

	<p><b>The Corporation of the Township of Hamilton</b></p>
	<p><b>By-law Number 2019 – 08</b></p>

**BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY WITHIN THE TOWNSHIP OF HAMILTON AND TO REPEAL BY-LAW NO. 2004-23**

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

**AND WHEREAS** the Township of Hamilton has in effect an “Official Plan” that includes provisions relating to property standards as provided in the Building Code Act, SO. 1992, c.23;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of Hamilton ENACTS as follows:

**PART 1**

**DEFINITIONS**

In this By-Law:

- 1.01 “Accessory Building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 “Agricultural Operation” includes but is not limited to animal husbandry, ploughing, cultivating, spreading of fertilizers to promote crop growth, planting, spraying, harvesting, drying of crops, storage of agricultural materials (harvested product) and includes any working connection therewith and includes agricultural, aquacultural, horticultural and silvicultural operations.
- 1.03 “Agricultural Machinery and Equipment” means any equipment or device designed, intended and used in an agricultural operation, including but not limited to tractors, combines, elevators, driers, balers, off highway trucks, implements and including self propelled implements of husbandry, chainsaws, irrigation pumps, crop conditioning and drying equipment, refrigeration units and crop protection equipment, but does not include wrecked, dismantled, discarded, inoperative or abandoned machinery, vehicles and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the property, or stored on the property for historical purposes.
- 1.04 “Apartment Building” means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.05 “Approved” means acceptance by the Property Standards Officer or Provincial Offences Officer.
- 1.06 “Basement” means one or more storeys of a building below the first storey that is partially below grade.
- 1.07 “Building” means a structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy.
- 1.08 “Building Code” means the Building Code Act, 1992, S.O. 1992, c.23 as amended, and includes regulations made thereunder.

- 1.09 “Committee” means the Property Standards Committee.
- 1.10 “Crawl Space” means the space of a building below the first storey that is partially below grade with a clearance height less than 1.8 metres (6 feet).
- 1.11 “Dwelling” means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation.
- 1.12 “Dwelling Unit” means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- 1.13 “Fire Code” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 as amended and includes the regulations made thereunder.
- 1.14 “First Storey” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 feet) above grade.
- 1.15 “Guard” means a protective barrier installed around openings in floor areas or at the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them as prescribed by the Ontario Building Code.
- 1.16 “Habitable Room” means any room in a dwelling unit that is designed, used or intended to be used for living, cooking, sleeping or eating purposes.
- 1.17 “Means of Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.18 “Multiple Dwelling” means a building containing three or more dwelling units.
- 1.19 “Municipality” means The Corporation of the Township of Hamilton.
- 1.20 “Non-Habitable Room” means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards for occupancy set out in this By-Law.
- 1.21 “Non-Residential Property” means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.22 “Normal Farm Practice” means a practice that,
- a) Is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
  - b) Makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 1.23 “Occupant” means any person or persons over the age of eighteen (18) years in possession of the property.

- 1.24 “Officer” means a Property Standards Officer/Provincial Offences Officer of the Municipality who has been assigned the responsibility of administering and enforcing this By-law and includes the Chief Building Official or Designate.
- 1.25 “Owner” means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the work is used, whether on his/her own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who under the terms of the lease is required to repair and maintain the property in accordance with the Standards of Maintenance and Occupancy of the property.
- 1.26 “Person” means an individual, firm, corporation, association or partnership.
- 1.27 “Property” means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- 1.28 “Repair” means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating and mending as may be required so that the property shall conform to standards established in this By-Law.
- 1.29 “Residential Property” means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yards.
- 1.30 “Sewage” means liquid or water borne waste of;
- a) Industrial or commercial origin; or
  - b) Of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 1.31 “Sewage System” means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health or County of Northumberland but shall not include a system designed or intended strictly to handle ground water.
- 1.32 “Standards” means the standards of the physical condition and of occupancy prescribed for properties in this By-Law.
- 1.33 “Toilet Room” means a room containing a water closet and a lavatory.
- 1.34 “Unsafe condition” means a condition that poses or constitutes a fire hazard or risk to life, limb or health of any person.
- 1.35 “Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 1.36 “Yard” means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

**PART II**

**GENERAL STANDARDS FOR ALL PROPERTY**

- 2.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code and Fire Code where applicable.

**YARDS, LANDS, VACANT LAND**

- 2.02 All yards and lands whether vacant or not shall be kept clean and free from:
- a) rubbish, garbage, waste and other debris;
  - b) objects and conditions that are health, fire or accident hazards;
  - c) wrecked, dismantled, discarded, inoperative or abandoned machinery, vehicles, trailers, boats and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the property; and
  - d) any unprotected well or other unsafe condition.

