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BY-LAW NUMBER 2012-144

AMENDMENTS 2015-054, 2017-189, 2018-014

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY WITHIN THE TOWNSHIP OF UXBRIDGE AND TO REPEAL BY-LAW NOS. 98-151, 2003-056 AND 2010-012

WHEREAS Section 15.1, subsection (3) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, provides the authority for the enactment of a By-law prescribing standards for the maintenance and occupancy of property within the municipality;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge deems it necessary to pass a By-law for prescribing standards for the maintenance and occupancy of property within the Township of Uxbridge and for prohibiting the occupancy or use of such property that does not conform with the standards; and for requiring property that does not conform with the standards 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 and levelled condition;

AND WHEREAS the Ontario Heritage Act R.S.O. 1990. c.O. 18 authorizes Council to pass a Bylaw prescribing minimum standards for the maintenance of heritage attributes of designated property or properties situated in a heritage conservation district;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE ENACTS THE FOLLOWING:

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SECTION 1- DEFINITIONS

In this By-law:

- 1.01 **“Accessory Building”** means a detached building or structure, not used for human habitation that is incidental and subordinate to the primary use of the same property.
- 1.02 **“Apartment Building”** means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 **“Approved”** means acceptance by the Property Standards Officer.
- 1.04 **“Basement”** means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average exterior finished grade.
- 1.05 **“Building”** means a structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy.
- 1.06 **“Cellar”** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average exterior finished grade.
- 1.07 **“Committee”** means the Property Standards Committee.
- 1.08 **“Dwelling”** means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or part, for the purpose of human habitation.
- 1.09 **“Dwelling Unit”** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually cooking, eating, sleeping, and sanitary facilities.
- 1.10 **“Expenses”** shall mean, the cost of carrying out the work to be done by an Order plus a twenty five (25) percent administration fee and shall include the costs of any work contracted out and will include all persons or agencies believed required to carry out the work or ensure the safety of any person carrying out the work;
- 1.11 **“First Storey”** means that part of a building between the floor area closest to grade and a ceiling having a height of more than 1.8 meters (6 feet) above grade.
- 1.12 **“Guard”** means a protective barrier installed around openings in floor areas or on 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 it.
- 1.13 **“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 including a den, library, sewing room or enclosed sunroom.
- 1.14 **“Heritage Attribute”** means, in relation to a property, and to the buildings on the property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined, identified or described;

- i) in a By-law designating the property a Part IV heritage property as a heritage attribute, reason for designation or otherwise;
 - ii) in a Minister's order made under section 34.5 Part IV of the Ontario Heritage Act as a heritage attribute or otherwise;
 - iii) in a By-law designating a heritage conservation district passed under section 41, Part V of the Ontario Heritage Act as a heritage attribute or otherwise; or
in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory as heritage attributes or otherwise.
- 1.15 **"Heritage Permit"** means an authorization or permit issued by the Municipality as per Section 33(1) or 42(1) of the Ontario Heritage Act that provides permission to alter or demolish a designated heritage property;
- 1.16 **"Inoperative Vehicle"** includes, but is not limited, vehicles or trailers that, by reason of their appearance, mechanical condition or lack of current plates and/or validation sticker, appear to be inoperative.
- 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 **"Non-Habitable Room"** means any room in a 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, and for access to, and vertical travel between, storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- 1.20 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto, and all of the outbuildings, fences or erections thereon or therein.
- 1.21 **"Noxious Weed"** means any weed classed as noxious by the Weed Control Act.
- 1.22 **"Occupant"** means any person over the age of eighteen years in possession of the property.
- 1.23 **"Officer"** means a Property Standards Officer appointed by By-law and assigned the responsibility for enforcing and administering this By-law.
- 1.24 **"Ontario Heritage Act"** means the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.
- 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 word 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 **“Part IV heritage property”** means property, including all buildings and structures thereon, which has been designated by the Township of Uxbridge under section 29 of the Ontario Heritage Act, or which has been designated by the Minister under section 34.5 of the Ontario Heritage Act;
- 1.27 **“Part V heritage property”** means property, including all buildings and structures thereon, located within a heritage conservation district, which has been designated by the Township of Uxbridge under section 41 of the Ontario Heritage Act;
- 1.28 **“Person”** means an individual, firm, corporation, association or partnership.
- 1.29 **“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 a Part IV heritage property and a Part V heritage property.
- 1.30 **“Repair”** means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, mending as may be required so that the property shall conform to standards established in this By-law.
- 1.31 **“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 consume 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 yard.
- 1.32 **“Rubbish or Debris”** includes, but is not limited to, any rubbish or material of any kind and without limiting the generality of the foregoing shall include disused furniture, garden refuse, earth or rock fill, old or decayed lumber, inoperative mechanical equipment, automotive and mechanical parts, materials from construction or demolition projects, discarded appliances, Vehicles or trailers that by reason of their appearance, mechanical condition or lack of current licence plates and/or validation sticker appear to be inoperative, and includes any other thing deemed debris where no evidence to the contrary exists;
- 1.33 **“Sewage System”** means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water.
- 1.34 **“Standards”** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.35 **“Toilet Room”** means a room containing a water closet and a wash basin.
- 1.36 **“Trailer”** means a vehicle that is at any time drawn on a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon a highway.

