



Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to Prescribe Standards for the Maintenance and Occupancy Of Property within The Town of Newmarket

Whereas Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, authorizes Council of a municipality to pass a By-law for prescribing the Standards for maintenance and occupancy of Property;

And whereas the Official Plan for The Town of Newmarket includes provisions relating to property conditions;

And whereas the Council of The Town of Newmarket is desirous of passing a Bylaw under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

And whereas Section 35.3 (1) and 45.1 (1) of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended provide that a By-law may be passed by the Council of a municipality prescribing minimum Standards for the Maintenance of the Heritage Attributes of Designated Heritage Properties within the municipality, and requiring that Designated Heritage Properties that do not comply with those Standards be Repaired and Maintained to conform with those Standards;

And whereas Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a Bylaw passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

Therefore the Council of the Corporation of the Town of Newmarket hereby enacts the following:

1.0 SCOPE

This by-law shall apply to all property in the Town of Newmarket save and except property owned by the Corporation of the Town of Newmarket or the Regional Municipality of York.

2.0 DEFINITIONS

“Accessory Building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property;

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

“Basement” means that portion of a building that is partly below grade, which has half or more of its height measured from floor to finished ceiling above the average finished grade;

“Bathroom” means a room which shall contain a water closet and basin and may contain a bathtub or shower;

“Building Code” means the Building Code Act and any regulations made under that Act;

“Committee” means the Property standards Committee established pursuant to the provisions of this by-law;

“Dwelling” building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes the land and premises appurtenant thereto and all out buildings, fences, and erections thereon or therein

“Dwelling Unit” means a room or group of rooms to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the building or from a common hallway or stairway inside;

“Fence” –means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

“Grade” means the average level of proposed or finished ground adjoining a building at grade level.

“Ground Cover” means material organic or non-organic applied to prevent soil erosion and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“Guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

“Habitable Room” means any room in a dwelling or dwelling unit used or capable of being used for living, sleeping, cooking or eating purposes.

“Heritage Attributes”

a) the attribute of the Property, building or structure that contributes to its cultural heritage value or interest that is defined, described, or can be reasonably inferred:

i.) in a by-law designating a property passed under section 29 of the *Ontario Heritage Act* R.S.O. 1990, c.o.18 as amended and identified as a heritage attribute, value, reason for designation, or otherwise;

ii.) in a Minister’s order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as heritage attribute, value, reason for designation or otherwise;

iii.) in a by-law designating a heritage conservation district passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a heritage attribute, value, reason for designation or otherwise; or

iv.) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as a heritage attribute, value, reason for designation or otherwise.

b) The elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes might be at risk.

“Heritage Property” means property, including all buildings and structures thereon, that has been designated by the Town under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.

"Heritage Conservation District" means a geographic district established under Part V of the Ontario Heritage Act, R.S.O. 1990, cO.18, as amended;

"Heritage Conservation District Plan" means a plan adopted by Council under Part V of the Ontario Heritage Act, R.S.O.1990,c.0.18, as amended to provide direction in the preservation of the Heritage Attributes of a Heritage Conservation District.

"Heritage Permit" means a permit issued by Council under section 33, 34 or 42 of the *Ontario Heritage Act*, to alter, erect, demolish or remove a building or structure.

Hoarding means a fence or similar structure used to enclose a property or part thereof which is or intended to be under development, site alteration, or maintenance.

"Injurious" means injurious in the opinion of the Medical Officer of Health or a Public Health Inspector for the Region of York.

Maintenance means the act of keeping u, preserving or conserving or paying to keep up, preserve or conserve property.

"Means of Egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of persons from any point in a building, floor area, room or contained open space to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.

Medical Officer of Health means the medical Officer of Health for the Regional Municipality of York

"Mixed-use Building" means a building containing both Dwelling Unit and Non-Residential Property.

"Multiple Dwelling" shall mean a building or portion thereof containing two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established and maintained under the provisions of the Condominium Act or as a Co-operative.

"Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, for access to and vertical travel between storeys, and a basement or part thereof which does not comply with the standards of fitness for occupancy set out in this by-law.

"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 outbuildings, fences or erections thereon or therein.

"Noxious Weeds" means any weed classed as noxious by the Noxious Weeds Act of the Province of Ontario.

"Nuisance" shall mean an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.

"Occupant" means any person or persons over the age of eighteen years in possession of the property.

"Officer" means a Property Standards Officer or other enforcement officer duly appointed by By-law of the Town to administer and enforce the provisions of this By-law.

"Owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such premises were let, and shall also include a lessee or occupant of the property who, under the terms of lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

"Person" means an individual, firm, corporation, association or partnership.

"Plumbing Fixture" means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water, liquid or sanitary sewage directly into drainage piping.

"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 and erections thereon, whether heretofore or hereafter erected, and includes vacant property and **Designated Heritage Property**.

"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 to the standards established in this by-law.

