current name, address and telephone number of the *owner, landlord, manager, condominium corporation, property management company* or other *person* responsible for the *property* and the name and telephone number of the authorized *person* to contact in the case of an emergency on a twenty-four (24) hour basis.
- 9.11.3 The telephone numbers listed on the sign shall be telephone numbers that do not result in a charge back fee on the telephone bill for the telephone service used to call the listed telephone number.
- 9.11.4 If there is a change in the information displayed on the sign, the sign shall be revised to reflect the change within one (1) week of the change.

10.0 ADDITIONAL STANDARDS FOR NON-RESIDENTIAL PROPERTIES

10.1 Application

- 10.1.1 In addition to the *standards* for the maintenance and occupancy of *property* as set out in this By-Law, the *owner of non-residential property* shall also comply with the standards for *non-residential property* in this section.
- 10.1.2 *Non-residential property* shall be *maintained*:

- a) in a clean, sanitary and safe condition;
- b) free from such litter, *refuse* and debris including such litter and *refuse* as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter and *refuse*;
- c) free from objects or *unsafe conditions* which are health, fire and accident hazards; and
- d) free from rodents, *vermin*, insects and pests.

10.2 Means of Egress

10.2.1 All means of egress within a non-residential property shall be:

- a) maintained free from all obstructions and impediments;
- b) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- c) provided with adequate lighting facilities capable of illuminating the means of egress to ensure the safe passage of *persons* exiting the building.

10.2.2 In a *mixed-use property*, no means of egress from the non-residential portion of the building shall pass through any part of any dwelling unit unless the *occupant* thereof is also the *occupant* of the non-residential portion.

10.2.3 When a second means of egress requires a *person* to travel across a roof top to reach a fire escape or second stairwell, then a walkway complete with railings must be

installed and *maintained* in good *repair* across said roof tops.

10.3 Storage Areas

10.3.1 Where outside storage of goods, materials, machinery or equipment and *vehicles* is permitted on a *non-residential property*, the storage area shall be graded and *maintained* with gravel, or surfaced and *maintained* in good *repair* with concrete, asphalt, crushed stone or other hard surface and dustless materials.

10.3.2 Notwithstanding this section, all outside storage areas which abut any residentially zoned *property* shall be surfaced and *maintained* in good *repair* with asphalt, concrete or interlocking stone.

10.4 Interior Walls, Ceilings and Floors

10.4.1 Interior walls, floors, and ceilings of a building or structure on a *non-residential property* shall be *maintained*:

- a) free from hazards or *unsafe condition*;
- b) in good *repair* and free from holes, large cracks, broken plaster, and loose or broken masonry; and
- c) in a clean and sanitary condition which is reasonable considering the use or operation.

10.4.2 *Repairs* made to the interior walls, floors and ceilings of *non-residential property* shall be finished to reasonably match the existing walls, floors and ceilings.

10.5 Driveways and Parking Lots

10.5.1 All driveways and parking lots shall be:

- a) surfaced and *maintained* with asphalt, concrete or interlocking stone;
- b) provided with suitable marking such as painted lines to indicate parking spaces and shall be *maintained* so as to be clearly visible;
- c) provided with secured curb stops, bollards or other restraining devices to prevent *vehicles* from damaging *fences*, lamp standards, poles and other structures on the parking lot or adjoining *property* and from encroaching onto adjoining *property*. All curb stops, bollards or other restraining devices shall be kept in good *repair*; and
- d) kept clear and free from snow and ice.

10.6 Heating

10.6.1 Buildings on *non-residential property* shall be provided with a heating system capable of maintaining a minimum temperature of eighteen (18) degrees Celsius at 1.5 metres (5 ft.) above the floor level when the premises are occupied.

10.6.2 Heating systems shall be *maintained* in good *repair*.

10.7 Air Conditioning

10.7.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to the

entrance areas, sidewalks or pathways and shall be *maintained* in good *repair*.

