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THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 98-182

A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE TOWNSHIP OF KING

WHEREAS Section 15.1 of the *Building Code Act*, S.O. 1992, c.23, as amended, for the Province of Ontario, authorizes the passing of a by-law for prescribing standards for the maintenance and occupancy of property:

AND WHEREAS the Council of The Corporation of the Township of King deems it desirable to pass a by-law for prescribing the standards for maintenance and occupancy of property within the Township of King and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property below the standards prescribed in the by-law to be repaired and maintained to comply 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 Council deems it advisable to establish standards of maintenance and occupancy within the Township which are not less than those generally prevailing in the neighbourhood in which the property is located;

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

PART 1 SHORT TITLE AND DEFINITIONS

1.1 SHORT TITLE

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

1.2 DEFINITIONS

In this by-law:

- 1.2.1 accessory building means a building or structure subordinate to a main building or structure and without limiting the generality of the foregoing, includes a building or structure the use of which is incidental to that of a main building or structure and which is located in a yard comprising part of such property; “accessory structure” shall have a corresponding meaning;
- 1.2.2 apartment building means a dwelling containing more than one dwelling unit, each unit containing a bathroom and kitchen facilities for the exclusive use of the occupant or occupants of the dwelling unit in which such facilities are contained and shall include hotels and motels;
- 1.2.3 barn means any building that would ordinarily be used for the storage or housing of farm products, farm vehicles, farm equipment, farm machinery or any one or combination of these;
- 1.2.4 clean and sanitary means clean and sanitary to the satisfaction of the Regional Municipality of York Medical Officer of Health for the Corporation or a Public Health Inspector appointed to administer the *Ontario Public Health Act* and

Regulations;

- 1.2.5 committee means a property standards committee established under this section;
- 1.2.6 Corporation means the Corporation of the Township of King;
- 1.2.7 dwelling means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for human habitation and includes a vacant building or structure that could be intended for such use except for its state of disrepair.
- 1.2.8 dwelling unit means one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit;
- 1.2.9 fence includes any structure of posts, boards, palings, rails, blocks, bricks, concrete, panels or wire, and any combination or combinations thereof and also includes a privacy or other screen;
- 1.2.10 ground cover means organic or non-organic material and includes without restricting the generality of the foregoing concrete, flagstone, gravel, asphalt, grass, fill or other forms of landscaping;
- 1.2.11 habitable room means, subject to article 1.2.15 any room in a dwelling or dwelling unit used or intended to be used for the purpose of living, sleeping, cooking or eating, which complies with the standards of fitness for occupancy set out in this by-law;
- 1.2.12. injurious means injurious in the opinion of the Regional Municipality of York Medical Officer of Health or Public Health Inspector;
- 1.2.13 inspector means any person acting under the instructions of a Property Standards Officer;
- 1.2.14 multiple occupancy dwelling means a dwelling that contains more than one dwelling unit and includes an apartment building;
- 1.2.15 non-habitable room means any room in a dwelling unit other than a habitable room, and includes bathroom, toilet room, laundry, pantry, lobby, connecting corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling, for public use, and for access to, and vertical travel between stories, and a basement or cellar or part thereof whether fitted up as a recreation room or not, which does not comply with the standards of fitness for occupancy set out in this by-law;
- 1.2.16 on-residential property means a property, building or structure or part of a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation and without limiting the generality of the foregoing, includes the land and premises appurtenant thereto and all accessory buildings, outbuildings, fences, structures or erections on or in such land and premises;
- 1.2.17 occupant means any person or persons over the age of eighteen years in possession of the property;
- 1.2.18 officer means a property standards officer who has been assigned the responsibility of administering and enforcing this by-law;
- 1.2.19 persons means a natural person, a corporation and their heirs, executors, administrators or other legal representatives;

- 1.2.20 property means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, barns or other farm buildings and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- 1.2.21 repair includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section;
- 1.2.22 residential property means any property that is used for or designed to be used for human habitation where one or more persons usually sleep or eat and includes the land or buildings that are appurtenant to such establishment, any accessory building and any dwelling unit within a dwelling, and all steps, walks, driveways, parking spaces and fences associated with a dwelling or its yard;
- 1.2.23 sanitary or sewerage system means the Township sanitary sewer system if one is available, and if not, a private sanitary sewage system approved by the Regional Municipality of York Medical Officer of Health;
- 1.2.24 standards means the standards of physical condition, maintenance and occupancy prescribed for a property by this by-law;
- 1.2.25 storage garage means any building or part thereof intended for the area set aside for the storage or parking of motor vehicles and which contains no provisions for the repair or servicing of such vehicles but shall not include a garage which serves only one dwelling unit;
- 1.2.26 Township means the Township of King;
- 1.2.27 unoccupied means uninhabited by any person continually for a period of 120 days;
- 1.2.28 unsafe condition means;
 - (a) structurally inadequate or faulty for the purposes for which it is used or intended to be used; or
 - (b) in a condition that could pose a serious hazard to:
 - (i) persons in the normal use of a building;
 - (ii) persons authorized or expected to be on or about the property; or
 - (iii) persons or property in the immediate vicinity of the subject condition;
- 1.2.29 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 and shall include vacant property.

