

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 18-99

A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE  
OF THE PHYSICAL CONDITION AND OCCUPANCY OF  
PROPERTY IN THE TOWN OF COBOURG.

WHEREAS the Council of the Corporation of the Town of Cobourg deems it necessary and expedient to pass a by-law for prescribing standards for the maintenance and occupancy of property within the Town of Cobourg and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property that does not conform with standards prescribed in this By-law to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition;

AND WHEREAS Council has determined that it is desirable for the protection of the safety, health and well-being of the residents of Cobourg to enact this By-law;

AND WHEREAS there is in effect in the Town of Cobourg an Official Plan which includes provisions relating to the conditions of maintenance and occupancy of property;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg hereby enacts as follows:

SECTION 1 TITLE, APPLICATION AND SCOPE

(1) TITLE OF BY-LAW

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

(2) APPLICATION

The provisions of this By-law shall apply to all property within the municipal boundaries of the Town of Cobourg.

(3) SCOPE OF BY-LAW

- (a) Where a provision of this By-law conflicts with a provision of another by-law in force in the Town, the provision that establishes the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

(4) GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY

- (a) Every owner of property shall repair and maintain the property in accordance with the standards prescribed in this By-law.

- (b) Notwithstanding subsection (a), where the maintenance of any property affected by this By-law is by written terms of a lease or an agreement for occupancy made the responsibility of the occupant, the Officer may, in his or her sole discretion, require the occupant to repair and maintain the property in accordance with the standards prescribed in this By-law.
- (c) The prescribed standards referred to in (a) and (b) above include, but are not limited to the following duties. The owner or occupant, as the case may be, shall:
  - (i) limit occupancy of that part of the property which he or she occupies or controls to the maximum permitted by law;
  - (ii) maintain that part of the property which he or she occupies or controls in a clean, sanitary and safe condition;
  - (iii) maintain all plumbing, air conditioning, heating and refrigeration fixtures as well as other building equipment and storage facilities in that part of the property which he or she occupies or controls in a clean and sanitary condition and provide reasonable care in the operation and use thereof;
  - (iv) maintain a safe, continuous and unobstructed exit from the interior of the building to the exterior at the street or grade level;
  - (v) dispose of garbage and refuse and waste into receptacles in a clean and sanitary manner, in accordance with the provisions established by law;
  - (vi) exterminate insects, rodents and other pests;
  - (vii) maintain yards in a clean sanitary safe condition and free from infestation insofar as he or she occupies or controls the yards.
- (d) No person shall occupy or let to another for occupancy and property which does not comply with the provisions of this By-law.

**SECTION 2**

**DEFINITIONS**

- (1) "ACCESSORY BUILDING" means a building or structure, the use of which is incidental or subordinate to the main use of any other building on the property, or which, if there is no other building on the property, is incidental to the use of the property, and which is not intended for human habitation.
- (2) "APPROVED" means, as applied to a grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this By-law; approved by the

Building Inspector under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code, or approved by another authority designated by law to give approval to the matter in question.

- (3) **"BATHROOM"** means a room containing at least a toilet and basin and bathtub or shower, or two rooms which contain in total at least one toilet and one basin and one bathtub or one shower.
- (4) **"BASEMENT"** means a storey or storeys of a building located below the first storey.
- (5) **"COMMITTEE"** means a Property Standards Committee, established under Section 15.6 of the Building Code Act, S.O. 1992, c.23 as amended from time to time, as set out in this By-law.
- (6) **"CORPORATION"** means the Corporation of the Town of Cobourg.
- (7) **"DWELLING"** means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would be or would be intended to be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit.
- (8) **"DWELLING UNIT"** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one (1) or more persons and usually containing cooking, eating, living, sleeping and/or sanitary facilities.
- (9) **"FIRE RESISTANCE RATING"** means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.
- (10) **"GROUND COVER"** means organic or non-organic materials applied to prevent the erosion of the soil, such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- (11) **"HABITABLE ROOM"** means a room designed to provide living, sleeping, kitchen or dining accommodation for persons. This definition shall not include any private garage, carport, porch, verandah, attic, cellar, bathroom, recreation room, storage room, furniture room, lobby, foyer, stairwell or other space for the service or maintenance of a dwelling.
- (12) **"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, with the lands and property appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- (13) **"NOXIOUS"** means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation of noise, objectionable odour, dust, or by reason of its

unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Committee to be noxious or offensive.

- (14) "NOTICE" means a notice of violation and order to demolish or repair property served by an Officer pursuant to this By-law.
- (15) "OFFICER" means a Property Standards Officer appointed by the Corporation to administer and enforce this By-law.
- (16) "OWNER" includes the person for the time being managing or receiving the rent of the land or property in connection with which the word is used whether on the person's own account or as agent or trustee of any other person or who would so receive the rent if such land and property were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- (17) "PERSON" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- (18) "PLUMBING AND PLUMBING FIXTURES" means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connections to water, gas, sewerage, or vent pipes.
- (19) "PROPERTY" means a building or structure or part of a building or structure and includes the lands and property appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- (20) "REPAIR" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed pursuant to Section 15.1 of the Building Code Act.
- (21) "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 land or buildings that are appurtenant to such establishment.
- (22) "SEWAGE SYSTEM" means a sewage system as defined in the Building Code.
- (23) "STANDARDS" means the standards for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this By-law.