"Residential Property" means a building or structure or part of a building or structure, that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands and premises appurtenant thereto and all outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant residential property.

"Sanitary Unit" means a water closet, urinal, bidet or bed-pan washer.

"Sewage System" means the sanitary sewer system or a private sewage disposal system.

"Sign" means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*; this shall include flags, banners, pennants, lights, inflatable devices, or any object intended for advertising purposes;

"Standards" means the standards of physical condition and occupancy of property set out in this by-law;

"Storage Garage" means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles but does not include a garage or carport forming part of a single dwelling unit.

"Storey" means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

"Supplied" means installed, furnished or provided by the owner.

"Toilet Room" means a room in which sanitary units are installed.

"Town" means the Corporation of the Town of Newmarket.

"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.

3.0 INTERPRETATION / STANDARDS

- 3.1 Imperial measurements in this by-law are provided for convenience only. The requirements of this by-law are set out in metric measurements.
- 3.2 Where a provision of this by-law conflicts with a provision of any other by-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
- 3.3 All repairs and maintenance of property required by the standards prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- 3.4 No person shall use or occupy or permit the use or occupancy of any property that does not conform to the standards set out in this by-law.
- 3.5 The owner of any property which does not conform to the standards shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.
- 3.6 In the case of Part IV Heritage Properties and Part V Properties, those properties shall not be cleared of all buildings and structures that do not conform to the standards.
- 3.7 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to Section 15 of the Building Code Act or this by-law.
- 3.8 Following the inspection of a property, the Officer may or on the request of the owners shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this by-law.
- 3.9 ~~The fee for a certificate of compliance issued at the request of an owner shall be ten dollars per 100 square metres (1076 square feet) of floor area of the building inspected.~~
- 3.10 The owner of every multiple residential property shall cause to be posted in a prominent place which is common to and regularly frequented by the residents therein the name, address and telephone number of the manager or a responsible person for such property and the name and telephone number of an authorised person to contact in the case of an emergency on a 24-hour basis.

4.0 PROPERTY STANDARDS COMMITTEE

- 4.1 A Property Standards Committee is hereby established consisting of three members.
- 4.2 The Property Standards Committee shall hear appeals pursuant to section 15.3 of the Building Code Act, 1992 as amended, or substituted from time to time.
- 4.3 The term of appointment of the Property standards Committee shall be for the term of Council.
- 4.4 A member shall be at least 18 eighteen years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the Town.
- 4.5 Members shall not act as agents for any person on their appeal of an order to the Property Standards Committee.

4.6 Property Standards Committee members will immediately cease to be a member where before the expiry of his or her term:

- 1) Resigns
- 2) Is unable for any reason to perform the duties of the Committee for a period of ninety days or more;
- 3) Cease to be a resident of the Town or the Owner or tenant of land in the Town; or Canadian citizen
- 4) Becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or
- 5) dies, before the expiry of his or her term of office the member will immediately cease to be a member of the Committee and Council shall appoint in his or her place another eligible person for the unexpired portion of the term.

4.7 The Clerk shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.

4.8 Property Standards Committee Appeal Hearings are governed by the Statutory Powers and Procedures Act, R.S.O. 1990, c.S22, as amended, or substituted from time to time.

5.0 ADMINISTRATION

5.1 The Town shall appoint Property Standards Officer(s) and such staff to carry out the administration and enforcement of this By-law.

5.2 Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention Officer of the Town is hereby authorised and directed to act as an assistant to the Officer from time to time.

STANDARDS FOR ALL PROPERTIES

6.0 MAINTENANCE OF YARDS

6.1 Every yard shall be kept clean and free from:

- 1) Rubbish, garbage, brush, waste, litter or other debris;
- 2) Holes, excavations, or any unprotected wells that create a hazard;
- 3) Vehicles, boats and trailers that are wrecked, dismantled, abandoned, unused, inoperative, or not affixed with a valid plate displaying a valid permit registered to the Vehicle , boat or trailer;
- 4) No vehicle shall be used for the storage of garbage, rubbish, waste, debris inoperative equipment, materials, appliances or similar items.
- 5) No vehicle shall be parked in any yard except on a maximum permitted driveway under the designated Zoning by-law.
- 6) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.
- 7) noxious weeds pursuant to the Weed Control Act, R.S.O. 1990, c.W.5, as amended;