- 1.37 **“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.
- 1.38 **“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.

SECTION 2

GENERAL STANDARDS FOR ALL PROPERTIES

STANDARDS OF OCCUPANCY

- 2.01 No person shall use or occupy or permit the use or the occupancy of any property that does not conform to the standards set out in this By-law.
- 2.02 No person being an owner or occupant of a Part IV heritage property or a Part V heritage property shall fail to maintain the property, including its heritage attributes, in a good state of repair, in conformity with the standards of this By-law.
- 2.03 The owner of any property, which does not conform to the standards of this By-law, shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris and refuse and leave it in a graded and levelled condition provided that no building or structure or historical attribute on a Part IV heritage property or a Part V heritage property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the Ontario Heritage Act and a heritage permit.
- 2.04 In addition to the standards, obligations and requirements that apply to all properties, all heritage attributes of Part IV heritage properties and Part V heritage properties, including both interior and exterior heritage attributes, shall be:
- a) maintained so as to prevent deterioration: and
 - b) repaired of any damage.
- 2.05 Subject to any applicable provisions of the Ontario Heritage Act;
- a) where section 2.04 can be complied with by means of repair, notwithstanding any other provision to the contrary, the heritage attribute shall not be replaced and the repair shall be undertaken in a manner that minimizes impact to the heritage attribute;
 - b) Where section 2.04 cannot be complied with by means of repair, notwithstanding any other provision to the contrary, the heritage attribute shall be replaced with material of comparable nature to the original material and in keeping with the design, colour, texture and any other distinctive feature as the original material or in such a manner as to replicate the design, colour, texture and any other distinctive feature of the original material.
- 2.06 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 where applicable.

2.07 If there is a conflict between a provision in this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

YARDS

2.08 All yards and vacant lots shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that might create a health, fire or accident hazard;
- (2) 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;
- (3a) any vehicle, including a trailer or boat, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition.
- (3b) dismantled, inoperative vehicles, boats or trailers which are being privately renovated, repaired or restored may be permitted on a lot subject to compliance with the following conditions:
 - i) such vehicle, boat or trailer is owned by the owner of the lands upon which such vehicle, boat or trailer is located;
 - ii) such vehicle, boat or trailer does not create an unsightly condition out of character with the surrounding environment;
 - iii) on a lot within the RC, ER, SR, HR, R1, R2 or RM Zone, as contained in Zoning By-law No. 81-19, as amended, a maximum of one (1) vehicle, boat or trailer may be located on a lot but only within a rear yard or garage, and such must not be visible from an adjoining public road;
 - iv) on a lot in an EP, OS, RU or RH Zone, as contained in Zoning By-law No. 81-19, as amended, a maximum of two (2) vehicles, boats, trailers, may be permitted but such must be to the rear of a principal building on the lands and must not be visible from the public road;
 - v) on a lot in a CI, C2, C3 or C4 Zone, as contained by Zoning By-law 81-19, as amended, and which is used for residential purposes, no vehicle, boat or trailer shall be permitted;
 - vi) such vehicle and/or trailer shall be incidental to the permitted use of the lot on which the vehicle and/or trailer is located.
- (4) long grass, brush, undergrowth and overgrown trees, which may cause a hazard or unsightly condition out of character with the surrounding area;
- (5) dilapidated, collapsed or partially constructed structures;
- (6) injurious insects, termites, rodents, vermin or other pests;
- (7) dead, decayed or damaged trees or other natural growth;
- (8) Noxious Weeds