PART 2 GENERAL DUTY AND OCCUPANCY STANDARDS

- 2.1.1 Any owner of property in the Township of King shall maintain and repair his property in accordance with the standards prescribed by this by-law;
- 2.1.2 No person shall occupy or let to another for occupancy a property which does not comply with the standards prescribed in this by-law;
- 2.1.3 The standards for maintenance and occupancy of property set forth in sections 4.1 to 7.1.4. inclusive of this by-law are hereby described and adopted as minimum standards of the Corporation and the said sections are hereby enacted and adopted as part of this by-law.

PART 3 ADMINISTRATION**3.1. APPOINTMENTS**

3.1.1 Council of the Corporation shall appoint an officer or officers who are assigned the responsibility of administering and enforcing this by-law.

3.1.2 The Council of the Corporation shall establish a tribunal known as the Property Standards Committee composed of such number of ratepayers in the municipality, not fewer than three (3), as the Council for the Corporation considers advisable and who shall hold office for such term and such conditions as may be prescribed in the by-law, and the Council of the Corporation, when a vacancy occurs in the membership of the Committee, shall forthwith fill the vacancy.

3.2 POWER OF ENTRY

3.2.1 Except as stated in section 3.2.2 the officer or any person acting under his instruction may, at all reasonable times, and upon producing proper identification enter and inspect any property.

3.2.2 Except under the authority of a search warrant issued under the *Building Code Act*, an officer or any person acting under his instructions shall not enter or remain in 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 issued under the *Building Code Act*. Entry may be made without first obtaining a search warrant if:

- (a) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
- (b) the entry is necessary to terminate a danger under subsections 15.7(3) of the *Building Code Act*; or
- (c) within a reasonable time before entering the room or place the inspector or officer serves the occupier with notice of his or her intention to enter it and the entry is necessary to repair or demolish under Subsection 3.5.1 of this by-Law.”

3.3 ISSUING THE PROPERTY STANDARDS ORDER

3.3.1 An officer who finds that a property does not conform with any of the standards prescribed in Parts 4 through 7 of this by-law may make an order containing:

- (a) the municipal address or legal description of such property.
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be compliance with the terms and conditions of the order and notice that if such repairs or clearances are not so done, within the time specified in the order, the municipality may carry out the repairs or clearances at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

3.3.2 The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

3.4 APPEALS

3.4.1 When the owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, he may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order, and in the event that no appeal is taken the order shall be deemed to have been confirmed.

3.4.2 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or rescind it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official plan are maintained.

3.4.3 The Corporation or any owner or any occupant or person affected by a decision 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 with the Ontario Court (General Division) within fourteen (14) days after the decision is given and:

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

3.4.4 The order as deemed to have been confirmed under section 3.4.1. or, confirmed or modified by the Committee under section 3.4.2., or in the event of an appeal to the judge as confirmed or modified by the judge under section 3.4.3., 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.

3.5 POWER OF CORPORATION

3.5.1 If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, in addition to all other remedies:

- (a) the Corporation shall have the right to demolish or repair the property accordingly at the expense of the owner and for this purpose with its servants and agents from time to time to enter in and upon the property; and
- (b) no dwelling shall be demolished unless the approval of Council is first obtained; and
- (c) the Corporation may recover the costs of the demolition or repair and if not so paid, the Corporation shall have a lien on the land for the amount spent on the repair or demolition under subsection 3.5.1(a) and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner and with the same priorities as municipal taxes; and
- (d) 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 the provisions of this by-law.

3.6 CERTIFICATE OF COMPLIANCE

3.6.1 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 opinion, the property is in compliance with the standards so established by this by-law.

3.6.2 The fee for a certificate of compliance shall be the greater of:

- (a) \$ 70.00 regular service and \$95.00 rush service; or
- (b) the Township's true cost of providing the certificate, which for the purposes

of this section shall be deemed to be three times the Township's payroll cost of inspecting and providing the certificate to the owner.

3.7 PENALTIES

3.7.1 Any person who fails to comply with an order which is final and binding under this by-law, is guilty of an offence and upon conviction thereof is liable to a fine of not more than twenty-five thousand dollars (\$25,000.00) for a first offence and fifty thousand dollars (\$50,000.00) for a subsequent offence.

3.7.2 Corporations: If a corporation is convicted of an offence, 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 3.7.1.

3.7.3 Subsequent Offence: For the purpose of Sections 3.7.1 and 3.7.2, an offence is a subsequent offence if there has been a previous conviction under the *Ontario Building Code Act*;

3.7.4 Continuing Offence: Every person who fails to comply with an order made by a chief building official under Subsection 14(1) or Clause 15(5)(a) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (3) and (4), is liable to a fine of not more than \$10,000.00 per day for every day the offence continues after the time given for complying with the order has expired.