- 8) Excessive growth of other weeds, grass and bushes; grass shall be kept cut to a reasonable length and the cuttings are to be removed and disposed of in an appropriate manner;
- 9) A yard shall be cultivated or protected by ground cover which prevents the erosion of the soil.
- 10) Dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a nuisance;
- 11) Rodents, vermin, insects, termites, and other pests and any condition which may encourage the infestation or harbouring of such pests;
- 12) Dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe or unsightly condition;
- 13) Hedges and bushes which are unsightly or unreasonably overgrown;
- 14) No hedge shall be erected in a location which will, does, or may, in the opinion of the officer;
 - 1) adversely affect the safety of the public
 - 2) affect the safety of vehicular or pedestrian traffic; or
 - 3) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.
- 15) (i) areas used for vehicle traffic parking and loading in institutional, commercial, industrial and multiple residential zones requiring five (5) or more parking spaces, shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and paved with two (2) inches of asphalt over six (6) inches of granular A material and shall be free from ponding and puddles and otherwise in good repair.
- (ii) areas used for driveways and parking spaces within residential zones requiring less than five (5) parking spaces shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and shall be kept free from ponding and puddles and otherwise kept in good repair. Where an existing driveway or parking area is widened, the material used for the surface of the widened area shall be similar to and compatible with the finished surface of the existing driveway or parking area.
- 16) Construction Bins, unless they are actively being used in connection with the construction or demolition of a building or structure; and
- 17) Any unsafe or unsightly condition out of character with the surrounding environment.
- 18) Any furniture that is manufactured for interior use shall not be placed outside of a dwelling

6.2 Any required hedges, planting, trees and other landscaping on a property shall be maintained in a living condition, or shall be replaced with equivalent landscaping to the satisfaction of the Property Standards Officer

6.3 Yards shall be graded, cultivated or protected with a suitable ground cover in a manner:

- 1) to prevent excessive or recurrent ponding of storm water;
- 2) to prevent instability or erosion of soil;
- 3) to prevent the entrance of water into a basement;

- 4) not to create an unsightly appearance.
- 5) So as to be free from conditions which would impede the natural flow of water. Catch basins, storm drains and swales shall be maintained in a good state of repair.

7.0 PAVING AND SURFACE CONDITIONS

7.1 All areas of a yard which are used for vehicular traffic or parking including loading areas or bays, shall be:

- 1) kept free from dirt, surface dust and refuse;
- 2) maintained in good repair and free from large holes and deep ruts;
- 3) adequately graded and drained to prevent excessive ponding of water;
- 4) adequately lighted;
- 5) provided with secured curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures on the parking lot or adjoining property and from encroaching onto adjoining property;
- 6) maintained in good condition and yards which have been previously covered with paving materials shall be repaired with similar material or renewed when necessary
- 7) maintained free from conditions which would impede the natural flow of water. Catch basins and storm drains shall be maintained in a good state of repair;
- 8) provided with suitable markings such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible.

7.2 In industrial or commercial zones all required parking areas, loading areas and driveways shall be surfaced and maintained with asphalt, concrete or interlocking stone where required by by-law or site plan agreement.

7.3 Exterior steps, walks, loading docks, ramps, curbs, parking spaces, driveways and similar areas of a yard shall be maintained in a good state of repair, free from conditions which prevent passage and free from hazard to any person under normal use, and weather conditions.

8.0 SEWAGE DISCHARGE AND DRAINAGE

8.1 Sewage shall be discharged into the sewage system.

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

8.3 Roof drainage, storm water, swimming pool or sump pump water discharge shall;

1) be drained from lands so as to prevent recurrent ponding or entrance of water into a basement, cellar; or any impervious road allowance; and

2) not be discharged on walkways, stairs, or neighbouring property.

8.4 Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.

8.5 Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 m (4ft) from the building where it is physically possible.

8.6 Section 8.5 does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining property.

8.7 The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a storm sewer or to a natural or artificially created swale or watercourse.

9.0 EXTERIOR LIGHTING AND SUPPORTS

9.1 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard shall be adequately lighted at all times.

9.2 Lighting shall be considered adequate if there is sufficient light to provide an average level of illumination of at least 11 lux (1 foot-candle) at ground or tread level at all exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard.

9.3 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at ground or tread level. The measurements shall be made at equally spaced intervals not exceeding 3 metres in any direction.

9.4 In all yards, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good repair and in good working order.

10.0 FENCES

10.1 All fences shall be:

- 1) maintained in good repair and free from hazards;
- 2) maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 3) protected from deterioration by the application of paint or other suitable protective materials of uniform colour, and constructed of a material that is inherently resistive to such deterioration;
- 4) constructed with suitable materials and shall be designed and erected in workmanlike manner and maintained so as not to create an unsightly appearance;
- 5) free from posters, signs, notices, advertising material, words, pictures, drawings or other defacement;
- 6) capable of performing safely the function for which they were constructed.

11.0 RETAINING WALLS

11.1 Retaining walls shall be maintained in a state of good repair.

11.2 Where a retaining wall excess of 0.6 m (2feet) in height and forms part of or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

12.0 SIGNS

12.1 All signs, including their supporting members, shall be maintained in good repair and any signs which are excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good state of repair.

13.0 ACCESSORY BUILDINGS

13.1 The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- 1) constructed with suitable materials;
- 2) maintained in good repair;
- 3) maintained to prevent an unsafe condition or an unsightly appearance.

13.2 The exterior of any accessory building or other structure appurtenant to the main building on a property shall be protected from deterioration by the application of paint or other suitable protective material of uniform colour.