**SURFACE CONDITIONS**

- 2.03 Surface conditions of yards shall be maintained so as:
- a) to prevent ponding of storm water, unless provided for by Municipally approved site plan agreement;
  - b) to prevent instability or erosion of soil;
  - c) to prevent surface water run-off from entering basements of buildings on the property;
  - d) not to exhibit an unsightly appearance;
  - e) to be kept free of garbage and refuse;
  - f) to be kept free of deep ruts and holes; and
  - g) to provide for safe passage under normal use and weather conditions, day or night.

**SEWAGE AND DRAINAGE**

- 2.04 Sewage shall be discharged into a sewage system and at no time shall sewage be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- 2.05 Notwithstanding article 2.04 of this By-law, where a municipal sanitary sewer has not been installed, all sewage shall be discharged into a private sewage disposal system approved under the Building Code Act.
- 2.06 Roof or sump drainage shall not be discharged onto sidewalks, stairs, or directly onto adjacent property.

**PARKING AREAS, WALKS AND DRIVEWAYS**

- 2.07 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

- 2.08 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

**ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

- 2.09 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

**GARBAGE DISPOSAL**

- 2.10 Every building or dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 2.11 All garbage, refuse, and ashes shall be promptly placed in the suitable container and made available for removal in accordance with the municipal garbage By-law.
- 2.12 Garbage storage areas shall be screened from public view.

**COMPOST HEAPS**

- 2.13 The occupant of a residential property may provide for a compost heap in accordance with health regulations, provided that the compost pile is not larger than 2.3 square metres (25 square feet) and 1.2 metres (4 feet) in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five (45) gallon container, or a commercial plastic enclosed container designed for composting.

**VACANT BUILDINGS/STRUCTURES**

- 2.14 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 2.15 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened.

**PART III**

**RESIDENTIAL PROPERTY STANDARDS**

**GENERAL CONDITIONS**

- 3.01 Every tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal By-laws.
- 3.02 Every tenant, occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.03 Every owner or occupant shall maintain public hallways, stairways and means of egress, free from the accumulation or storage of garbage, refuse, appliances, or furniture.

**YARDS**

- 3.04 In addition to the General Requirements of Section 2.02, all yards shall be kept clean and free from:
- a) long grass, brush, heavy undergrowth and overgrown trees;
  - b) dilapidated, collapsed or partially constructed structures;
  - c) any unsightly condition out of character with the surrounding environment;
  - d) injurious insects, termites, rodents, vermin or other pests; and
  - e) dead, decayed or damaged trees or other natural growth that may cause personal or property damage stated and signed off by a certified arborist.

**PEST PREVENTION**

- 3.05 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticide Act, R.S.O. 1990, c.P.11, as amended.
- 3.06 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

**STRUCTURAL SOUNDNESS**

- 3.07 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.
- 3.08 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

**FOUNDATIONS**

- 3.09 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Required maintenance may include but is not limited to the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, waterproofing walls, joints and floors.
- 3.10 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers that extend below the frost line, or to solid rock.

**EXTERIOR WALLS**

- 3.11 Exterior walls of a dwelling unit and their components, including soffit and fascia shall be maintained in good repair free from cracked, broken or loose masonry, stucco, and other defective cladding, or trim. Paint or other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.12 Exterior walls of a dwelling unit and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

**WINDOWS AND DOORS**

- 3.13 Windows, doors, skylights and basement and crawl space hatchways shall be maintained in good repair, water tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Required maintenance may include but is not limited to painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 3.14 In a dwelling unit all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 3.15 Solid core doors shall be provided for all entrances to dwelling units.
- 3.16 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.17 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (4 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

**ROOFS**

- 3.18 Roofs of dwelling units and their components shall be maintained in a weather tight condition free from loose and unsecured objects and materials.
- 3.19 Accumulations of ice and/or snow shall be promptly removed from the roofs of dwelling units and accessory buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.
- 3.20 Where eavestroughs or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

**WALLS, CEILINGS AND FLOORS**

- 3.21 Every wall, ceiling and floor in a dwelling unit shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.22 Every floor in a dwelling unit shall be reasonably smooth and level and maintained so as to be free of loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 3.23 Every floor in a bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water.

**STAIRS, PORCHES AND BALCONIES**

- 3.24 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects that may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

**GUARDRAILS AND BALUSTRADES**

- 3.25 A guard, handrail or banister shall be installed so as to prevent accident or injury as required by the Ontario Building Code. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, handrails or banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to intense use.

**KITCHENS**

- 3.26 Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following:
- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - b) suitable storage area;
  - c) a counter or work area, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
  - d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

**TOILET AND BATHROOM FACILITIES**

- 3.27 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, lavatory, and bathtub or suitable shower unit. Every lavatory and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 3.28 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door.
- 3.29 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

**PLUMBING**

- 3.30 Every dwelling unit shall contain at least one water closet, one lavatory, a bathtub or suitable shower unit, and one kitchen sink. All plumbing fixtures shall comply with the minimum requirements of the Ontario Building Code at the time of installation or replacement. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a maximum temperature of not more than 49 degrees Celsius (120 F).
- 3.31 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health or County of Northumberland.