3.8 CONFLICT WITH OTHER BY-LAWS

3.8.1 Where a provision of this by-law conflicts with a provision of another by-law in force in the Township, the provision that establishes the higher standards to protect the health, safety and welfare of the general public prevails.

3.9 SEVERANCE OF INVALID PROVISIONS

3.9.1 If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this By-law shall continue in force.

PART 4 STANDARDS FOR ALL PROPERTIES

4.1 REPAIRS

4.1.1 All repairs to comply with this by-law shall be carried out with suitable and sufficient materials in a manner acceptable as good and workmanlike to the trades concerned.

4.1.2 Nothing in this by-law shall require repairs to be carried out inside an unused building or inside an unused part thereof, except as necessary to remedy an unsafe condition.

4.1.3 Nothing in this by-law shall require, under the authority of this by-law, repairs to be made to property which repairs conflict with the provisions of an Act of the Province of Ontario and regulations thereunder.

4.2 FIRE, STORM AND OTHER DAMAGE

4.2.1 A building or structure damaged by fire, storm or other causes shall be demolished or repaired as soon as in the opinion of the inspector it is practicable to do so.

4.2.2 Where a building or structure is damaged by fire, storm or other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

4.2.3 Defacement by smoke or other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure, shall be removed and the defaced areas re-finished to the satisfaction of the inspector.

4.3 CLEANLINESS OF YARDS

4.3.1 A yard shall be maintained free from accumulations of rubbish or debris and from discarded objects and from conditions such as holes or excavations that might create a health or accident hazard.

4.3.2 For the purposes of section 4.3.1 but without restricting the generality of that section, “rubbish, debris and other discarded objects” shall include:

- (a) used or discarded building cement forms
- (b) used or discarded lumber
- (c) used or discarded cement or cement pieces
- (d) used or discarded asphalt or asphalt pieces
- (e) any other used or discarded building material
- (f) dead or decaying trees or shrubs

4.3.3 All outdoor salvage yards and outdoor storage where permitted, shall be obscured by screening or fencing from surrounding property and the street and shall be kept free from refuse and litter.

4.3.4 No sanitary sewage shall be discharged onto the surface of the ground whether into a natural or artificial surface drainage system.

4.3.5 Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water to a basement or cellar.

4.3.6 No roof drainage shall be discharged directly onto sidewalks, stairs or neighbouring property.

4.4 DERELICT OR OTHER VEHICLES

4.4.1 No vehicle, including without limitation of the generality of the foregoing, trailer, tractor, farm implements, truck camper, camper, boat or motorcycle, or remnant of part or parts thereof or mechanical equipment, which is in a wrecked, discarded, dismantled or inoperative condition, shall be parked, stored, kept or left on land, unless the parking, storing, keeping or leaving of such wrecked, discarded, dismantled or inoperative vehicle is necessarily incidental to the operation of a business permitted under the Corporation’s land use by-laws.

4.4.2 Where pursuant to section 4.4.1, a vehicle or mechanical equipment is necessarily incidental to the carrying on of business it shall be screened from the street and adjoining property by a solid board fence.

4.4.3 Any vehicle or trailer that does not properly display thereon a valid and current licence plate or marker therefore shall, for the purposes of this by-law be deemed to be discarded, inoperative or abandoned condition.

4.4.4 In the case of farm machinery or equipment, all such vehicles or equipment shall be parked, stored or kept in a neat and orderly manner.

4.5 PARKING AND PAVED AREAS

4.5.1 All steps, walks, driveways, parking spaces, and similar areas of yards shall be maintained in good repair so as to afford safe passage therealong.

4.5.2 Catch basins and storm drains installed in yards shall be maintained in a good state of repair and free from conditions which would impede the natural flow of water.

4.5.3 Parking areas other than those for residential properties but including those for apartment buildings shall be provided with secured perimeter curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures adjacent to the parking lot or adjoining property and from encroaching onto adjoining property.

4.6 LANDSCAPING

4.6.1 Suitable ground cover shall be provided to maintain a good appearance and to prevent erosion of the soil and also to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as required to maintain the grass in a living condition and cut so as not to be unreasonably overgrown in relation to the neighbouring environment.

4.6.2 All yards and fields shall be kept reasonably clear from weeds, heavy growth, overgrown or decaying hay, and dead or dying trees and shrubs, and all trees on the property shall be kept pruned so as to be free from dead or dying branches, in relation to the neighbouring environment.

4.6.3 All yards and fields in which fill material is being placed shall be kept reasonably graded and any fill material comprising stone or other materials lawfully permitted to be placed or deposited in any yard or field, shall be levelled and covered with earth within ten days of placement of such fill material.