SURFACE CONDITIONS

- 2.09 Surface conditions of yards shall be maintained so as:
- (a) to be kept free of standing water in any location on the property;
 - (b) to prevent instability or erosion of soil;
 - (c) to prevent surface water run-off from entering basements of building of the property;
 - (d) not to exhibit an unsightly appearance;
 - (e) to be kept free of Rubbish and Debris;
 - (f) to be kept free of deep ruts and holes, any unprotected well that might create an accident or health hazard;
 - (g) to provide for safe passage under normal use and weather conditions, day or night;

SEWAGE AND DRAINAGE

- 2.10 Sewage shall be discharged into the sewage system.
- 2.11 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.12 Roof or sump drainage shall not be discharged onto sidewalks, stairs or onto adjacent property.

PARKING AREAS, WALKS AND DRIVEWAYS

- 2.13 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.
- 2.14 Steps, walkways, 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

- 2.15 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.16 Accessory buildings, fences and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be uniform colour unless the aesthetic characteristics of said structures are enhanced by the lack of such material.

SWIMMING POOLS

- 2.17 Derelict or abandoned swimming pools, including in-ground and above-ground, shall be drained and removed or filled and the property left in a graded and levelled position.

GARBAGE DISPOSAL

- 2.18 Every building, dwelling, and 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.
- 2.19 All garbage, refuse, and ashes shall be promptly placed in the receptacles referenced in 2.13 above and made available for removal in accordance with the municipal garbage By-law.
- 2.20 a) Garbage storage areas shall be screened from public view.
- b) In multiple dwellings, every garbage chute, garbage disposal room, garbage storage room, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean condition.
- c) Where garbage or refuse is stored within a multiple dwelling such storage area shall be:
- i) kept in a clean and sanitary condition;
 - ii) screened so as to prevent the entry of insects, rodents, and vermin into the storage area;
 - iii) provided with the necessary screens and/or shields to prevent the entry of insects, vermin or rodents into any portion of a dwelling; and
 - iv) ventilated by both natural and mechanical ventilation systems so as to prevent noxious odours from entering any portion of the dwelling.

FIRE OR OTHER DISASTER

- 2.21 In the event of fire or other disaster, measures shall be taken as soon as possible to restore the damaged building or structure so it complies with the standards of this By-law.
- 2.22 In the event the building or structure is beyond repair, and is not located on a Part IV heritage property or a Part V heritage property, the land shall be cleared of all building or structure remains, debris and refuse and left in a graded, levelled and tidy condition.
- 2.23 In the event the building or structure is beyond repair and is located on a Part IV heritage property or a Part V heritage property, no action should be taken to alter, clear, remove, demolish or relocate such building or structure, except in accordance with the Ontario Heritage Act and a heritage permit.

COMPOST HEAPS

- 2.24 The occupant of a residential property may compost in accordance with health regulation, provided that the compost pile is in a container, or a commercial plastic enclosed container designed for composting at least 1.2m from any property line.

SECTION 3

REGULATIONS FOR RESIDENTIAL PROPERTIES

GENERAL CONDITIONS

- 3.01 Every tenant, or 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 and shall dispose of garbage, refuse, ashes and debris on a regular basis.
- 3.02 Every tenant, or 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 Accumulation of storage of garbage, refuse, appliances, furniture or vehicles in public hallways or stairways shall not be permitted.

PEST PREVENTION

- 3.04 Dwellings shall be kept free of rodents, vermin and injurious insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- 3.05 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened and sealed.