14.0 STRUCTURAL ADEQUACY

14.1 Every part of a property shall be maintained in good repair and in a structurally sound condition so as:

- 1) to be capable of sustaining safely its own weight and any load to which normally it might be subjected;
- 2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- 3) to prevent the entry of moisture that would contribute to damage, decay or deterioration;
- 4) to be capable of safely and adequately performing subject to all reasonable design requirements.

14.2 If, in the opinion of the Property Standards Officer there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the Property Standards Officer may order that such building or structure or parts thereof be examined and a written report be prepared by a professional engineer licensed to practice in Ontario, and employed by the owner of the building or his authorised agent. The written report may include drawings, signed and stamped by the engineer and giving details of the findings and proposed repair methods, shall be submitted to the Property Standards Officer.

14.3 Examination and testing of any building or structure or parts thereof required by Section 14.2 shall be conducted in a manner acceptable to the Officer and at the owner's expense.

14.4 Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required by Section 14.2.

14.5 All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the engineer. The time specified shall be acceptable to the Officer.

14.6 No structural element may be added, removed, repaired or modified in any manner until a permit therefor has been obtained from the Chief Building Official.

14.7 Upon completion of all of the work, a report, signed and stamped by the professional engineer that all of the work has been completed to his satisfaction and specifications shall be submitted to the Property Standards Officer.

15.0 FIRE DAMAGE

15.1 A building or structure damaged by fire, storm or by other causes shall be demolished or repaired.

15.2 Where a building or structure is damaged by fire, storm or by 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.

15.3 Defacement by smoke or by 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 refinished in a workmanlike manner.

16.0 FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOF SLABS, BALCONIES AND OPENINGS

16.1 The foundations, walls, columns, beams, floors, roof slabs and balconies of a building including storage garages shall be maintained:

- 1) in good repair and structurally sound;
- 2) free from decayed, damaged or weakened sills, piers, posts or other supports;
- 3) in a manner so as to prevent the entry of moisture and rodents into the building;
- 4) in a manner so as to prevent settlement of the building by restoring or replacing of the foundation, walls, columns, beams, floors and roof slabs and where necessary shall be so maintained by the shoring of the walls and floors, installing sub-soil drains at the footings, grouting masonry cracks waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above.

16.2 The exterior walls of a building shall be maintained;

- 1) in good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather-tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects.
- 2) without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, repairing or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.

16.3 Where the masonry units forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.

16.4 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.

16.5 The cladding on the exterior walls of all buildings shall consist of masonry stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.

16.7 Unsightly chalk marks, painted slogans and similar markings or defacements on the exterior surfaces of buildings shall be removed and the surfaces refinished when necessary.

16.8 Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:

- 1) in good repair and free from unsafe conditions;
- 2) free from rubbish and debris;
- 3) properly and safely anchored;

- 4) protected against deterioration and decay by the periodic application of a weather resistant material such as paint;
- 5) free from broken or missing glass.

16.9 Exterior doors, windows, skylights, basement hatchways including storm and screen doors and storm windows shall be:

- 1) maintained in good repair and weather- tight;
- 2) free from rotted or defective members;
- 3) free from torn, damaged or missing screens;
- 4) free from defective or missing weather-stripping or caulking;
- 5) free from defective storm or screen doors;
- 6) free from broken or missing glass.

16.10 Openings in exterior walls, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.

16.11 Section 16.10 does not apply where it can be shown to the satisfaction of the Officer that the implementation of this section would adversely affect the normal operations in a non-residential property.

16.0 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

16.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.

16.2 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be connected to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable governmental regulations.

17.0 ROOFS

17.1 All roofs shall be maintained:

- 1) in a watertight condition;
- 2) free from loose or unsecured objects or materials;
- 3) free from dangerous accumulation of snow or ice or both;
- 4) free from all other accident, fire or health hazards;
- 5) so that roof decks and related guards are in a good state of repair; and
- 6) free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.

17.2 Soffit and fascia components shall be secured and maintained in good repair and properly painted or otherwise treated.

17.3 Where eavestroughs, roof gutters and downspouts are installed they shall be kept in good repair, free from leaks, and securely fastened to the building.

17.4 Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.