4.6.4 No person shall have, plant, grow, maintain or permit on his property a fence, hedge, shrub, plant or tree which does or may, but not limited to:

- (a) interfere with the safety of the public;
- (b) affect the safety of vehicular or pedestrian traffic;
- (c) constitute an obstruction of view for vehicular or pedestrian traffic which does or may constitute a safety hazard to the same or other pedestrian or vehicular traffic;
- (d) wholly or partially conceal or interfere with the use of any hydrant or water valve; or
- (e) encroach upon any sidewalk or pavement or travelled portion of any street or highway;
- (f) overhang over any sidewalk or pavement or travelled portion of any street or highway and does or may constitute a hazard to vehicular or pedestrian traffic.

4.7 ACCESSORY BUILDINGS

4.7.1 Accessory buildings, including garages, carports, swimming pools and barns, shall be kept in good repair and free from danger to health or risk of fire and accident.

4.7.2 Where an accessory building or any condition in a yard harbours noxious insects or rodents, the owner or occupant must take all possible measures to eliminate the insects or rodents to prevent reinfestation thereby.

4.7.3 The exterior of an accessory building shall be maintained in a weather resistant condition by the use of appropriate weather resistant materials and may include paint or other preservatives.

4.7.4 Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard.

4.8 ACCESSORY STRUCTURE

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

4.8.2 Retaining walls in excess of 0.61 metres in height shall have guards as per the Ontario Building Code.

4.8.3 Gantries, antennas and like structures shall be maintained:

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

4.8.4 Fences shall be kept:

- (a) protected by preservatives or other weather resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
- (b) in good repair and free of accident hazards; and/or
- (c) so as not to present an unsightly appearance deleterious to the neighbouring environment.

The use of barbed wire on fences shall be restricted to those properties which necessarily require, as a result of active agricultural activity, the use of barbed wire on fences as part of that agricultural activity, or properties owned by the Corporation, the Regional Municipality of York, the Province of Ontario and the Government of Canada where public access is restricted.

4.8.5 All lands shall be kept clean and clear of snow fences except in the following cases:

- (a) for use in protecting property from drifting snow, in case which they may be erected between the months of November and April, inclusive;
- (b) for use in construction where such fences are required for:
 - (i) the protection of trees or other objects from being destroyed by construction equipment; or
 - (ii) for erosion control; or
 - (iii) temporary enclosure of excavations;but such fences may only be used during the period of construction and must be removed upon substantial completion or termination of the construction project.

4.9 SIGNS

4.9.1 Signs shall be repaired and maintained:

- (a) so as not to cause any unsafe condition;
- (b) in a vertical plane unless otherwise erected and approved, in which case the sign shall be maintained as erected and approved;
- (c) without any visible deterioration of the sign and its structure when viewed from any property other than the property on which the sign is situated; and
- (d) in conformity with the requirements of the sign By-law of the Corporation;
- (e) so as not to create an unsightly appearance deleterious to the neighbouring environment.

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

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

4.10 REFUSE STORAGE AND DISPOSAL

4.10.1 Every dwelling and every dwelling unit within the dwelling shall be provided with such receptacles as may be necessary to contain safely all the garbage, rubbish, waste and ashes that accumulate in the yard and in the dwelling.

4.10.2 Every non-residential building and every apartment building shall be provided with sufficient receptacles to contain all garbage, rubbish, ashes and trade waste awaiting collection therefrom.

4.10.3 Every residential building shall be provided with disposal containers and rodent-proof storage space for garbage.

4.10.4 Receptacles shall be:

- (a) made of metal or plastic;
- (b) of water-tight construction;
- (c) capable of being tightly closed; and
- (d) maintained in a clean state.

4.10.5 Garbage, rubbish, and ashes shall be promptly stored in receptacles and removed in accordance with applicable regulations of the Corporation.

4.10.6 Materials of a flammable nature shall, if they are lawfully on the property, be safely stored or else removed at once from the property.

4.10.7 Containers shall be made available in a prominent position on non-residential property for the disposal of refuse which may be discarded by customers and others, and land shall be kept free of such refuse.

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

- (a) be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or through deterioration, wind or misuse of the storage facility;
- (b) be screened if less than 60 metres from a public highway, street walkway, park or residential property so as not to be visible from such locations.

4.10.9 A balcony, porch, deck or landing shall be maintained free from accumulations of rubbish or debris and from discarded objects and from any conditions that might create a health, fire or accident hazard.

4.10.10 In multiple occupancy dwellings, every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.

4.11 STRUCTURAL INTEGRITY OF BUILDINGS

4.11.1 A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and wind, as set out in the *Building Code Act* and regulations thereunder.

4.11.2 Where an owner disputes the need for repairs under this by-law the owner may submit a written report signed and sealed by a professional engineer licensed to practice in the relevant discipline in the Province of Ontario as to the sufficiency of the order or the need for repair or demolition or both.

4.11.3 The officer may accept the findings in the report prepared pursuant to subsection 4.11.2 as the requirements for compliance with the required repairs provided the officer is satisfied all deficiencies have been identified and appropriately dealt with by the report.