- (24) "STOREY" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (25) "SUB-STANDARD" means a quality less than that required by this By-law.
- (26) "SUITE" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
- (27) "SUPPLIED" means installed, furnished or provided by the owner.
- (28) "UNSAFE CONDITION" means any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the property.
- (29) "YARD" means the land other than publicly-owned land around and appurtenant to the whole or any part of the property and used, or capable of being used, in connection with the property whether or not the land is owned by the owner of the building.

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

#### **(1) YARDS**

All yards shall be kept in a neat and tidy condition, free from:

- (a) rubbish, garbage, waste and other debris;
- (b) objects and conditions that are health, fire or accident hazards.
- (c) heavy undergrowth and noxious plants, as defined in the Regulations passed pursuant to the Weed Control Act, R.S.O. 1990, c.W.5 as amended from time to time, and excessive growth of grass, weeds and other vegetation;
- (d) dead, decaying or damaged trees or other natural growth, and the branches and limbs which create an unsafe or unsightly condition;
- (e) wrecked, dismantled, inoperative or unlicensed vehicles, trailers, or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment;

- (f) termites, rodents, vermin, and other pests and any condition which might result in the harbouring of such pests;
- (g) dilapidated or collapsed structures or erections or any hole, excavation or unprotected well or other unsafe condition or unsightly condition.

Any of the above items not removed by the date stated on the Order to remedy a violation may be removed by the Corporation at the expense of the owner, and all expenses shall be collected as in Section 6(7)(b)(iii) of this By-law.

(2) LANDSCAPING/GROUND COVER

- (a) Hedges, planting, trees or other landscaping, required by the Corporation as a condition of site development, redevelopment or rearrangement, shall be maintained in a living condition or shall be replaced with equivalent landscaping so as to carry out their intended function and maintain an attractive appearance.
- (b) Suitable groundcover shall be provided to prevent erosion of the soil. Where grass forms a part of the groundcover, and such grass has been killed, such dead areas shall be resodded or reseeded as often as required so as to restore the grass to a living condition.
- (c) Areas within the yard not covered by buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the abutting and adjoining properties.
- (d) All areas used for vehicular traffic, parking, and facilities for loading and unloading shall be maintained in good repair, reasonably free of dust and potholes and adequately drained.
- (e) Fences in a residential zone shall not be higher than six feet, and not higher than ten feet in an industrial or commercial zone unless such fence is for purposes of an acoustical barrier approved by the Corporation.
- (f) Paved communal parking areas shall be provided with suitable markings, such as painted lines, to indicate parking spaces, means of entry and egress for vehicles and shall be maintained so as to be clearly visible.

(3) RUBBISH

- (a) Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes and waste. The receptacles shall be: made of metal or plastic; made of watertight construction; provided with a tight fitting cover; and maintained in a clean state.
- (b) Every property shall be kept free of refuse or litter.

- (c) Every non-residential building shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public;
- (d) Refuse storage facilities shall be readily accessible to all occupants for whom the storage facility is required to be provided, or in the alternative, be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto. Refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition;
- (e) Where refuse is to be stored or placed for disposal outside the enclosed walls of a building, the storage and place for disposal shall be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility.
- (f) Where refuse is stored or placed for disposal inside the enclosed walls of a building the storage and placement for disposal shall:
  - (i) comply with the fire separation and detection requirements of the Ontario Building Code;
  - (ii) be large enough to contain all refuse generated between collections by the occupants served.
- (g) Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained operative, except that acceptable alternatives may be provided if readily accessible to all occupants.
- (h) Notwithstanding the requirements of this section, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:
  - (i) it is removed frequently and in its entirety from the property;
  - (ii) it will not cause risk to the health or safety of any person.

(4) **PASSAGEWAYS**

- (a) Steps, walks, driveways, parking spaces and similar uses of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.
- (b) in yards of multiple dwellings and non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using passageways.

(5) DRAINAGE

- (a) Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of stormwater thereon, and shall be cultivated or protected with suitable groundcover to prevent erosion of the soil.
- (b) No roof drainage shall be discharged on sidewalks, stairs or neighbouring property or into a sanitary sewer.

(6) SEWAGE

- (a) Sewage shall be discharged into the 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.
- (b) Notwithstanding subsection (a) above, where a municipal sanitary sewer has not been installed, all sewage shall be discharged into a private sewage disposal system approved by the Chief Building Official.