10.7.2 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways, or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to walls, foundations or other parts of a building.

10.7.3 The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

10.7.4 No air conditioning unit shall be installed over any entrance, means of egress, sidewalks or pathways.

10.8 Cleanliness

10.8.1 Every floor, wall, ceiling, fixture, appliance and equipment shall be maintained in good repair, and in a clean and sanitary condition as is appropriate to the use which is being made of the building.

10.8.2 Every building shall be kept free from rubbish, debris, refuse or any *unsafe condition* which constitutes an accident or other hazard.

11.0 ADDITIONAL STANDARDS FOR HERITAGE PROPERTIES

11.1 Application

11.1.1 In addition to the minimum *standards* for the maintenance and occupancy of property as set out in this By-Law, the Owners of *Part IV heritage property* or a *Part V heritage property* shall:

- a) comply with the *standards* for a *Part IV heritage property* and a *Part V heritage property* in this section;
- b) *maintain*, preserve and protect the *heritage attributes* so as to *maintain* the heritage character, visual and structural integrity of the building or structure; and
- c) *maintain* the *property* in a manner that will ensure the protection and preservation of the *heritage attributes*.

11.2 Repair of Heritage Attributes

11.2.1 Notwithstanding any other provision of this By-Law, where a *heritage attribute* of a *Part IV heritage property* or a *Part V heritage property* can be *repaired* the *heritage attribute* shall not be replaced and shall be *repaired*:

- a) In a manner that minimizes damage to the *heritage attributes* and values;
- b) in a manner that maintains the design, colour, texture, grain or other distinctive feature of the *heritage attributes*; and
- c) using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

11.2.2 Where the same types of materials as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain and any other distinctive features and appearance of the original materials.

11.3 Replacement of Heritage Attributes

11.3.1 Notwithstanding any other provision of this By-Law, where a *heritage attribute* of a *Part IV heritage property* or a *Part V heritage property* cannot be repaired, the *heritage attribute* shall be replaced:

- a) using the same types of materials as the original;
- b) where the same types of materials as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain and any other distinctive features and appearance of the original materials;
- c) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the *heritage attribute*; and
- d) in a manner that minimizes damage to the *heritage attributes* of the *property*.

11.4 Clearing and Levelling of Heritage Properties

11.4.1 Notwithstanding any other provision of this By-Law or the *Ontario Heritage Act*, no building or structure of a *Part IV heritage property* or a *Part V heritage property* may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.

11.5 Vacant and Damaged Designated Heritage Properties

11.5.1 Where a *Part IV heritage property* or a *Part V heritage property* remains vacant for a period of ninety (90) days or more, the Owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and

ventilation to prevent damage to the *heritage attributes* caused by environmental conditions.

11.5.2 The *owner* of the vacant *Part IV heritage property* or a *Part V heritage property* shall protect the building and *property* against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it, of all animals and unauthorized *persons* and by closing and securing opening to the building with boarding:

- a) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening, so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- b) that is fastened securely in a manner that minimizes damage to the *heritage attributes* and the historic fabric and is reversible; and
- c) in a manner that minimizes visual impact.

11.5.3 Notwithstanding any other provision above, no window, door or other opening on a *Part IV heritage property* or a *Part V heritage property* shall be secured by brick or masonry units held in place by mortar unless required.

11.5.4 Where utilities are available for safety and security of the building, an exterior lighting fixture shall be installed and *maintained* in the front porch, veranda or an area adjacent to the front entrance of the building or structure and must be left on a timer.

- 11.5.5 The *owner* of a vacant *Part IV heritage property* or a *Part V heritage property* shall post signs prohibiting trespassing onto the *property* and prohibiting removal of materials.

11.6 Conflict

- 11.6.1 If there is a conflict between this section and any other provision in this By-Law or any other City By-Law, the provision that establishes the highest standard for the protection of *heritage attributes* shall prevail.