4.12 FOUNDATION WALLS OF BUILDINGS

4.12.1 Foundation walls, basements, cellars and crawl spaces shall be maintained in good repair and structurally sound and, where necessary, shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and waterproofing the walls or floor.

4.12.2 The foundation walls of a building shall be maintained so as to guard against the entrance of moisture, insects and rodents.

4.13 EXTERIOR WALLS OF BUILDINGS

4.13.1 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather by painting, restoring, repairing or weatherproofing of joints.

4.13.2 All canopies, marques, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similar overhanging extensions shall be maintained in good repair, be properly anchored so as to be kept in a safe and sound condition, and shall be protected from the elements and against decay and rust by the periodic application of a weathercoating material such as paint or other protective treatment.

4.13.3 All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair and safe condition with proper anchorage.

4.14 ROOFS OF BUILDINGS

4.14.1 A roof including the fascia board, soffit and cornice, of a building shall be maintained in a water-tight condition so as to prevent leakage into the building.

4.14.2 Without limiting the generality of section 4.14.1, the maintenance required thereby includes repairing of the roof, fascia board, soffit and cornice, and flashing, applying waterproof coatings, installing or repairing eavestrough and rainwater piping and using other suitable means.

4.14.3 Dangerous accumulations of snow or ice or both shall be removed from the roof.

4.15 EXTERIOR SURFACES OF BUILDINGS

4.15.1 All exterior exposed surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint, or otherwise repaired, coated, sealed, or treated to protect them from deterioration or weathering. Such coating shall be replaced when it peels or if it otherwise no longer protects from deterioration or weathering.

4.15.2 Every roof and exterior wall, and other parts of the building shall be free from loose and unsecured objects and materials and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced, as the case may be.

4.16 INTERIOR SURFACES OF BUILDINGS

4.16.1 Every wall and ceiling in a building shall be maintained so as to be free of holes or cracks and loose plaster or other loose material if there is a likelihood that said holes, cracks, loose plaster or other loose materials are likely to result in collapse or might cause injury.

4.16.2 Without limiting the generality of section 4.16.1, the maintenance required thereby includes repairing or filling holes and cracks and removing and replacing loose or defective parts.

4.16.3 Every floor in a building shall be maintained so as to be free of loose, warped, protruding, broken or rotted boards that might result in an accident or that might admit rodents into a room because of holes or wide cracks.

4.16.4 Without limiting the generality of section 4.16.3, the maintenance required thereby includes the repairing or replacing of floor boards and, where the floor boards have been covered with linoleum or some other covering that has become unduly worn or torn so that it retains dirt, the repairing or replacing of the linoleum or other covering.

4.17 BARN AND OTHER FARM BUILDINGS

4.17.1 All properties shall be kept free of dilapidated or collapsed barns, lean-tos, or other farm buildings whether the barn is an accessory use or the main use of the property.

4.17.2 For the purposes of this section “dilapidated” shall mean in such a condition that, in the opinion of the officer, the barn including the roof is not in good repair or free from holes, broken, torn, decayed or damaged materials.

4.18 WINDOWS AND EXTERIOR DOORS

4.18.1 Windows, exterior doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weathertight and in such a condition so as to prevent the entrance of any rain, rodents, insects or vermin or excessive wind into the building.

4.18.2 Without limiting the generality of section 4.18.1, the maintenance required thereby includes:

- (a) painting;
- (b) repairing or renewing damaged, decayed, rotted or deteriorated
 - (i) doors;
 - (ii) door frames, casings and thresholds;
 - (iii) window sashes; and
 - (iv) window frames and casings;
- (c) refitting doors and windows;
- (d) weatherstripping;
- (e) repairing or replacing defective or missing door and window hardware;
- (f) replacing cracked, broken and missing glass in door panels, glass screens, windows and skylights with whole glass provided that if the building is unoccupied the cracked, broken or missing glass may be replaced by boarding up the door panel, glass screen, window or skylight using material covered and maintained with a preservative which is colour co-ordinated to the exterior finish of the building;
- (g) installation of wire mesh or metal grill or other suitable protection on windows.

4.18.3 Openings in exterior walls, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or vermin. Such protection may include:

- (a) wire mesh screens;
- (b) metal grill; or
- (c) other materials.

4.18.4 The requirements of section 4.18.3 do not apply where it can be shown to the satisfaction of the inspector that the implementation of this subsection would adversely affect the normal operations of the premises.

4.19 INSIDE AND OUTSIDE STAIRS

4.19.1 Any inside or outside stairs, balcony, verandah, porch and canopy shall be maintained so as to be free of holes, cracks, and other defects which may constitute an unsafe condition.

4.19.2 Without limiting the generality of section 4.19.1, the maintenance required thereby includes repairing or replacing of:

- (a) treads or risers that show excessive wear or are broken, warped, loose or otherwise defective; and
- (b) supporting structural members that are partially rotted or deteriorated.