(7) BUFFERING

- (a) Property which, because of its use or occupancy, or for other reason, creates a nuisance to adjacent property or to the neighbourhood or to the users of streets or parks shall be buffered so as to minimize the effect of the nuisance. Without limiting the generality of the foregoing, such buffering shall include:
  - (i) the provision and maintenance of an effective barrier to prevent lighting and vehicle headlights from shining directly into a dwelling or dwelling unit;
  - (ii) the provision and maintenance of an effective barrier to prevent wind blown waste, wrappings, debris and the like from encroaching on the adjacent properties;
  - (iii) the provision and maintenance of a visual screen, appropriate to the nature of the adjacent uses, to minimize the visual impact of nuisances to persons at grade adjacent to the property.

(8) SIGNS

- (a) All signs permitted under By-laws of the Corporation shall be maintained in a good state of repair.
- (b) Signs which are damaged or broken, or which are excessively weathered or faded, or, upon which the finish is worn, peeled or cracked, shall, with their fastenings and supporting members, be removed or refinished and put in a good state of repair.



**(9)**            ACCESSORY BUILDINGS

- (a)**    Accessory buildings including garages, carports and fences shall be kept in good repair and free from health, fire and accident hazards so as to prevent an unsafe condition and an unsightly appearance.
- (b)**    Where an accessory building or any condition in a yard may harbour noxious insects or rodents, all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.
- (c)**    Exteriors of accessory buildings shall be kept weather resistant through the use of appropriate weather resistant materials.
- (d)**    Where an accessory building is not maintained in accordance with these standards it shall be removed from the yard.

**(10)**           FENCES

- (a)**    Every fence shall be kept:
  - (i)**    protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or enclosure are enhanced by the lack of such material;
  - (ii)**   in a structurally sound condition;
  - (iii)** free from objectional markings, painted slogans, stains or other defacement;
  - (iv)**  in good repair and free of hazards.

**SECTION 4**            MAINTENANCE OF BUILDINGS**(1)**            STRUCTURAL CAPABILITY

- (a)**    A building, accessory structure or any part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use, and materials which show damage or evidence of decay or other deterioration shall be repaired or replaced. The Property Standards Officer may require an engineer's report of a building if, in his or her opinion, the building is not structurally sound, such engineer's report to be at the expense of the owner(s).

**(2)**            RETAINING WALLS

- (a)**    Retaining walls shall be maintained in good repair and free from accident hazards.

- (b) Without restricting the generality of Paragraph (a), the maintenance includes:
- (i) redesigning, repairing or replacing of all deteriorated, damaged, misaligned or missing portions of the wall, or railings or guards appurtenant thereto;
  - (ii) installing subsoil drains where required to maintain the stability of the wall;
  - (iii) grouting masonry cracks;
  - (iv) applying a coating of paint or equivalent preservative to all metal or wooden exposed components.

(3) **FIRE AND ACCIDENT PREVENTION**

- (a) When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a property, the building code shall apply to the extent necessary to abate the unsafe condition.
- (b) In the event that strict application of the regulations in the Building Code is not practical, the Officer may accept alternative measures provided the standard of safety that results is generally equivalent to the standard provided by the detailed building code regulations.
- (c) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.
- (d) In the event the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level, and tidy condition.
- (e) Materials of an inflammable nature shall be safely stored or removed at once from the property.

(4) **PEST PREVENTION**

- (a) A building shall be maintained free from rodents and insects at all times and methods used for exterminating rodents or insects or both shall conform to generally accepted practice.
- (b) A basement or cellar window used for ventilation and any other opening in a basement or cellar that might let in rodents shall be screened with wire mesh or such other material as will effectively exclude rodents.

- (c) During the time of year when insects may enter a building each window, including a window in a door, used or intended to be used for ventilation shall be appropriately screened with wire mesh or such other material as will effectively exclude insects.

(5) **VENTILATION AND LIGHTING**

- (a) Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain. All habitable spaces including common areas shall have artificial lighting to the level required by the Building Code.
- (b) Every habitable room and every bathroom and toilet room shall have adequate ventilation.
- (c) Where an aperture such as a window, skylight, or louvre is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, and closed.
- (d) Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading to outside the dwelling has been installed in a dwelling, the system shall be maintained in good working order.

(6) **FOUNDATIONS**

- (a) The foundation walls and the basement, cellar, or crawl space floor of a building or an accessory structure shall be maintained in good repair so as to prevent settlement detrimental to the appearance of the building, or the entrance of moisture, insects or rodents into the building.
- (b) Without limiting the generality of subsection (a), the maintenance of a foundation includes:
  - (i) the jacking-up, underpinning or shoring of the foundation where necessary;
  - (ii) installing subsoil drains at the footing where such would be beneficial;
  - (iii) the grouting of masonry cracks;
  - (iv) waterproofing the wall and joints;
  - (v) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
  - (vi) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
  - (vii) making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment; and

- (viii) the extension of footings and foundations below grade or regrading to provide adequate frost cover.