18.0 STAIRS, HANDRAILS AND GUARDS

- 18.1 All stairs, porches and landings, all treads and risers, all guards and handrails, and all supporting structural members thereof, shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.
- 18.2 All ramps, stairs, stairs within dwelling units having more than 2 risers and exterior stairs having more than 3 risers, shall be provided with a handrail in accordance with the requirements of the *Ontario Building Code*.
- 18.3 Guards shall be installed securely in accordance with the requirements of the *Ontario Building Code* and maintained in good repair. Without limiting the generality of the foregoing:
- 1) all open sides of interior and exterior stairs of multiple residential buildings shall be protected by a guard in accordance with *the Ontario Building Code*;
 - 2) all landings, balconies, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than maintenance purposes of a multiple residential building shall be protected by a non-climbable guard in accordance with the *Ontario Building Code*;
 - 3) guards around exterior balconies of a multiple residential building shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 4) openings through a guard on interior and exterior balconies, stairs, landings, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than maintenance purposes of a multiple residential building shall be such as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 5) all exterior landings, porches, decks, raised walkways, balconies and roofs to which access is provided for other than maintenance purposes serving not more than one dwelling unit shall be protected by a guard having a minimum height of 1070 mm (42") except that guards for porches, decks, landings and balconies serving not more than one dwelling unit and which are not more than 1.8m (5'-11") above the finish ground level may be a minimum of 900 mm (35") high;
 - 6) guards on all exterior stairs serving not more than one dwelling unit shall be not less than 800 mm (31") high measured vertically above a line drawn through the outside edges of the stair nosing;
 - 7) all open sides of interior stairs within a dwelling unit shall be protected by a guard not less than 800 mm (31 ") high measured vertically above a line drawn through the outside edges of the stair nosing;
 - 8) guards on all interior landings, balconies and on all open sides where the difference in elevation between adjacent levels exceeds 600 mm (24") within a dwelling unit shall be not less than 900 mm (35") high;
 - 9) openings through a guard on a balcony, stair, landing and the floor level around a stairwell serving not more than one dwelling unit shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 10) guards around porches, decks, and exterior balconies of a dwelling unit shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;

- 11) all open sides of interior and exterior stairs of a non-residential building shall be protected by a guard having a minimum height of 900 mm (35") measured vertically above a line drawn through the outside edges of the stair nosing;
- 12) all interior and exterior balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than maintenance purposes of a non-residential building shall be protected by a guard having a minimum height of 1070 mm (42");
- 13) openings through a guard on all stairs, balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than maintenance purposes shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4") in residential occupancies, day care centres, nurseries or other similar occupancies where children may be present and 200 mm (8") in other non-residential buildings;
- 14) except as provided in 3.13.3 (5), all retaining walls and other locations where the vertical distance to the surface or horizontal plane below exceeds 600 mm (24") shall be protected by a guard in accordance with the *Ontario Building Code*;

18.4 Fire escapes shall be of metal, concrete or wood, of the stair type extending to ground level, constructed in a substantial manner and securely fixed to the building in accordance with the *Ontario Building Code*.

18.5 Guards on fire escapes and landings shall be in accordance with the *Ontario Building Code*.

19.0 FLOORS AND FIRE PROTECTION

19.1 Floors shall be maintained in a clean and sanitary condition and free from stains, rubbish and debris.

19.2 The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

19.3 Floors shall be maintained reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards.

19.4 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant governmental regulations.

19.5 Floor covering when removed, deteriorated or damaged, shall be replaced so that the flooring presents a uniform and neat appearance.

20.0 CHIMNEY, FLUES AND RELATED EQUIPMENT

20.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstructions and to comply with all applicable governmental regulations and to prevent:

- 1) obstruction to the free passage of persons within a building;
- 2) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- 3) the entrance of smoke or gases into a building;
- 4) fire and accident hazards.

- 20.2 Where a heating system, heating equipment or any auxiliary heating units burn solid or liquid fuel a place 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 hazards.
- 20.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.
- 20.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
- 20.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:
- 1) installed and maintained so as to prevent the escape of smoke or gases into the building;
 - 2) clear of obstructions;
 - 3) free from open joints;
 - 4) free from broken and loose masonry;
 - 5) in good repair and plumb.
- 20.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good repair, properly secured and free from fire, health and accidental hazards.
- 21.0 NUISANCE**
- 21.1 On property which, because of its condition or because of its use or occupancy or for other reason, creates a nuisance to occupants of adjacent property or to persons in the neighbourhood or to the user of streets or parks, every reasonable precaution shall be taken to prevent such nuisance. Without limiting the generality of the foregoing such precautions shall include:
- 1) providing and maintaining an effective barrier to prevent the light from lamp standards, signs, vehicle head lamps and other sources from shining directly into a dwelling unit;
 - 2) providing and maintaining an effective barrier to prevent waste, wrappings, debris and the like from encroaching an adjacent property;
 - 3) the removal of excessive accumulation of materials from a yard unless such materials are required for a business being lawfully conducted on the property;
 - 4) providing and maintaining an effective barrier to prevent dumping, placing or depositing any debris of any kind onto the property;
 - 5) employing all means necessary and sufficient for the purpose.
- 21.2 The place for temporary storage and disposal of garbage and refuse shall be maintained;
- 1) in a litter free condition;
 - 2) in a manner that will not attract pests or create a health or safety hazard;
 - 3) screened from a public highway, street, walkway, park or residential property so as not to be visible from such locations.
- 21.3 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.

22.0 VACANT PROPERTY

22.1 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 unauthorised persons.

22.2 Vacant building shall be boarded up to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

22.3 Where a building remains vacant for a period of more than ninety days (90), 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.