12.0 ADDITIONAL STANDARDS FOR VACANT PROPERTIES

12.1 Application

- 12.1.1 In addition to the *standards* for the maintenance and occupancy of *property* as set out in this By-Law, the *owner* of a *vacant property* shall also comply with the Vacant Building By-Law.
- 12.1.2 *Vacant property* shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

13.0 ADDITIONAL STANDARDS FOR BUILDINGS OR STRUCTURES DAMAGED BY FIRE, STORM, OR OTHER CAUSES

13.1 Application

- 13.1.1 In addition to the *standards* for the maintenance and occupancy of *property* as set out in this By-Law, the *owner* shall also comply with the *standards* for buildings or structures damaged by fire, storm or other causes in this section.
- 13.1.2 A building structure damage by fire, storm or other natural causes shall be demolished or *repaired*.

- 13.1.3 Where a building or structure is damaged by fire, storm or other natural causes, immediate steps shall be taken to prevent or remove a condition which might endanger *persons* on or near the *property*.
- 13.1.4 The building or structure which is damaged by fire, storm or other natural causes shall be properly supported and barricaded until the necessary *demolition* or *repair* can be carried out.
- 13.1.5 All *properties* damaged by fire, storm or natural causes shall be secured to prevent entry onto such *properties*.
- 13.1.6 Defacements by smoke or by other similar causes on the exterior walls and surfaces of the buildings or structures or of the remaining parts of the building or structures, shall be removed and the defaced areas refinished in a workmanlike manner.
- 13.1.7 Any structure, building or part thereof that has been damaged by fire, storm or other causes shall be repaired to their original condition or shall be *demolished* within thirty (30) days; for insurance purposes and such, the *Chief Building Official* may authorize an extension of this period.

13.2 Demolition

- 13.2.1 *Properties* shall be cleared of all rubbish, debris, *refuse*, masonry, lumber and other materials where buildings or structures are demolished
- 13.2.2 *Properties* shall be left in a graded and leveled condition, where buildings or structures are demolished.

- 13.2.3 Where a part of a building or structure has been *demolished*, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this By-Law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors and from areas of multi-coloured paint or wallpaper.
- 13.2.4 Where a building or other structure is being *demolished*, every precaution shall be taken to protect adjoining *properties* and members of the public. Such precautions shall include the erections of *fences*, barricades, covered walkways for pedestrians and other means of protection necessary for the purpose.

14.0 ADMINISTRATION AND ENFORCEMENT

14.1 Administration

- 14.1.1 The *Chief Property Standards Officer* shall administer and enforce this By-Law and establish any additional practices, policies, penalties and procedures necessary to implement this By-Law and may amend such practices, policies, penalties and procedures from time to time as the *Chief Property Standards Officer* deems necessary, without amendment to this By-Law.
- 14.1.2 The *City* may appoint *Officers* and such other staff to carry out the administration and enforcement of the By-Law.
- 14.1.3 Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention Officer of the *City* is hereby authorized and directed to act as an assistant to the *Officer* from time to time.

14.1.4 The *Chief Property Standards Officer* may prescribe all forms and notices necessary to implement this By-Law and may amend such forms and notices from time to time as the *Chief Property Standards Officer* deems necessary, without amendment to the By-Law.

14.2 Powers of Entry

14.2.1 An *Officer* and any *person* acting under the *Officer's* instructions may, upon producing proper identification, enter upon any *property* at any reasonable time without a warrant for the purpose of inspecting the *property* to determine:

- a) whether a *property* conforms to the *standards* prescribed in this By-Law; or
- b) whether an *order* made under this By-Law has been complied with; and
- c) whether an *order* made under subsection 15.2(2) of the *Act*, has been complied with.

14.2.2 For the purposes of an inspection an *Officer* may:

- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the *property* or any part thereof;
- b) inspect and remove documents or things relevant to the *property* or part thereof for the purposes of making copies or extracts;
- c) require information from any *person* concerning a matter related to the *property* or part thereof, including

their name, address, phone number and identification, in relationship to a property;

- d) be accompanied by a *person* who has special or expert knowledge in relation to a *property* or part thereof;
- e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- f) order the *owner* of the *property* to take and supply at the *owner's* expense such tests, reports and samples as are specified in the *order*.