(7) **EXTERIOR WALLS; COLUMNS AND BEAMS**

- (a) Exterior walls, parapet walls and components thereof shall be maintained in good repair, weathertight, free from cracked or broken masonry units, defective or deteriorated wood or metal siding, cracked, broken or loose stucco and free from loose or unsecured objects and materials and in a manner to prevent deterioration detrimental to the appearance of the building.
- (b) Without limiting the generality of subsection (a), the maintenance of exterior walls includes:
  - (i) the applying of paint or materials to preserve all exterior wood and metal work;
  - (ii) the applying of paint or materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
  - (iii) the restoring, repairing or replacing of the wall, the bricks and mortar, the stucco, shingles or cladding, the coping, the flashing and the waterproofing and the caulking of the wall and joints; and/or
  - (iv) the removal of graffiti or obscene language on all exterior surfaces or if removal is not possible, the application of paint or materials to adequately cover the graffiti or obscene language while maintaining a pleasant and satisfying appearance at least commensurate with that of the neighbourhood.
- (c) Exterior columns and beams shall be maintained in a good state of repair and any decorative trim shall be maintained in a safe condition. Where necessary, such columns, beams and trim shall be restored, repaired or replaced and suitably protected against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the building.

(8) **ROOFS**

- (a) The roof shall be maintained in a weathertight condition so as to prevent leakage, and shall be free from leaks.
- (b) Without restricting the generality of subsection (a), the maintenance includes repairing of the roof and flashing, applying waterproof coatings, installing or repairing eavestrough and rain water piping, and using other suitable means.
- (c) Dangerous accumulations of snow or ice or both shall be removed and the determination as to whether a particular

accumulation of ice, snow or both is dangerous shall be made by a Property Standards Officer, in his or her discretion.

- (d) The drainage from all roof surfaces shall discharge into an eavestrough or roof, gutter and thence to a downpipe.
- (e) Eavestroughs and downpipes shall be kept in good repair, in good working order and watertight and free from leaks.

(9)

EXTERIOR DOORS AND WINDOWS

- (a) Exterior doors and windows shall be maintained in good repair, reasonably draft free, weathertight and lockable.
- (b) All windows in a dwelling unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good repair.
- (c) Every window of a dwelling unit in which there are resident children of the age of six or under and which is located above the first storey of an apartment building, shall be equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm. (4"), such devices to meet the requirement of the Ontario Building Code.
- (d) Without limiting the generality of subsection (a), the maintenance may include painting, repairing or renewing damaged, decayed or deteriorated doors, door frames, casings and thresholds, window sashes and window frames and casings, screens, refitting or replacing defective or missing door and window hardware, rescreening, reglazing and using other suitable means of weatherproofing.
- (e) Nothing in this Section shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory structure from being protected from damage, or to prevent entry.
- (f) Materials used for protection in accordance with subsection (c) shall be afforded an application of paint, varnish or other approved colouring or preservation on the exterior, to maintain an appearance commensurate with the surrounding environment.
- (g) Nothing in this By-law shall require repairs to be carried out inside an unused building or inside an unused part thereof, except as necessary to remedy an unsafe condition to persons outside of the building.
- (h) Glass areas in habitable rooms shall be in conformance with Part 11 (eleven) of the Ontario Building Code.

**(10)**      WALLS AND CEILINGS

- (a)** Interior walls and ceilings shall be maintained in good condition and free of holes or cracks and loose plaster or other material.
- (b)** Without restricting the generality of subsection **(a)**, the maintenance includes repairing or filling holes and cracks and removing and replacing loose or defective parts.
- (c)** Bathrooms shall be equipped with doors capable of being locked.
- (d)** Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, shall have locking devices and other necessary hardware installed and maintained in good repair.

**(11)**      FLOORS

- (a)** Floors shall be maintained in a clean and sanitary condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which are health, fire or accident hazards.
- (b)** Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts in which dirt collects or which forms a health or accident hazard.
- (c)** Lavatory or washroom floors, shower-room floors, toilet room and bathroom floors shall be maintained reasonably impervious to water and in such condition as to permit easy cleaning.
- (d)** Without restricting the generality of subsection **(a)**, **(b)** and **(c)**, the maintenance includes installing, repairing, refinishing and replacing a floor or floor covering to provide the required standards.

**(12)**      STAIRS, PORCHES, VERANDAS, DECKS, LOADING DOCKS AND BALCONIES

- (a)** Any inside or outside stair, balcony, porch, deck, verandah, loading dock, or canopy shall be maintained so as to be safe to use and capable of supporting the loads to which it may be subjected under normal use and shall be kept in sound condition and good repair, free of holes, cracks and other defects which may constitute possible accident hazards.
- (b)** Without restricting the generality of subsection **(a)**, the maintenance includes repairing or replacing treads or risers that show excessive wear or are broken, warped or

loose or otherwise defective, and supporting structural members that are rotted, deteriorated or loose.