4.19.3 A handrail and banister shall be installed and maintained so as to guard against accident or injury on the open side of a balcony or landing where the difference of elevation exceeds 0.61 metres and on any stairwell and stairway having more than three risers.

4.20 FIREPLACES

4.20.1 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.

4.20.2 Without limiting the generality of section 4.20.1, the maintenance required thereby includes securing connection to a chimney that complies with the standards of this by-law, lining and repairing and relining with fire resistant material and installing and repairing and replacing the hearth.

4.21 CHIMNEYS

4.21.1 Every chimney, smoke pipe and flue in or on a building 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 loose bricks, mortar and loose or broken capping.

4.21.2 Without limiting the generality of section 4.21.1, the maintenance required thereby includes clearing the flue of obstructions, sealing open joints, and repairing masonry.

4.22 DAMPNESS

4.22.1 All interior floors, ceilings, and walls shall be kept free from dampness.

4.22.2 Every basement and unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall no be less than one percent of the floor area.

4.23 FIRE SEPARATIONS

4.23.1 Every wall and ceiling shall be so maintained as to be free of holes, cracks, loose

coverings or other defects which would permit flames or excessive heat to enter into the concealed space.

4.24 HUMAN HABITATION

4.24.1 Non-habitable space shall not be used for human habitation.

4.24.2 Physical requirements for habitable rooms shall be as follows:

- (a) the minimum total area of all habitable rooms in a dwelling shall be 9.29 square metres for each person living in the dwelling. Children under the age of 12 shall be counted as one half a person;
- (b) the minimum floor area of a room used by only one person for sleeping shall be 5.57 square metres;
- (c) the minimum floor area of a room used by two or more persons for sleeping shall be 3.72 metres for each person so using the room;
- (d) for purposes of subsections (b) and (c), in computing the minimum floor area of a room, the floor area under a ceiling that is less than 1.52 metres high shall not be counted;
- (e) for the purposes of this section, the minimum height of a habitable room shall be 2.13 metres over at least one-half the floor area.

4.24.3 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 with the following requirements:

- (a) the dwelling unit or habitable room meets all requirements for egress, light, ventilation and ceiling height set out in this by-law;
- (b) floor and walls are constructed so as to be impervious to leakage of underground and surface run off water;
- (c) each habitable room shall be separated from the heating equipment, or other similarly hazardous equipment by a non-rated partition;
- (d) egress from each habitable room shall be gained without passage through a furnace room or boiler room.

4.24.4 Every habitable room in a dwelling except a kitchen, shall contain an outside window or windows which shall be maintained in good repair, and which shall:

- (a) have a total light transmitting area of not less than five (5) percent in bedrooms and ten (10) percent of the floor area in other rooms;
- (b) when designed to open, be easily opened and closed at all times and the area of the openable portion shall not be less than five (5) percent of the floor area of the room;
- (c) be provided with proper and suitable hardware and effective locking devices; and
- (d) the total light transmitting area of windows in window wells may be counted in the calculations referred to in section 4.24.4(a) above provided that one half of the area of such windows is above the top of the window well. Where less than half the required light transmitting area of window is above the top of the window well, only that area of the window above the top of the window well may be counted in the calculations.

4.25 DISCONNECTION OF SERVICES

4.25.1 no owner of an occupied dwelling which is used for the purpose of human habitation or occupant thereof shall disconnect, shut off, remove, otherwise discontinue or cause or permit the disconnection, shutting off, removal or the discontinuance of any gas, water, steam, electric power, fuel oil or other service or utility serving a dwelling, except when such action is necessary in order to safely make repairs, replacements or alterations in, at or upon the dwelling and then only during the reasonable minimum time that such action is necessary.

4.25.2 Without limiting the generality of the foregoing section, a person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected, shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removing or discontinuance.

4.26 HEATING AND MECHANICAL SYSTEMS

4.26.1 Heating and ventilating and mechanical systems including factory built stoves, fireplaces and chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, ventilation, air conditioning or other services shall be maintained:

- (a) operational in accordance with manufacturers specifications;
- (b) for spaces provided for human habitation with a heating capacity in accordance with the indoor/outdoor design capacity temperatures as required by the *Building Code Act*; and
- (c) free of hazards that could cause an accident.

4.26.2 In respect of every dwelling and dwelling unit there shall be provided a heating system capable of maintaining a temperature in all habitable rooms and in bathrooms and toilet rooms, and the owner shall provide adequate and suitable heat as follows:

- (a) not less than 15.5 degrees celsius from and including the 1st day of June in each year to and including the 14th day of September in the same year;
- (b) not less than 20 degrees celsius from and including the 15th day of September in each year to and including the 31st day of May in the following year.

4.26.3 Where persons are employed in duties and operations in an enclosed space or room within a building other than a dwelling or dwelling unit and not engaged in active physical activity, the heating equipment shall be capable of providing sufficient heat in such spaces or rooms to maintain a temperature of not less than 18 degrees celsius during normal working hours.