- 3.32 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.33 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.34 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbor germs or impede thorough cleansing.

**ELECTRICAL SERVICE**

- 3.35 Every dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.36 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, R.S.O. 1990, c.P. 18, as amended.
- 3.37 Every habitable room in a dwelling unit shall have at least one electrical duplex outlet for each 11.1 square metres (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.38 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, crawl space and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.39 Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

**HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- 3.40 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 F) in the occupied dwelling units. The heating system shall be maintained in a good working condition so as to be capable of safely heating the individual dwelling units to the required standard.
- 3.41 All fuel burning appliances, equipment, and accessories in a dwelling unit shall be installed and maintained to the standards provided by the Technical Standard and Safety Act, 2000, S.O. 2000, c.16, as amended or other applicable legislation.
- 3.42 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 3.43 Every dwelling unit shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code and the Fire Code.

- 3.44 All fuel burning appliances, equipment, and accessories in a dwelling unit shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.45 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance shall include but is not limited to the removal of all obstructions, sealing open joints and the repair of loose or broken masonry units.
- 3.46 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

**FIRE ESCAPES, ALARMS AND DETECTORS**

- 3.47 All fire escapes, alarms and detectors shall conform to the requirements of the Ontario Building Code and the Fire Code.
- 3.48 All dwelling units shall have detectors installed in accordance with the requirements of the Ontario Building Code and the Fire Code.

**EGRESS**

- 3.49 Every dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to the outside at street or grade level.
- 3.50 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs for fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 0.35 square metres (3.8 square feet) and no dimension less than 380 mm (15 inches) with a sill height of not more than 1 metre, (39 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.
- 3.51 All required means of egress shall be maintained so as to permit safe, continuous and unobstructed passage at all times.
- 3.52 A required exit shall not pass through an attached garage, built-in garage or an enclosed part of another dwelling unit.

**NATURAL LIGHT**

- 3.53 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.
- 3.54 All public hallways and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

**VENTILATION**

- 3.55 Every habitable room in a dwelling unit, as well as kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air as required by the Ontario Building Code.
- 3.56 All systems of mechanical ventilation shall be maintained in good working order.

- 3.57 All enclosed areas including basements, crawl spaces and attics or roof spaces shall be adequately ventilated.

#### **ELEVATING DEVICES**

- 3.58 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicator, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

#### **DISCONNECTED UTILITIES**

- 3.59 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

#### **OCCUPANCY STANDARDS**

- 3.60 The number of occupants residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every 9 square metres (97 square feet) of habitable floor area. For the purpose of computing habitable floor area any area with the minimum ceiling height less than 2.1 metres (7 feet) shall not be considered habitable.
- 3.61 No room shall be used for sleeping purposes unless it has a minimum width of two (2) metres and a floor area of at least seven (7) square metres. A room used for sleeping purposes by two or more persons shall have floor area of at least four (4) square metres per person.
- 3.62 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements:
- a) each habitable room shall comply with all the requirements set out in this By-law;
  - b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
  - c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the Ontario Building Code; and
  - d) access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

### **PART IV**

#### **NON-RESIDENTIAL PROPERTY STANDARDS**

##### **STORAGE OF EQUIPMENT/MATERIALS**

- 4.01 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and not greater than 2.5 metres (8.5 feet) and maintained in good repair. This provision shall not apply to areas covered by a Site Plan Control Agreement.

**PARKING AREAS, AND DRIVEWAYS**

- 4.02 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, for non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface, or shall be treated to prevent dust.
- 4.03 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

**STRUCTURAL SOUNDNESS**

- 4.04 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 4.05 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

**EXTERIOR WALLS**

- 4.06 Exterior walls of a building or a structure and their components, including soffit, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 4.07 Exterior walls of a building or a structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

**GUARDRAIL AND BALUSTRADES**

- 4.08 A guard, handrail or banister shall be installed so as to prevent accident or injury as required by the Ontario Building Code. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, handrails or banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to intense use.

**LIGHTING**

- 4.09 All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended, for industrial and commercial properties. However lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

**PART V**

**EXEMPTIONS FOR AGRICULTURAL OPERATIONS**

- 5.01 The exemption provisions of this Part shall not be applicable to a Residential Property or a dwelling appurtenant to lands being used for agricultural operations.

- 5.02 The provisions of Subsection 2.02(c) shall not apply so as to prohibit or restrict storage of agricultural machinery and equipment or vehicles used in agricultural operations.
- 5.03 The provisions of Subsection 2.03(a), (e) and (f) shall not apply to lands used in agricultural operations.
- 5.04 The provisions of Sections 4.01, 4.02, 4.03, 4.06, 4.07 and 4.09 of Part IV shall not apply to lands used in agricultural operations.