- (c) All exterior stairs shall be painted or coated with a preservative unless constructed of material inherently resistant to deterioration.
- (d) A handrail or bannister shall be installed so as to guard against accident or injury on the open side of a balcony, landing, stairwell and stairway having more than three risers. Railings, bannisters and guards shall meet the requirements of the Ontario Building Code.

(13) **OVERHANGING EXTENSIONS**

- (a) Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:
  - (i) in good repair;
  - (ii) free from rubbish and debris;
  - (iii) properly and safely anchored;
  - (iv) protected against deterioration and decay.

(14) **CHIMNEYS AND FIREPLACES**

- (a) Every chimney smoke pipe and flue in or on a building, actually in use or available for use, shall be maintained so as to prevent gases from leaking into the building, and at all times shall be kept in good repair and maintained free from:
  - (i) loose bricks, mortar and loose or broken capping;
  - (ii) loose or rusted stanchions, guy wires, braces and attachments;
  - (iii) any fire or accident hazard;
  - (iv) unsightly objects and conditions detrimental to the appearance of the building.
- (b) Any heating appliance shall be installed to conform to Ontario Building Code requirements.
- (c) Without restricting the generality of subsection (a), the maintenance includes clearing the flue of obstructions, sealing open joints and repairing masonry.
- (d) Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that

adjacent combustible material and structural members shall not be heated to unsafe temperatures.

- (e) Without restricting the generality of subsection (d), the maintenance includes securing connection to a chimney that complies with the standard of this by-law, lining and repairing and relining with fire resistant material, and installing and repairing and replacing the hearth.

(15) **ELEVATING DEVICES**

- (a) Elevating devices shall be maintained:
  - (i) in accordance with the requirements of the Elevating Devices Act, R.S.O. 1990, Chapter E.8 and the Fire Code; and
  - (ii) with all parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational.

(16) **RECREATIONAL FACILITIES**

- (a) Recreational amenities, facilities, rooms and play area surfaces and equipment provided by the owner or required by the Corporation for the use of occupants of a building shall be provided, installed, repaired and cleaned as necessary to maintain the recreational amenity, facility, room, play area and equipment in a safe condition and in good repair.

(17) **VACANT BUILDINGS**

- (a) The owner of any vacant or unoccupied building shall protect such building against the risk of fire, accident, damage or other danger thereto or to adjoining property by taking measures to prevent the entry thereto by all unauthorized persons.
- (b) All materials used for boarding up unoccupied buildings shall be installed and maintained in good repair and, unless inherently resistant to deterioration, with a protective coating of paint or equivalent weather-resistant material.
- (c) Where a building remains vacant or unoccupied for a period of more than 90 days, the owner or agent shall ensure that all utilities serving the building, that are not required for the safety or security thereof, are properly disconnected or otherwise secured to prevent risk of fire, accident, damage or other danger to the property or adjoining property.

(18) **UNSAFE CONDITIONS**

- (a) Unsafe conditions shall be abated forthwith in an acceptable manner commensurate with the circumstances and the nature of the unsafe conditions.



- (b) The Building Code and the Fire Code shall apply to abate unsafe conditions in respect to matters regulated therein.
- (c) Without limiting the generality of the foregoing subsections abating of an unsafe condition includes:

  - (i) the provision and repair of appropriate fire and gas separations, fire stopping and fire protection;
  - (ii) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident;
  - (iii) the provision, repair and maintenance of exits and means of egress to permit clear passage and safe egress from anywhere within the building to a location of safety;
  - (iv) the removal of refuse and pests such as rodents, vermin, termites and injurious insects;
  - (v) the elimination of fire hazards or other conditions which may be a hazard to life or which risk serious injury to persons normally in or about the subject building, floor area, suite of rooms, room, space or property;
  - (vi) the provision and maintenance of lighting for the safety of persons in common parts of a property commensurate with the identifiable hazard;
  - (vii) the provision of heat as specified in this By-law respecting the maintenance of suitable heat for rented or leased dwellings or living accommodations;
  - (viii) repair of elevating devices expeditiously so as not to cause hazards or affect the health of occupants by not having the use of the aforementioned devices;
  - (ix) the provision of locking devices to doors and being kept locked in the closed position when access to the room or area would be hazardous to persons not authorized entry;
  - (x) the removal or securing of doors on discarded ice boxes, freezers, refrigerators and other abandoned hazards or their removal so as not to be a hazard to small children or other persons in or on the property;
  - (xi) the provision of locking devices to prevent unauthorized operation of a refuse compactor not located within a room or area inaccessible to small children.