14.2.3 An *Officer*, employee or agent of the *City* may enter onto *property* at any reasonable time without a warrant for the purposes of causing the *property* to be *repaired*, *maintained* or *demolished* pursuant to subsection 15.4 (2) of the *Act* in accordance with a final and binding Property Standards *order*.

14.3 Obstruction

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

14.4 Cost Recovery

- 14.4.1 Recovery of any fees for services shall be prescribed in Schedule 'A' of this By-Law
- 14.4.2 Any cost incurred by the *City* in exercising its authority to inspect under any provision of this By-Law, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the *owner* or *occupant* of the *property* where the inspection takes place.
- 14.4.3 Where the *City* does or causes work to be done, such work shall be done at the *owner's* expense, and the owner will be responsible for payment of the full cost of the work, including any third party costs, plus any administrative fees.
- 14.4.4 If the *owner* fails to pay the cost of any work completed under authority of this By-Law within thirty (30) days of the work being completed, the amount, plus any administrative fees, shall be added to the tax roll of the subject *property* and collected in the same manner as municipal taxes.
- 14.4.5 Any administrative fees associated with administering or enforcing this By-Law, shall be applied according to Schedule 'A' of this By-Law.
- 14.4.6 The administrative fees set out in Schedule 'A' attached hereto shall be adjusted without amendment to this By-Law annually on January 1st of each year, in accordance with the most recent twelve month change in Statistics Canada Quarterly, Consumer Price Index with the base index value being in effect as at August 31st in the prior year.

14.5 Orders

14.5.1 An *Officer* who determines that a *property* does not comply with the *standards* prescribed in this By-Law may make an *order* and the *order* shall contain:

- a) the name of the *owner* of the *property*;
- b) the municipal address and/or legal description of the *property*;
- c) the particulars of the contravention;
- d) the reasonable particulars of the *repairs* to be made or stating the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- e) the time period for complying with the terms and conditions of the *order*;
- f) the final date for giving notice of appeal from the *order*; and
- g) notice that, if the *repair* or clearance is not carried out within the time period specified on the *order*, the *City* may carry out the *repair* or clearance at the *owner's* expense.

14.6 Service

14.6.1 An *order* shall be served on the *owner* of the *property*, and such other *persons* affected by it, as the *Officer* determines, personally, by email or by registered mail sent to the *last known address* of the *person* to whom notice is to be given or the *person's* agent for service.

- 14.6.2 An *order* served by email shall be deemed to have been served two (2) days after the *order* has been sent via email to the last known email address of the *person*.
- 14.6.3 An *order* served by registered mail shall be deemed to have been served five (5) days after the date that the *order* was mailed.
- 14.6.4 A copy of the *order* may be posted on the *property*.
- 14.6.5 An *order* may be registered on title and, upon such registration, any *person* acquiring any interest in the *property* subsequent to the registration of the *order* shall be deemed to have been served with the *order* on the day on which the *order* was served.
- 14.6.6 Where an *order* is registered on title at the Land Registry Office, the *owner* shall be responsible to pay the fee set out in Schedule “A”.
- 14.6.7 An *owner* or *occupant* may apply for a discharge of *order* registered on the title to a property by submitting a completed application form and paying the applicable fee as set out in Schedule “A”, and where, upon inspection of the *property* by an *Officer*, compliance with the *order* is found, the discharge shall be registered by the *City*.

14.7 Appeals

- 14.7.1 An *owner* or *occupant* who has been served with an *order* may appeal the *order* and who is not satisfied with the terms or conditions of the *order* may appeal to the *committee* by sending a notice of appeal, including the grounds for an appeal and the applicable fee set out in Schedule “A”, by registered mail to the Secretary of the

Committee within fourteen (14) days after being served with the *order*.