4.26.4 Locker and storage rooms designed for storage of perishable chattels shall be kept free from dampness and mildew by heating or other acceptable methods.

4.26.5 Ventilation, as required by the Building Code, shall be provided to all rooms and spaces within a building to prevent accumulations of heat and contaminants likely to create a potential fire, explosion, toxic or health hazard.

4.26.6 In multiple occupancy dwellings, every laundry room, garbage room corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated and where a system of mechanical ventilation is used it shall be maintained in good working condition.

4.26.7 Ventilation systems shall be:

- (a) regularly cleaned and maintained in good repair, working order and in a safe condition at all times and
- (b) in conformity with the requirements of the Building Code and Fire Code;
- (c) subsection 4.26.7(b) shall not be construed as requiring the replacement or upgrading of an existing system that is operating in an acceptable manner.

4.26.8 Each toilet room shall be provided with natural or mechanical ventilations maintained in good working order.

4.27 PLUMBING AND DRAINAGE SYSTEMS

4.27.1 Plumbing and drainage systems shall be provided, installed and maintained in good

repair:

- (a) in compliance with the requirements of the Plumbing Code;
- (b) free from leaks and adequately protected from freezing;
- (c) to supply potable and hot water commensurate with the normal requirements of the use and or occupancy served; and
- (d) operated to provide at the hot water outlets in each dwelling unit hot water at a temperature of not less that 43 degrees celsius and no more than 60 degrees celsius.

4.27.2 Section 4.27.1(a) shall not be construed as requiring the replacement or upgrading of an existing system that is operating in an acceptable manner.

4.27.3 Each dwelling shall be equipped with a kitchen sink, a washbasin, a bathtub or shower and a water closet. With exception of the water closet, all fixtures shall also be supplied with hot water.

4.27.4 Where washing machines and plumbing fixtures are provided, they shall be maintained in good working order and in accordance with the manufacturers recommendations.

4.27.5 Air conditioners where provided shall be equipped with proper devices to prevent condensation draining or discharging onto publicly owner sidewalks, walkways, entrances and other pedestrian routes.

4.27.6 An acceptable piped drainage system shall be provided and maintained for storm drainage run-off from all impervious surfaces of property except when drained to a swale, watercourse or contained and absorbed by the soil within the limits of the property on which it collects.

4.28 ELECTRICAL SYSTEMS AND LIGHTING

4.28.1 The capacity of the connection to the building or parts thereof and the amount of circuits and electrical outlets distributing the electrical supply within the building shall be adequate for the use and intended use of all rooms and space such that extension cords and other extensions are not required on a daily basis.

4.28.2 Interior and exterior lighting fixtures and lamps shall be installed and maintained so that the work, operations or activities normally carried out in or about the building, floor area, suite of rooms, room space or property can be undertaken in safety.

4.28.3 In any place where persons are employed, sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish the illumination of at least five foot candles in all passageways and stairways whenever the building is in use, and at least one foot candle in all stairways provided for use in case of fire or other emergency.

4.28.4 Every public and service area in a multiple occupancy dwelling shall be illuminated by natural or artificial means and the level of illumination measured at floor level equidistant from the light source shall be not less than the following:

Service Rooms and Laundry	220 LUX 20 ft. candles
Public W. C. Rooms	110 LUX 10 ft. candles
Corridors and Stairways	54 LUX 5 ft. candles
Recreation Rooms	110 LUX 10 ft. candles
Storage Rooms	33 LUX 3 ft. candles
Storage Garages	see section 5.2.2

4.29 SECURITY

- 4.29.1 Doors which allow access to or egress from a dwelling unit shall be equipped with a lock that is maintained in good repair and in an operative condition.
- 4.29.2 Building security locking release and communication systems, where originally provided, shall be maintained in good repair.
- 4.29.3 Access to shared locker and storage rooms in multiple occupancy dwellings shall:
 - (a) be provided with a door, equipped with a locking device; and
 - (b) be kept locked in the locked position , except when access is being permitted.
- 4.29.4 Access to mail boxes shall be maintained in good repair to ensure the security of the mail.

4.30 HANDICAPPED FACILITIES

- 4.30.1 Interior and exterior existing facilities for the handicapped shall be maintained in a good state of repair, operation, and available for the use of the handicapped.