SECTION 5 STANDARDS OF FITNESS FOR OCCUPANCY(1) PLUMBING AND PLUMBING FIXTURES

- (a) All installed plumbing, including plumbing fixtures, drains, vents, waterpipes, water closets and connecting lines to the water and sewer systems, shall be maintained in good working order and repair, free from leaks or other defects.
- (b) Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the local Medical Officer of Health;
- (c) All dwellings shall have the sanitary facilities connected to a sewage system approved by the Chief Building Official or Building Inspector.
- (d) Within the exterior walls of a dwelling unit there shall be provided, accessible and available for all occupants, a bathroom with provision for privacy, having at least;
  - (i) one toilet;
  - (ii) one bathtub or shower or combination bathtub and shower;
  - (iii) one wash basin, other than a kitchen sink, located in or immediately adjacent to every room containing a water closet or urinal;that are:
  - (iv) in good working order;
  - (v) served with hot and cold running water (cold water connecting only to water closets and urinals);
  - (vi) connected to the sewage system.
- (e) The hot water serving the wash basin and bathtub or shower required by subsection (d) shall be served at such a temperature that it may be drawn from the tap at a temperature of not less than forty-three degrees Celsius (100 F).
- (f) Rooms containing sanitary conveniences and toilet facilities shall:
  - (i) be regularly cleaned so as to be maintained in a clean and sanitary condition;
  - (ii) have smooth surfaces reasonably impervious to water;
  - (iii) be free from chips, cracks and damaged surfaces.

- (g) **No facilities for the preparation, cooking, storage or consumption of food, or for sleeping shall be contained within a room that contains a toilet.**
- (h) **Non-residential buildings, where people work, shall have a minimum of one water closet and one wash basin supplied with running water, located in a closed room, and conveniently accessible to all employees.**

**(2) HEATING SYSTEM**

- (a) **Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21 degrees Celsius (70 F) in all habitable rooms, bathrooms and toilet rooms, from the first day of October in each year to the first day of June of the following year.**
- (b) **The heating system required by subsection (a) shall be maintained in good working condition so as to be capable of heating the dwelling unit safely.**
- (c) **Permanently sealed connections shall be kept between all heating equipment involving combustion and a chimney or flue which provides sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire or accident hazard.**
- (d) **Rigid connections shall be kept between all heating equipment burning gaseous fuels and the supply line.**
- (e) **A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.**
- (f) **No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, not to impede the free movements of persons within the room where the heater is located.**
- (g) **Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed as to be free from fire or accident hazards.**
- (h) **Except in the event of an emergency, auxiliary heaters shall not be used as the primary source of heat within a building.**

**(3) ELECTRICAL SERVICE**

- (a) **A dwelling unit, and where required by the Building Code, buildings and accessory structures, shall be:**
  - (i) **connected to an electrical supply system and wired to receive electricity;**
  - (ii) **provided with sufficient electrical outlets in every room or space such that the use of extension**

cords or multi-outlet attachments to wall or other receptacle outlets would not be required on a continuing daily basis;

- (iii) provided with an adequate supply of electric power available at all times in all parts of every room;
  - (iv) provided with a smoke alarm installed on each floor in the dwelling unit.
- (b) The capacity of the connection to the building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use and shall be in compliance with the Building Code.
  - (c) In multiple dwellings where a voice communication or sound activated system between each dwelling unit and the front lobby and security locking and release facilities for the entrance have been provided, and are controlled from each dwelling unit, such facilities shall be maintained in good repair and in operative condition.
  - (d) Every habitable room, except a kitchen, shall contain at least one electrical duplex convenience outlet, and every kitchen shall contain at least two duplex convenience outlets.
  - (e) Fuses or overload devices shall not exceed limits set by Ontario Hydro.

(4) **VENTILATION SYSTEMS**

- (a) Ventilation as required by the Ontario Building code shall be provided to all rooms and spaces within a building to prevent accumulation of heat and contaminants likely to create a potential fire, explosion, toxic or health hazard.
- (b) Ventilation systems shall be:
  - (i) regularly cleaned and maintained in good repair, working order and in a safe condition at all times;
  - (ii) in conformance with the requirements of the Ontario Building Code.

(5) **KITCHENS**

- (a) Every dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities and a counter top work area.
- (b) A cooking space and refrigerator space shall be provided with an adequate and approved gas or electrical supply.
- (c) There shall be at least a 30 inch clear space above any exposed cooking surface of a cooking apparatus.

**(6) GENERAL CLEANLINESS**

- (a) Every floor, wall, ceiling, furnishing and fixture in a building shall be maintained in a clean and sanitary condition.

**(7) OCCUPANCY STANDARD**

- (a) A non-habitable room shall not be used as a habitable room.
- (b) No portion of a building shall be occupied if it does not meet the requirements of this By-law.
- (c) The minimum area of all habitable rooms in a dwelling shall be one hundred square feet for each person living in the dwelling.
- (d) The minimum floor area of a room, used by only one person for sleeping, shall be sixty square feet.
- (e) The minimum floor area of a room, used by two or more persons for-sleeping, shall be forty square feet for each person using the room in that manner.
- (f) For the purposes of subsections (d) and (e), in computing the minimum floor area of a room, the floor area under a ceiling that is less than five feet high shall not be counted.
- (g) For the purpose of this section, the minimum height of a habitable room shall be seven feet over at least one half of the floor area;
- (h) No basement or cellar space shall be used as a dwelling unit or as a habitable room unless it is otherwise permitted and it meets the following requirements:
- (i) the dwelling unit or habitable room must meet all requirements for egress, light, ventilation, ceiling height and fire regulations as set out in the Building Code.
  - (ii) floors and walls must be constructed so as to be impervious to leakage of underground and surface runoff water;
  - (iii) access to each habitable room must be possible without passage through a furnace room or boiler room.