22.3 Section 22.3 does not apply where such utilities are necessary for the safety or security of the building.

23.0 PARKING GARAGES

23.1 All parking garages shall be adequately lighted at all times.

23.2 The interior walls, ceilings, and columns of the parking garage area painted white,

23.3 The materials used to provide a white surface on the walls, ceiling and columns of storage garages shall:

- a) be suitable for application to the material of which the walls, ceilings and columns are formed;
- b) shall be washable and shall be washed or renewed as is necessary to maintain a reasonably clean and bright surface.

23.4 No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition shall be stored or allowed to remain in a storage garage.

23.5 Every floor, wall, ceiling and stairwell of a storage garage shall be kept clean and free from rubbish and debris and from objects or conditions that might create a fire, health or accident hazard.

23.6 All means of egress within a storage garage shall be provided with clean, clear, unobstructed and readily visible exit signs for every required exit and maintained in good repair.

24.0 DEMOLITION

24.1 Where a building, accessory building, fence or other structure on a property is demolished, the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition.

24.2 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, and from areas of multi-coloured paint or wallpaper.

24.3 Where a building, accessory building or other structure is being demolished, every precaution shall be taken to protect adjoining property and members of the public. Such precaution shall include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

25.0 DUTIES OF OCCUPANTS

- 25.1 Every occupant of a dwelling in that part of the dwelling that he or she occupies or controls shall:
- 1) limit the number of occupants thereof to the maximum number permitted by this by-law;
 - 2) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - 3) keep all exits unobstructed;
 - 4) maintain the same in a clean condition;
 - 5) co-operate with the landlord in complying with the requirements of this by-law.

26.0 CLEANLINESS

- 26.1 A dwelling shall at all times be kept free of rodents, vermin and insects which may be deleterious to safety, health, and comfort from conditions which may encourage infestation by such pests.
- 26.2 In multiple 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.
- 26.3 Garbage chutes and garbage disposal rooms must be kept in use and maintained in working order at all times.

27.0 OCCUPANCY STANDARDS

- 27.1 A non-habitable room shall not be used as a habitable room.
- 27.2 A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.
- 27.3 The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square meters (97 square feet) of habitable room floor area.
- 27.4 The minimum area of a room used by only one person for sleeping shall be 6 square metres (64.5 square feet). The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
- 27.5 The minimum area of a room used by two or more persons for sleeping shall be 4 square metres (43 square feet) for each person so using the area.
- 27.6 Every habitable room shall have a ceiling height in accordance with the requirements of the *Ontario Building Code*.
- 27.7 Any dwelling unit or portion thereof shall not be used as a dwelling unless it meets the requirements of this by-law, the requirements of the *Ontario Building Code* and *Fire Code*.
- 27.8 Each kitchen in a dwelling unit shall be provided with an approved gas or electrical supply for cooking purposes.
- 27.9 Each kitchen in a dwelling unit when equipped with refrigerator, cooking stove, kitchen fixture and fittings shall have such appliances, fixtures and fittings maintained in good repair and good working order.

27.10 Every dwelling unit shall be equipped with a carbon monoxide detector if the building is equipped with a fuel fired appliance or an interconnected attached garage.

27.11 Every dwelling unit shall be equipped and maintained with a smoke detector in accordance with the requirements of the Ontario Building Code.

28.0 GENERAL MAINTENANCE

28.1 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.

28.2 A mail box or mail receptacle shall be supplied for every dwelling unit in a building and maintained in good repair.

29.0 DISCONNECTING UTILITIES

29.1 No owner, nor anyone acting on his behalf, shall disconnect or cause to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for residential property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

29.2 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 or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an offence under Section 28.1.

30.0 DOORS, WALLS AND CEILINGS

30.1 Interior door and door frames including automatic door closets and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.

30.2 Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, shall have locking devices and other necessary hardware installed and maintained in good repair. Access doors, as above, shall afford the occupants of the dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.

30.3 In the public parts of multiple dwellings, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.

30.4 Every wall and ceiling in a dwelling or in a dwelling unit shall be maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and finished to match the existing wall or ceiling.

30.5 Repairs made to the walls and ceiling of a dwelling or in a dwelling unit, shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

30.6 Previously finished wall and other surfaces in the public parts of multiple dwellings shall be maintained in good repair and shall be renewed or refinished when necessary to maintain an attractive appearance. Unsightly chalk marks, painted slogans and similar markings or defacements on walls or other surfaces shall be removed and the surface refinished when necessary.

30.7 In multiple dwellings, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common, shall be kept in reasonably clean condition.

30.8 Every wall, ceiling, staircase and landing, furnishing, fixture and appliance in a dwelling shall be maintained in a clean and sanitary condition and the dwelling shall be kept free from rubbish and debris.

30.9 Garbage chutes and garbage disposal rooms shall have fire doors fitted with self-closing devices and all necessary hardware and every such door shall be a good fit in its frame and maintained in good repair.