14.7.2 An *order* that is not appealed within the prescribed time shall be deemed to be confirmed.

14.7.3 The *committee* shall hear appeals pursuant to section 15.3 of the *Act*.

14.8 Hearings

14.8.1 The Secretary of the Committee, in receipt of the notice of appeal, shall:

- a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice;
- b) give notice in writing, via email or registered mail, of the date, place and time of the hearing referred to in paragraph a) to the appellant and the *Officer* who issued the *order*, and
- c) any other interested *persons* who the *committee* considers should receive the notice.

14.8.2 The applicant may appear with or without counsel at the hearing, to present the appeal.

14.8.3 The *City* may be represented at the hearing by counsel or duly authorized individual who is entitled to reply to the appeal presented on behalf of the applicant.

14.8.4 A *person* may request an adjournment of a scheduled hearing upon application to the Chief Property Standards

Officer, who may approve the request based on extenuating circumstances. An administrative fee shall be charged as prescribed in Schedule “A”, and only one (1) such adjournment may be requested, after which time the hearing will proceed in absentia.

14.9 Decision of the Committee

14.9.1 The *committee* may; confirm, modify or rescind the *order*, or extend the time for complying with the order, if in the *committee’s* opinion, the general intent and purpose of the By-Law are *maintained*.

14.9.2 The *committee* shall give its decision in writing.

14.9.3 The Secretary of the Committee shall notify; the appellant, the *Officer* who issued the *order*, and any other *person* who appeared at the hearing of the appeal, and requested a copy of such decision be provided, by causing a copy to be served by email.

14.9.4 For the purposes of this By-Law, where any portion of a *fence*, tree or retaining wall;

a) does not conform to the *standards* under this By-Law;
and

b) is located touching or on the *property* line between adjoining *properties* at the adjacent finished ground level,

that portion of the *fence*, tree or retaining wall is deemed to be owned in equal shares by the *owners* of the adjoining *properties*.

- 14.9.5 Where available, the most recent survey obtained under any provisions of this By-Law, in accordance with the *Surveys Act*, R.S.O. 1990, c. S. 30, *as amended*, showing a *fence* or retaining wall shall be deemed to be conclusive evidence of the location of the *fence*, tree or retaining wall.
- 14.9.6 In this section, “For the purposes of this By-Law” includes but is not limited to the determination of any costs, as a result of the decision of the *committee*, which shall be collected pursuant to this By-Law.
- 14.9.7 The *City* or a *person* affected by a decision rendered by the *committee* may appeal to a Judge of the Superior Court of Justice, who has the same powers and functions as the *committee*, by notifying the Secretary of the Committee in writing and by applying to the Superior Court of Justice for a hearing within fourteen (14) days after receiving a copy of the decision.
- 14.9.8 An *order* that is deemed to be confirmed or modified by the *committee* or Judge, shall be final and binding upon the *owner* and/or *occupant* who shall carry out the *repair* or *demolition* within the time and in the manner specified in the *order*.

14.10 Failure to Comply with an Order

- 14.10.1 If an *order* is not complied with in accordance with the *order* as deemed confirmed or as confirmed or modified by the *committee* or a judge of the Superior Court of Justice, the *City* may cause the property to be *repaired*, cleaned, cleared up or demolished, as the case may be.
- 14.10.2 For the purpose of any provisions of this By-Law, employees or agents of the *City* may enter the property at

any reasonable time, without a warrant, in order to *repair*, clean, clear or *demolish* the *property*.

14.10.3 The *City* 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 *City* in the reasonable exercise of its powers under any provisions of this By-law.

14.10.4 The *City* shall have a lien on the land for the amount spent on the *repair*, cleaning, clearing or *demolition* under any provisions of this By-law and the amount shall have priority lien status as described in subsection 1.(2.1) of the *Municipal Act, 2001* , S.O. 2001, c. 25, as amended.