**(8) RENTAL PROPERTY**

- (a) The owner of every dwelling unit leased or rented to any person shall ensure that all appliances or equipment supplied by the owner for the use of such tenant or occupant shall be kept in good working condition. Without limiting the generality of the foregoing, such

appliances and equipment shall include stoves, dishwashers, washers, dryers, etc.

**SECTION 6      ADMINISTRATION AND ENFORCEMENT**

**(1)      PROPERTY STANDARDS COMMITTEE**

- (a)      A Property Standards Committee is hereby established consisting of not fewer than three (3) ratepayers of the Corporation appointed by the Council.**
- (b)      Members of the Committee shall hold office for three years and until their successors are appointed and they are eligible for reappointment and, when a member ceases to be a member for the expiration of his or her term, the Council shall appoint another person for the unexpired portion of his or her term.**
- (c)      A member of Council or an employee of the Corporation or a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.**
- (d)      The members of the Committee shall be paid such compensation as the Council may provide.**
- (e)      The members of the Committee shall elect one of themselves as Chair, and when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Chair PROTEMPORE and shall make provision for a Secretary for the Committee, and any member of the Committee may administer oaths.**
- (f)      The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 74 of THE MUNICIPAL ACT applies MUTATIS MUTANDIS to such documents.**
- (g)      A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure, but before hearing an appeal under Paragraph (3) (a) of this Section 6, shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.**

**(2)      PROPERTY STANDARDS OFFICER**

- (a)      The office of Property Standards Officer is hereby created, and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this By-law, subject to the provisions of this By-law.**

- (b) The Officer and any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property, PROVIDED HOWEVER that an Officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant unless a search warrant has been issued pursuant to Section 16(1) of the Building Code Act, S.O. 1992, c.23 as amended from time to time.
- (c) If, after inspecting the property the Officer is satisfied that the property does not conform with any of the standards prescribed in this By-law, the Officer may make an Order setting out the particulars required by Section 15.2 (2) of the Building Code Act including the final date for giving notice of appeal from the Order.
- (d) The Order referred to in Section 6 (2) (c) above shall be served on the owner of the property and such other person affected by the Order as the Officer determines and a copy of the Order may be posted on the property.
- (e) An order may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served and when requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper registry or land titles office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- (f) Any Order made or given by an Officer under this Section may be served pursuant to the provisions of Section 27 of the Building Code Act, S.O., 1992, c.23 as amended.

(3) APPEAL

- (a) When an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of that order, he or she may appeal to the Committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after service of the order, and in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- (b) Where an appeal has been made to the Committee, it shall hear the appeal and shall have all the powers and functions of the Officer who made the Order and may confirm, modify or rescind the Order to demolish or repair or extend the time for complying with the Order if, in the Committee's opinion, the general intent and purpose of

the by-law and the Official Plan or Policy Statement are maintained.

- (c) The Corporation or any owner or any occupant or any person affected by a decision of the Committee under Paragraph 3(b) above may appeal to a judge of the Ontario Court (General Division) by so notifying the Clerk of the Corporation in writing and by applying for an appointment **within** fourteen (14) days after the sending of a copy of the decision and:
- (i) the judge shall in writing, appoint a day, time and place for the hearing of the appeal and in the appointment may direct that it shall be served upon such person and in such manner as he or she prescribes;
  - (ii) the appointment shall be served in the manner prescribed; and
  - (iii) the judge on such appeal has the same power and functions as the Committee.

(4) EFFECT OF DECISIONS

An Order that is deemed to be confirmed under Subsection (2) or that is confirmed or modified by the Committee under Subsection (3) or a Judge under Subsection (4), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.

(5) EMERGENCY ORDER

- (a) Despite any other provision of this By-law, if upon inspection of a property the Officer is satisfied there is non-conformity with the standards prescribed in this By-law to such an extent as to pose an immediate danger to the health and safety of any person the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.
- (b) The order shall be served on the owner of the property and such other persons affected thereby as the Officer determines and a copy shall be posted on the property.
- (c) After making an order under subsection (a), the Officer may, either before or after the order is served, take or cause to be taken any measure he or she considers necessary to terminate the danger, and for this purpose the Corporation may, through its employees and agents, at any time enter the property in respect of which the order was made without a warrant.
- (d) The Officer, the Corporation, or anyone acting on behalf of the Corporation is not liable to compensate the owner, occupant or any other person by reason of anything done



at any time enter the property in respect of which the order was made without a warrant.