31.0 HEATING

31.1 Every dwelling and every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21 degrees C (70 degrees F) at 1.5 metres (5 feet) above the floor level in all habitable rooms, bathrooms and toilet rooms.

31.2 Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable governmental regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 31.1.

31.3 Fireplaces and other solid-fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed in accordance with the current standards of the Underwriters Laboratory of Canada and the manufacturer's instructions.

31.4 If, in the opinion of the Officer there is a reason to believe that the heating system of a building has been constructed, installed or maintained not in compliance with the requirements of all applicable governmental regulations, the Officer may order that such heating system be examined and a written report be prepared by a certified heating contractor and employed by the owner of the building or his or her authorised agent. The written report signed by the certified heating contractor and giving details of the findings and proposed repairs shall be submitted to the Property Standards Officer.

31.5 All work specified by the certified heating contractor shall be completed in the manner and within the time which shall be specified by the contractor. The time specified shall be acceptable to the Officer.

31.6 A permit shall be obtained from the Building Inspector where the method of operation of an existing heating system is altered, the repair, adjustment or component replacements that change the capacity or extent of safety of the system shall conform with the requirements of the *Ontario Building Code*.

31.6 On completion of all work to the heating system, the Officer shall be provided with a signed certificate from the certified heating contractor. Where applicable, a Certificate of Inspection signed by the Chief Inspector, Ministry of Consumer and Commercial Relations, pursuant to the Boilers and Pressure Vessels Act shall be provided.

32.0 SEPARATIONS

32.1 Every dwelling shall be so constructed and protected as to prevent the passage of noxious fumes and gases from a part of the dwelling that is not used, designed or intended to be used for human habitation into other parts of the dwelling.

33.0 PLUMBING

33.1 All plumbing, drainpipes, waterpipes, plumbing fixtures and every connecting line to the sewage system shall:

- 1) comply with the requirements of all applicable governmental regulations;
- 2) be maintained in good working order free from leaks or defects;
- 3) be protected from freezing.

- 33.2 Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health for the Region of York.
- 33.3 Every dwelling unit shall be provided with at least a water closet, a wash basin, a kitchen sink and a bathtub or shower. All plumbing fixtures shall be connected to a sewage system.
- 33.4 A water closet shall be located within and be accessible from within the dwelling unit and shall be located and equipped to afford privacy to persons using such water closet.
- 33.5 All plumbing fixtures and appliances installed within a dwelling shall be maintained in good working condition and in a clean and sanitary condition.
- 33.6 Every sink, wash basin, bathtub and shower in a dwelling unit shall be provided with an adequate supply of hot and cold running water.
- 33.7 All hot water shall be supplied at a temperature ranging from 45 degrees C (113 degrees F) to 60 degrees C (140 degrees F) in accordance with the requirements of the *Ontario Building Code*.
- 33.8 Every sink, wash basin and laundry facility in a dwelling shall be provided with an adequate supply of hot and cold running water.
- 33.9 Adequate potable running water shall be supplied to every water closet.

34.0 MOULD

- 34.1 Buildings and structures shall be kept clear and free from mould or any condition that may cause mould or other types of decay.

35.0 ELECTRICAL SUPPLY AND LIGHTING

- 35.1 Every dwelling unit shall be connected to an electrical supply system and shall be wired for electricity.
- 35.2 The electrical wiring, pipes for conducting fuel and all equipment and appliances for use in a dwelling unit or accessory building shall be installed and maintained in good working order so as not to cause a fire or electrical shock hazard and in accordance with all applicable governmental regulations.
- 35.3 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and basement in a dwelling.
- 35.4 In multiple dwellings, every stairway, hall, exit and entrance, and all other parts of the dwelling used by the tenants in common shall be adequately lighted at all times. Without limiting the generality of the foregoing, lighting shall be considered adequate:
- 1) if there is sufficient light to provide an average level of illumination of at least 21.6 lux (2 foot candles) at floor levels, in corridors, halls, and at exits and entrances;
 - 2) where corridors, stairs and stair landings are illuminated by a common system, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 21.6 lux (2 foot candles);
 - 3) on stairs and stair landings which are not illuminated by the lighting fixture provided of adjacent corridors, halls, exits or entrance-ways, an average level of illumination of at least 16.2 lux (1.5 foot candles) shall be provided.
- 35.5 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at floor level. The measurement shall be made at equally spaced intervals not exceeding 3 metres in any direction.

35.6 The level of illumination at any location on the floor level in corridors, halls, exits, entrances and stairs of a building shall not be less than 11 lux (1 foot candle).

35.7 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

36.0 WINDOWS AND WALL OPENINGS

36.1 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:

- 1) have a total light transmitting area of not less than 10 percent of the floor area in living room and dining room and have a total light transmitting area of not less than 5 percent of the floor area in bedrooms and other finished rooms;
- 2) when designed to open, be easily opened and closed at all times and the area of the openable portion shall comply with the requirements of the *Ontario Building Code*;
- 3) be provided with proper and suitable hardware and effective locking devices *so as to properly perform their intended function*.
- 4) have the total light transmitting area of the window wells counted in the calculations referred to in article 4.11.1 (1) provided that one half of the area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.