14.11 Certificate of Compliance

14.11.1 When, after an inspection, an *Officer* is of an opinion that a *property* is in compliance with the By-Law:

- a) an *owner* of the *property* shall, or
- b) any other *person* may,

be issued a certificate of compliance upon submitting a completed application form and paying the prescribed fee as set out in Schedule “A”.

14.12 Order to Restrain

14.12.1 Sections 431 and 440 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, apply to this By-Law, providing respectively, for a Court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the *City*, for a Court to make Orders to Restrain a contravention, which remedies may be sought

in addition to any remedy or penalty imposed under this By-Law.

14.12.2 Section 38 of the *Building Code Act*, S.O. 1992, c.23, as amended, applies to the By-Law, providing respectively, for a Court of competent jurisdiction to make an Order to direct a *person* to comply with the provision of an Order, upon application of the *Chief Building Official*, in addition to any remedy or penalty imposed under this By-Law.

15.0 PROPERTY STANDARDS APPEAL COMMITTEE

15.1 A Property Standards Appeal Committee shall be established, pursuant to the *Act*, consisting of no fewer than three (3) persons.

15.2 The *committee* shall hear appeals pursuant to section 15.3 of the *Act*.

15.3 The term of appointment for a member of the *committee* shall be for the term of Council.

15.4 Notwithstanding any provisions of this By-Law, Council may, at their sole discretion, appoint members or revoke the appointment of members of the *committee*, provided that a minimum of three (3) lay persons remain on the *committee* at all times.

15.5 A *committee* member shall be:

- a) either a resident of the *City* or the *owner* or tenant of land in the *City*;
- b) a Canadian Citizen;
- c) eighteen (18) years of age; and
- d) qualified to vote in a municipal election within the *City*.

15.6 The following are not eligible for appointment as a member of the *committee*:

- a) an employee or member of Council of the *City*;
- b) the child of a *person* referenced in a);
- c) the parent of a *person* referenced in a);
- d) the spouse of *person* reference in a); or
- e) a *person* indebted to the *City* other than with respect of current real property taxes or pursuant to an agreement with the *City* in which the terms with which the person is in compliance.

15.7 The *committee* shall elect a chair from the members of the *committee* and when the chair is absent, may appoint an acting chair when required.

15.8 A *committee* member will immediately cease to be a member where, before the expiry of their term, the member:

- a) resigns;
- b) is unable for any reason to perform the duties of the *committee* for a period of ninety (90) days or more;
- c) ceases to be a resident of the *City* or the *owner* or tenant of land in the *City* or a Canadian Citizen;
- d) their appointment is revoked by Council;
- e) becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or

f) is deceased.

15.9 Despite any provisions of this By-Law, in the event that the term of Council has come to an end, and a new *committee* has not been established by the new Council, the previous *committee* may hear appeals until a new *committee* has been established, or all members shall serve beyond their terms of office as required until reappointed or replaced by Council.

15.10 The *Chief Property Standards Officer* shall appoint a Secretary for the Committee who shall perform the duties and obligations required by the Act.

15.11 A majority of the members of the *committee* shall constitute quorum for transacting the *committee's* business.

15.12 The Secretary of the Committee shall keep on file the records of all official business of the *committee*, including records of all appeals and minutes of all decisions respecting those appeals.

15.13 Appeal hearings are governed by the *Statutory Powers and Procedures Act*, R.S.O. 1990, c.S.22, as amended.

15.14 The *committee* may adopt its own rules of procedure and any member may administer oaths.

15.15 The *committee* shall give notice or direct that notice be given of the hearing of an appeal to such *persons* as the *committee* considers advisable.

16.0 SEVERABILITY

16.1 Should any provision, or any part of a provision of this By-Law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-Law,

and every other provision of the By-Law shall be applied and enforced in accordance with its terms to the extent possible according to law.