## **PART VI**

### **ADMINISTRATION AND ENFORCEMENT**

- 6.01 This By-Law shall apply to all property within the limits of the Municipality and shall be enforced on a written complaint basis only.
- 6.02 The imperial measurements contained in the By-Law are given for reference only.
- 6.03 No person shall,
- a) occupy,
  - b) use,
  - c) permit the use of,
  - d) rent, or
  - e) offer to rent,
- any property that does not conform to the Standards.

### **OFFICERS**

- 6.04 The Council of the Municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this By-law.
- 6.05 An Officer or any person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any property.
- 6.06 An Officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling unit without the consent of the occupier except under the authority of a Search Warrant issued under section 21 of the Building Code Act.

**ORDER TO COMPLY**

- 6.07 Where an Officer finds that a property does not conform to any of the standards prescribed in this By-Law, the Officer may make an Order:
- a) stating the municipal address or the legal description of such property;
  - b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
  - c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner's expense;
  - d) indicating the final date for giving notice of appeal from the Order; and
  - e) service shall be deemed to have been made on the fifth day after mailing of the Order.
- 6.08 An Order issued in accordance with Section 6.07 shall be served on the owner of the property and such other persons affected by it as the Officer determines. It shall be served personally or by registered mail sent to the last known address of the person to whom the Order is being given.
- 6.09 A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, so as to provide for:
- a) repair of the property: or
  - b) clearing of all buildings, structures or debris from the site and leaving of the site in a graded and leveled condition where the cost of doing the work does not exceed an estimated \$50,000.00.
- 6.10 Where the estimated cost of doing the work exceeds \$50,000.00 the officer shall seek the authorization from Council to carry out the requirements of the order.
- 6.11 Upon completion of the work, the Municipality shall have a lien on the land for the amount spent on repair or demolition. The amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

**REGISTRATION OF ORDER**

- 6.12 An Order made under article 6.07 may be registered in the proper land registry office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under article 6.07 and, when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper land registry office a certification that such requirements have been satisfied, which shall operate as discharge of the Order.

**PROPERTY STANDARDS COMMITTEE**

- 6.13 There shall be and is hereby established a Property Standard Committee consisting of no fewer than three members, who shall be ratepayers in the municipality, appointed by By-Law to hold office for the term of Council.
- 6.14 A member of the Council of the Municipality or an employee of the Municipality or of a local board thereof is not eligible to be a member of the Committee.

- 6.15 The Committee shall elect from among themselves a Chairperson and shall make provision for a Secretary, said Secretary being an employee of the Municipality, but not an officer.
- 6.16 The Secretary shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committee.
- 6.17 When the owner or occupant upon whom an Order has been served in accordance with article 6.07 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee, within fourteen (14) days after service of the Order.
- 6.18 In the event that no Appeal is taken the Order shall be deemed to have been confirmed.
- 6.19 Upon receipt of the Notice of Appeal the Secretary shall determine a date, time and place for 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 aforementioned Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Committee members and Officer.
- 6.20 Where an Appeal has been taken, the Committee shall hear the Appeal and shall have all the authority and functions of the Officer and may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that in the opinion of the Committee, the general intent of the By-Law and of the Official Plan or policy statement are maintained.

#### **APPEAL TO ONTARIO COURT**

- 6.21 The Municipality or any owner or occupant or other person affected by a decision of the Committee may appeal to a judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after a copy of the Decision is sent.

#### **PENALTY**

- 6.22 No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. If an owner or occupant fails to demolish or repair the property in accordance with the Order as confirmed or modified, the Municipality in addition to other remedies:
- a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property;
  - b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this article; and
  - c) may cause a prosecution to be brought against any person who is in breach of such an Order.
- 6.23 Any person who fails to comply with an Order issued by an Officer is guilty of an offence and upon conviction is liable to a penalty or penalties as provided by the Building Code Act, S.O. 1992, c.23.
- 6.24 If this By-law is contravened and a conviction entered, the Court in which the 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.

**VALIDITY**

- 6.25 It is hereby declared that each and every one of the provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect to the fullest extent permitted by law.
- 6.26 Where a provision of this By-Law conflicts with the provision of another By-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 6.27 This By-Law shall be referred to as “The Property Standards By-Law”.
- 6.28 This By-Law shall come into force and take effect upon the date of passing.

**REPEAL OF EXISTING BY-LAW**

- 6.29 By-Law No. 2004-23 and its amendments are hereby repealed.

This By-Law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 22<sup>nd</sup> day of January, 2019.

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William Cane, MAYOR

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Kate Sureus, CLERK