STRUCTURAL SOUNDNESS

- 3.06 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.
- 3.07 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

FOUNDATIONS

- 3.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes 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.
- 3.09 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

- 3.10 Exterior walls of a dwelling and their components, including soffits, 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.
- 3.11 Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

WINDOWS AND DOORS

- 3.12 Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably drought-free, to prevent heat loss and infiltration by the elements. Maintenance includes 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.
- 3.13 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.
- 3.14 Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 3.15 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.
- 3.16 Every window in a leased dwelling unit that is located above the first storey 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 100mm diameter (3.9 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

- 3.17 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.18 Accumulations of ice and/or snow shall be promptly removed from the roofs of dwellings and accessory buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.
- 3.19 Where eaves troughs 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

- 3.20 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose covering or other defects such as mould. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.21 Every floor in a dwelling 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 or harbouring of rodents and other vermin or insects.
- 3.22 Every bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

STAIRS, RAMPS, PORCHES, DECKS, BALCONIES AND LANDINGS

3.23 Stairs, ramps, porches, decks, balconies and landings shall be maintained so as to be free of holes, cracks and other defects that may constitute an accident hazard. Existing materials that show excessive wear, damage, decay or deterioration shall be repaired or replaced.

GUARDS AND BALLUSTRADES

- 3.24 a) Guards shall be provided around the open sides of all porches, ramps, landings, decks, balconies, galleries, mezzanines and floor openings where the difference in elevation between adjacent levels exceeds 600mm (23 5/8").
- b) Balustrades shall be installed and maintained in good repair on the open sides of all stairs containing three or more risers and around any landing, porch, deck, balcony, gallery or mezzanine associated therewith.

KITCHENS

- 3.25 Every dwelling unit and/or dwelling shall contain a kitchen area equipped with:
- (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

- 3.26 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and bathtub or suitable shower unit. Every wash basin 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.
- 3.27 Every equipped bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked from the inside.
- 3.28 Where the 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

- 3.29 Every dwelling unit shall contain at least one water closet, one wash basin, a bathtub or shower, and one kitchen sink. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110F).

- 3.30 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.31 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.32 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.33 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 harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 3.34 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.35 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, as amended.
- 3.36 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square meter (120 square feet) of floor space and for each additional 9.3 square meters (100 square feet) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.37 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.38 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.

HEALTH, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 3.39 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor temperature of 21 degrees Celsius (70 degrees F) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.
- 3.40 All fuel burning appliances, equipment, and accessories in a dwelling unit shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- 3.41 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 convenient location so as to be free from fire or accident hazard.

- 3.42 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 human habitation. Such separations shall conform to the Ontario Building Code.
- 3.43 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.44 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 includes the removal of all obstruction, sealing of open joints, and the repair of loose or broken masonry units.
- 3.45 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 DETECTIONS

- 3.46 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings or residential occupancies where sleeping accommodations are provided for more than ten persons, except that such system need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.
- 3.47 In addition to the provisions of article 3.46 hereof, the owner of every residential building shall provide, in every dwelling unit in a building, a listed products of combustion detector, approved by the Canadian Standards Association of Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, said device shall be installed between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products or combustion detector referred to shall;
- (a) be equipped with audio or audio-visual indication that they are in operating condition
 - (b) be mounted on the ceiling or on the wall between 152.4 and 304.8mm (6 to 12 inches) below the ceiling
 - (c) shall be maintained in working order at all times
- 3.48 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

EGRESS

- 3.49 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and 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 or 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 1.067 by 0.558 meters, (42 x 22 inches) with a sill height of not more than 0.914 meters, (36 inches), above the inside floor. A single exit is permitted 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.

NATURAL LIGHT

- 3.51 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 that admits 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.