- (d) The Officer, the Corporation, or anyone acting on behalf of the Corporation is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Corporation in the reasonable exercise of its powers under subsection (b).
- (e) Where the order was not served before measures were taken by the Officer to terminate the danger, as mentioned in subsection (b), the Officer shall forthwith after the measures have been taken, serve or send copies of the order in accordance with Paragraphs 2(e) and (f) of Section 6 of this By-law on or to the owner of the property and all persons mentioned in Paragraph 2(c) of Section 6 of this By-law and each copy of the order shall have thereto a statement by the Officer describing the measures taken by the Corporation and providing details of the amount expended in taking the measures.
- (f) Where the order was served before the measures were taken the Officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subparagraph (d) above in accordance with Paragraphs 2(e) and (f) of Section 6 of this By-law on or to the owner of the property and all persons mentioned in Paragraph 2(c) of Section 6 of this By-law.

(6)

ORDER CONFIRMING EMERGENCY ORDER

- (a) Forthwith after the requirements of Paragraph 5(e) and 5(f) above have been complied with the Officer shall apply to a judge of the Ontario Court (General Division) for an order confirming the order made under Paragraph 4, and,
  - (i) the Judge shall, in writing, appoint a day, time and place for the hearing of the application and may direct that it shall be served upon such persons and in such manner as he or she prescribes;
  - (ii) the appointment shall be served in the manner prescribed by the judge; and
  - (iii) the Judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the Corporation in taking the measures to terminate the danger may be recovered by the Corporation in whole, in part or not at all.
- (b) The disposition of the application under subparagraph (iii) above is final and binding.

(7) POWER OF THE CORPORATION TO DEMOLISH OR REPAIR

- (a) The order as deemed to have been confirmed by the Officer, or as confirmed or modified by the Committee, or, in the event of an appeal to the judge as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- (b) If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified, in addition to all other remedies:
- (i) the Corporation shall have the right to demolish or repair the property accordingly and for this purpose with its employees and agents from time to time to enter in and upon the property; and
  - (ii) the Corporation shall not demolish any dwelling without first obtaining approval of Council; and
  - (iii) the Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collector's Roll of Taxes for the current year and shall be collected as taxes; and
  - (iv) the Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under any provision of this By-law.

(8) CERTIFICATE OF COMPLIANCE

- (a) Following the inspection of a property, the Officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his or her opinion, the property is in compliance with the standards so established by this By-law, and the Council of the Corporation may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.

(9) PENALTIES

- (a) Any person who contravenes any provision of this By-law or fails to comply with an order, direction or other requirement made pursuant to this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$25,000.00 for a first offence and to a fine of not more than \$50,000.00 for a subsequent offence.
- (b) Despite subsection 9(a) above, if a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed upon the corporation is \$50,000.00 for a first offence and \$100,000.00 for a subsequent offence and not as provided in subsection (a) above.

(10) RECOVERY OF EXPENSE

Where a corporation demolishes or repairs property or takes measures to terminate a danger as described in this By-law, the Corporation may recover the expense incurred in respect thereof by any or all of the methods provided for in Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended except that such amount, if any, as is to be borne by the corporation as a result of a determination by a Judge under Paragraph 5(a)(iii) of Section 6 of this By-law may not be recovered.

(11) MUNICIPAL LOANS

(a) The Council of the Corporation may pass a By-law pursuant to Section 32 of The Planning Act, R.S.O. 1990, c.P.13 as amended from time to time, for the making of loans to the registered owners or assessed owners of land in respect of which an Order has been sent under this By-law.

(b) The amount of any loan made under a by-law passed under this Section, together with interest at a rate to be determined by Council, may be added by the Clerk of the Corporation to the Collector's Roll and collected in like manner as municipal taxes over a period fixed by the Council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(c) A certificate signed by the Clerk of the Corporation setting out the amount loaned to any owner under a by-law passed under this Section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper registry or land titles office against the land, and, upon repayment in full to the Corporation of the amount loaned and the interest thereon, a certificate signed by the Clerk of the Corporation showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

(12) VALIDITY

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

(13) INTERCHANGEABILITY


(13) INTERCHANGEABILITY

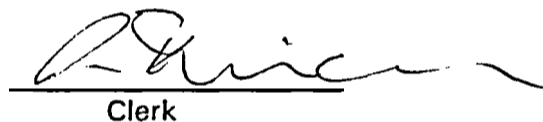
Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(14) PREVIOUS BY-LAWS

- (a) By-law 80-82 and all amendments thereto are hereby repealed and replaced by the provisions of this By-law save and except to the extent provided in subparagraph (b) below.
- (b) Any proceedings initiated or Work Order issued pursuant to By-law 80-82 as amended, shall continue and remain in full force and effect and shall be dealt with in accordance with the provisions of By-law 80-82 as amended notwithstanding the provisions of Subparagraph 13(a) above.

READ a first, second and third time and finally passed in Open Council this 29th day of March 1999.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

po\by\03294a