17.0 INTERPRETATION

- 17.1 The headings and subheadings used in the By-Law are inserted for convenience of reference only and do not form part of the By-Law and shall not affect in any manner the meaning or interpretation of the provisions of this By-Law.
- 17.2 Where a provision of this By-Law conflicts with a provision of any other By-Law of the *City*, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 17.3 Where words are in italics within this By-Law the corresponding definition shall be found in section 2.0 of this By-Law.
- 17.4 Where words and phrases used in this By-Law are defined in the *Building Code Act*, but not defined in this By-Law, the definitions in the *Building Code Act* shall apply to such words and phrases.
- 17.5 In this By-Law, any word interpreted in the singular tense has a corresponding meaning when used in the plural tense, and any word in the present or past tense has a corresponding meaning.
- 17.6 Dimensions are specified in metric units, any imperial dimensions are provided as a convenience only.
- 17.7 If there is a conflict between this Section and any other provision in this By-Law or any other *City* By-Law, the provision that establishes the highest *standard* for the protection of *heritage attributes* shall prevail.

18.0 OFFENCE AND PENALTY PROVISIONS

- 18.1 Any *property* that does not meet the *standards* set out in the By-Law shall be *repaired* and *maintained* to comply with the *standards* of this By-Law.
- 18.2 Any person who fails to comply with an order issued under this By-Law is guilty of a an offence and is subject to a penalty as provided by the Administrative Monetary Penalty System By-Law 2022-112, as amended.
- 18.3 Any *person* who fails to comply with an *order* issued under this By-Law is guilty of an offence and upon conviction is subject to a penalty as provided by the *Building Code Act*, 1992, S.O. 1991, c.23, as amended.
- 18.4 If the By-Law is contravened and a conviction entered, the Court in which conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy, and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the *person* convicted.

19.0 TRANSITIONAL PROVISIONS AND EFFECTIVE DATE

- 19.1 This By-Law shall come into full force and effect on the date it is passed.
- 19.2 After the date of passing of this By-Law, By-Law 2014-191, as amended, shall only apply to properties in respect of which a Notice or Order has been given under By-Law 2014-191, prior to the date of passing of this By-Law, and then only to such properties until such time as the work required by such Notice or Order has been completed or any enforcement proceedings in respect of such Notice or Order, including *demolition* or *repair* by the City, have been concluded.

- 19.3 The members of the Property Standards Committee as it exists on the effective date of this By-Law shall continue in office until successors are appointed in accordance with the provisions of this By-Law.
- 19.4 Any Schedule attached to the By-Law shall be deemed to form part of this By-Law.
- 19.5 Except for the purpose set out in subsection 19.2, hereof, By-Law 2014-191, as amended, is hereby repealed in its entirety.

Read, signed and sealed in open Council this 8th day of May, 2023.

Manon L. Levesque
City Clerk

Justin Towndale
Mayor

Schedule “A”

Property Standards By-Law 2023-022 - Administrative Fees

The following fees shall be considered Administrative Fees as defined in the Property Standards By-Law:

ITEM	SERVICE	FLAT FEE
1.	Issuing of a Property Standards Order	\$ 50.00
2.	Property Standards Appeal Committee (PSAC) Processing Fee	\$ 150.00
3.	Officer attendance on site during clean-up and/or remedial work (Minimum 2 Hours)	\$ 60.00/Hr.
4.	Adjournment of PSAC Hearing	\$100.00
5.	Re-Inspection Fee (Per Inspection)	\$ 92.30
6.	Registering an Order on Title (Legal Fees plus Flat Fee)	\$ 150.00
7.	Discharging an Order from Title (Legal Fees plus Flat Fee)	\$ 150.00
8.	Landlord/Tenant Tribunal – Request to Appear (Minimum 1 Hour – payable in advance)	\$ 60.00/Hr.
9.	Certificate of Compliance	\$ 100.00
10.	Title Search	\$ 40.00
11.	Service by mail fee	\$ 15.00
12.	Administration Fee – Cost of work + Administration Fee (Min. \$ 158.71 – Max. \$ 652.84)	25 %