VENTILATION

- 3.52 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 of at least 0.28 square meters (3 square feet), or an approved system of mechanical ventilation that will provide equivalent hourly air exchanges.
- 3.53 All systems of mechanical ventilation shall be maintained in good working order.
- 3.54 All enclosed area including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

ELEVATING DEVICES, MOVING STAIRS/WALKWAYS

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

DISCONNECTED UTILITIES

- 3.56 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

- 3.57 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square meters of habitable floor area. For the purpose of computing habitable floor area any area with the minimum ceiling height less than 2.1 meters shall not be considered as habitable. If a finished ceiling is not applied to the underside of joists shall be deemed to be a ceiling for the purpose of determining ceiling height.
- 3.58 No room shall be used for sleeping purposes unless it has a minimum width of two meters and a floor area of at least seven square meters. A room used for sleeping purposes by two or more persons shall have a floor area of at least four square meters per person.
- 3.59 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 as approved under the Ontario Building Code.
- (d) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room.

SECTION 4

REGULATIONS FOR VACANT LANDS AND BUILDINGS

VACANT BUILDINGS

- 4.01 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.
- 4.02 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 12.7mm (0.5 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened.
- 4.03 Where a building remains vacant for a period of more than ninety days, the owner shall ensure that all utilities servicing the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.
- 4.04 Despite Section 4.03, the owner of any property with a building that is boarded up for a period exceeding 24 months, shall ready the building for occupancy in accordance with the standards of this by-law or shall clear the property of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.
- 4.05 Section 4.01 does not apply where such utilities are necessary for the safety or security of the building.

SECTION 5

REGULATIONS FOR NON-RESIDENTIAL PROPERTIES

GENERAL CONDITIONS

- 5.01 The outside 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 meters (6 feet) in height and maintained in good repair. This provision shall not apply to areas covered by a Site Plan Agreement.

PARKING AREAS AND DRIVEWAYS

- 5.02 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.
- 5.03 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

- 5.04 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 loads, 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 required or replaced.
- 5.05 Walls, roofs and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

- 5.06 Exterior walls of a building or structure and their components, including soffits, 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.
- 5.07 Exterior walls of a building or structure and their components shall be free from inappropriate signs, painted slogans, graffiti and similar defacements.

STAIRS, RAMPS, PORCHES, DECKS, BALCONIES AND LANDINGS

- 5.08 Stairs, ramps, porches, decks, balconies and landings shall be maintained so as to be free of holes, cracks and other defects that may constitute an accident hazard. Existing materials that show excessive wear, damage, decay or deterioration shall be repaired or replaced.

GUARDS AND BALUSTRADES

- 5.09 a) Guards shall be provided around the open sides of all porches, ramps, landings, decks, balconies, galleries, mezzanines and floor opening where the difference in elevation between adjacent levels exceeds 600mm (23 5/8").
- b) Balustrades shall be installed and maintained in good repair on the open sides of all stairs containing three or more risers and around any landing, porch, deck, balcony, gallery or mezzanine associated therewith.

LIGHTING

- 5.10 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 for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

TOILET ROOM FACILITIES

- 5.11 All non-residential establishments or units where people work shall have a sufficient number of toilets and wash basins supplied with hot and cold running water in accordance with the Ontario Building Code 1997 (as amended).
- 5.12 Each toilet room shall be provided with toilet paper, soap and individual paper towels or other means of drying and suitable deodorizing material.
- 5.13 All toilet rooms shall be fully enclosed and have a door capable of being locked from the inside so as to provide privacy for the persons using such.

PLUMBING

- 5.14 All non-residential establishments or units shall contain sufficient number of water closets and wash basins in accordance with the Ontario Building Code 1997 (as amended). All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 F).
- 5.15 All non-residential establishments or units shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 5.16 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.17 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 5.18 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 cleaning and free from blemishes, cracks, stains or other defect that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 5.19 All non-residential establishments or units shall be wired for electricity and shall be connected to an approved electrical supply system.
- 5.20 The electrical wiring, fixtures, switches, receptacles located or used in non-residential establishments or units and accessory buildings shall be installed and maintained in good working order so as not to cause fire electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- 5.21 Every toilet room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 5.22 Lighting fixtures installed throughout a non-residential establishment, including stairways, corridors, passageways, accessory structures and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 5.23 All non-residential establishment or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 18 degrees Celsius (64 degrees F) in the occupied units. The heating system shall be maintained in a good working condition so as to be capable of safely heating the individual units to the required standard.
- 5.24 All fuel burning appliances, equipment, and accessories in a non-residential establishment shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- 5.25 Where a heating system 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.
- 5.26 All non-residential establishments or units shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from part of the non-residential establishment or units into other parts of the building. Such separations shall conform to the Ontario Building Code.
- 5.27 All fuel burning appliances, equipment and accessories in a non-residential establishment shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 5.28 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 non-residential establishment or unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 5.29 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

- 5.30 Buildings using a fire escape as a secondary means of egress shall maintain the escape in good condition, free from obstructions and easily reached through an openable window or door.