PART 5 APARTMENT BUILDINGS

5.1 APARTMENT BUILDINGS

- 5.1.1 Nothing in this section shall relieve any person from compliance with all of the other provisions of this by-law.
- 5.1.2 Every passageway, hallway, corridor, entrance, lobby, means of egress, living room, dining room, recreation room, kitchen, bathroom, shower room, toilet room, other area used in common by the occupants shall be maintained in a clean and satisfactory condition.
- 5.1.3 Without limiting the generality of section 5.1.2, the maintenance includes:
 - (a) regular cleaning of the floors and walls;
 - (b) covering the floors with a durable material that is free from cracks, holes or other defects that retain dirt or are health or accident hazards;
 - (c) covering the walls and ceilings with a durable material that can be easily cleaned and painted.
- 5.1.4 Every dwelling unit shall have, at the entrance, a door that closes securely and that is fitted with proper hardware, including a locking device, maintained in good repair and working condition.
- 5.1.5 All exterior doors shall be provided with locks which shall be maintained in operating condition.
- 5.1.6 All surfaces in common areas of building shall be kept free and clear of any markings or writings or other defacement but this shall not apply to signs placed by the owner or person in charge of said buildings.
- 5.1.7 Coin operated laundry facilities shall be kept clean and in a state of repair, such that the machines, washers and dryers will complete the full cycle 99 percent of the time they are used.
- 5.1.8 In multiple occupancy dwellings, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common, shall be kept in a reasonable clean condition.
- 5.1.9 Every supplied facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.

- 5.1.10 Every kitchen in a dwelling unit shall be:
- (a) equipped with a sink installed in a counter top of a set of cupboards. It shall be provided with potable cold and hot water and shall be maintained in a good state of repair; and
 - (b) equipped with electrical and other service, fuel, or utility outlets suitable for a refrigerator and cooking stove.

When a kitchen is equipped with a refrigerator, cooking stove, kitchen fixtures and fittings, such appliances, fixtures and fittings shall be maintained in good repair and working order.

- 5.1.11 In an apartment building, every window with a moveable sash, any part of which is located 3.05 metres or more above the finished grade of land upon which it faces, shall, if such window is contained in a dwelling unit, a common hallway or accessway of an apartment building, be equipped with a safety device to prevent the opening of any part of such window to a width in excess of four inches (100 mm), with such device meeting all requirements of the Ontario Building Code.

5.2 STORAGE GARAGES

- 5.2.1 All storage garages shall be adequately lighted at all times.
- 5.2.2 Lighting in a storage garage shall be considered to be adequate if the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 54 lux (5 foot candles) except that where the interior walls, ceiling and columns of the storage garage are painted white, the average level of illumination shall be at least 32 lux (3 foot candles).
- 5.2.3 For the purposes of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made at floor level for every 9 square metres (96.9 square feet) of floor area.
- 5.2.4 The level of illumination at any location on the floor of a storage garage shall not be less than 11 lux (1 foot candle).
- 5.2.5 The materials used to provide a white surface on the wall, ceilings and columns of storage garages shall:
- (a) be suitable for application to the material of which the walls, ceilings and columns are formed; and
 - (b) shall be washable and shall be washed or renewed as is necessary to maintain a reasonably clean and bright surface.
- 5.2.6 No machinery, boats, vehicles including trailers, or part thereof which are in an unusable, wrecked, discarded or abandoned condition shall be stored or allowed to remain in a storage garage.

PART 6 SAFETY

6.1 UNSAFE CONDITIONS

- 6.1.1 Unsafe conditions shall be abated forthwith in an acceptable manner commensurate with the circumstances and the nature of the unsafe condition.
- 6.1.2 Unsafe conditions shall be abated to comply with the requirements of the Ontario Building Code, Ontario Fire Code and any other applicable law.
- 6.1.3 Without limiting the generality of section 6.1.1, abating of an unsafe condition includes:

- (a) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident;
- (b) the provision, repair and maintenance of exits and egress to permit clear passage and safe egress from anywhere within the building to a location of safety;
- (c) 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;
- (d) the provision and maintenance of lighting for the safety of persons in common parts of a property commensurate with the identifiable hazard;
- (e) 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;
- (f) avoiding the hanging of planters or other objects on outside face of balcony railings, unless permission is granted by the owner of the property and inspection of installation is carried out.

6.1.4 The owner, at the written request of a tenant, shall provide, install and maintain safety devices to prevent small children opening the balcony door more than 100 mm in a dwelling unit.

6.1.5 The owner shall notify a tenant at the time occupancy is authorized that these safety devices are available upon request.

PART 7 VACANT PROPERTY

7.1.1 Where any property is unoccupied, the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons.

7.1.2 All materials used for boarding up unoccupied buildings shall be covered and maintained with a preservative which is colour co-ordinated to the exterior finish of the building.

7.1.3 Where a building remains vacant for a period of more than ninety (90) days, the owner or his agent, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.

7.1.4 Section 7.1.3 does not apply where such utilities are necessary for the safety or security of the building.

8. THAT this by-law shall be in force and effect on the day it is passed.

READ a FIRST and SECOND time this 14th day of December, 1998.

Upon a Motion by _____

Seconded by _____

Margaret Black, Mayor

Evelyn Jurgens, Clerk

READ a THIRD time AND FINALLY PASSED this 14th day of December, 1998.

Upon a

Motion by _____

Seconded by _____

Margaret Black, Mayor

Evelyn Jurgens, Clerk