EGRESS

- 5.31 All non-residential establishments or units contained therein shall have a safe, continuous and unobstructed passage from the interior of the non-residential establishment or unit to the outside at street or grade level.
- 5.32 All non-residential establishments containing more than one non-residential 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 or fire escape shall be from corridors through doors at floor level, except access from a non-residential unit may be through a vertically mount casement window having an unobstructed opening of not less than 1.067 by 0.588 meters (42 x 22 inches) with a sill height of not more than 0.914 meters (36 inches), above the inside floor. A single exit is permitted from a non-residential unit where the path or egress is through an exterior door

located at or near ground level and access to such exit is not through a unit not under the immediate control of the occupants of the unit.

ELEVATING DEVICES, MOVING STAIRS/WALKWAYS

- 5.33 Elevators, moving stairs/walkways and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication system shall be operational and maintained in good condition.

DISCONNECTED UTILITIES

- 5.34 Owners of non-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 or water to any non-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 utility.

SECTION 6

ADMINISTRATION AND ENFORCEMENT

- 6.01 If an Order is not complied with in accordance with the Order as deemed final and binding or as confirmed or as modified by the Property Standards Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly, and shall be entitled to recover any expenses incurred in doing any demolition or repair as municipal real property taxes.

PROPERTY STANDARDS OFFICERS

- 6.02 The Council of the municipality shall appoint a Property Standards Officer(s) responsible for the administration and the enforcement of this By-law.

SECTION 7- PENALTY

- 7.01 An owner who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Building Code Act.
- 7.02 If an Order is not complied with in accordance with the Order as deemed final and binding or as confirmed or as modified by the Property Standards Committee or a Judge, the Municipality may cause the property to be repaired or demolished accordingly, and shall be entitled to recover the expenses incurred in doing any demolition or repair in a like manner as municipal taxes.
- 7.03 A person is guilty of an offence if the person:
- a) hinders or obstructs, or attempts to hinder or obstruct, a Property Standards Officer, or any person accompanied by the Officer, in the exercise of a power or the performance of a duty under this By-law;
 - b) makes a false or intentionally misleading recital or fact, statement or representation or produces any falsified or fictitious agreement or document; or
 - c) fails to perform a duty imposed within this By-law or who performs an act prohibited herein; and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Building Code Act, 1992, S.O. 1992.

- 7.04 Every occupant of a dwelling unit shall co-operate with the landlord in complying with the requirements of this By-law and/or an Order.
- 7.05 Every person shall assist any entry, inspection, examination, testing or inquiry by a Property Standards Officer in the exercise of their duty.

SECTION 8- SEVERABILITY

- 8.01 If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

SECTION 9- TRANSITIONAL RULES

- 9.01 After the date of the passing of this By-law, By-law #98-151 shall apply only to those properties in which an Order has been issued prior to the date of passing this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order including any demolition, clearance, or Repair carried out by the Municipality shall have been concluded.

SECTION 10- SHORT TITLE

- 10.01 This By-law may be referred to as "The Property Standards By-law."

SECTION 11- REPEAL OF OTHER BY-LAWS

- 11.01 By-law Nos. 2003-056, and 2010-012 are hereby repealed in their entirety. Except for the purposes as set out in Section 9.01 of this By-law, By-law No. 98-151 is hereby repealed.

SECTION 12-DATE EFFECTIVE

- 12.01 This By-law shall come into force and effect upon the date of its final passage.

READ a FIRST, SECOND, and THIRD time and finally passed this 24th day of September 2012.

GERRI LYNN O'CONNOR
MAYOR

DEBBIE LEROUX
CLERK