36.2 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin or rodents.

36.3 All windows in a dwelling unit designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good repair.

37.0 VENTILATION

37.1 In every dwelling unit:

- 1) Every kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.
- 2) Where any system of mechanical ventilation is provided for any building or accessory structure, room or series of rooms such system, including monitoring devices for air contaminants or operability and supports shall be:
 - i. capable of completely changing the air in the room in accordance with the requirements of the *Ontario Building Code*;
 - ii. regularly cleaned and maintained in working order, good repair, and in a safe condition at all times.

37.2 In multiple 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 in accordance with ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers) Standards 62, Ventilation for Acceptable Indoor Air Quality.

37.3 A mechanical ventilation system in laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be:

- a) maintained in good repair and in good working order;
- b) maintained in a safe condition;
- c) regularly cleaned.

38.0 MEANS OF EGRESS FOR MULTIPLE DWELLING UNITS

- 38.1 Every dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to an exit at or near grade level.
- 38.2 All means of egress within a multiple dwelling shall be provided with clean, clear, unobstructed and readily visible exit signs for every required exit and maintained in good repair.
- 38.3 The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- 38.4 In multiple dwellings every reasonable precaution shall be taken to prevent unauthorised persons from entering the dwelling or a garage or other building accessory to the dwelling.
- 38.5 In every multiple dwelling containing 10 or more dwelling units, a two way voice communication system shall be provided between each dwelling unit and the main entrance and each dwelling unit shall be provided with a security locking and release mechanism for the main entrance and such mechanism shall be maintained in a locked position at all times. Such mechanisms shall be maintained in good repair and in an operative condition.
- 38.6 In multiple dwellings where a voice communication system between each dwelling unit and the front lobby and security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair and in operative condition.
- 38.7 Every door used as an entrance to or means of egress from a multiple dwelling where a voice communication system between each dwelling unit and the front lobby and security locking and release facilities for the entrance have been provided or from a storage garage which is not open and available for use by the general public shall be kept closed and locked and shall be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.
- 38.8 Doors used as a means of egress from a multiple dwelling or a storage garage shall be so arranged as to be readily opened without the use of a key, in the direction of exit travel.

39.0 WINDOW CATCHES AND GUARDS

- 39.1 Every window of a dwelling unit which is located above the first storey of a multiple dwelling shall be equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm (4"), such devices to be to the requirements of the *Ontario Building Code*.
- 39.2 Every window located above the first storey in corridors, stairways, and other public areas of a multiple dwelling, that extends to less than 1070 mm (42") above the floor or landing, shall be protected by a guard of at least 1070 mm (42") in height, having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4") and having no member, attachment or opening, which will facilitate climbing, located between 100 mm (4") and 900 mm (35 1/2") above the floor or the bottom of the guard.

40.0 ELEVATING DEVICES

- 40.1 Elevating devices in a dwelling, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

41.0 DUTIES OF OWNERS AND OCCUPANTS

- 41.1 Every owner, and every occupant in that part of non-residential property that he occupies or controls, shall maintain the property:
- 1) in a clean, sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - 2) free from objects or conditions which are health, fire, or accident hazards;
 - 3) free from rodents, vermin and injurious insects.
- 41.2 In a mixed-use building no owner or occupant thereof, nor anyone acting on behalf of such owner or occupant, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving the residential portion therein and occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 41.3 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 or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an offence under Sub-section 5.1.2.

42.0 INTERIOR WALLS, CEILINGS AND FLOORS

- 42.1 Interior walls, floors and ceilings shall be maintained:
- 1) free from health, fire and accident hazards;
 - 2) in good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
 - 3) in a clean and sanitary condition which is reasonable considering the use or operation;
 - 4) free from missing, cracked and broken glass in door panels, glass screens and windows. Cracked and broken glass in broken door panels, glass screens and windows shall be replaced with approved glass or other approved material.
- 42.2 In mixed-use buildings wherein noxious fumes, odours or gases are, or could be present, all surfaces separating the non-residential portion from the residential portion shall be of gastight construction and maintained in a good state of repair so as effectively to prevent the passage of noxious fumes, odours or gases through the separation.
- 42.3 Plaster repairs made to the walls and ceilings of non-residential properties, shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.
- 42.4 In non-residential buildings, glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.

42.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.

42.6 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.

43.0 HEATING

43.1 Every non-residential property shall be provided with a heating system capable of maintaining an appropriate temperature for the operations carried on within the property and which shall be maintained in a safe and good working condition.

43.2 Non-residential properties shall be provided with a heating system capable of maintaining a minimum temperature of 18 degrees C (64 degrees F) between the month of September in each year and the month of June of the following year when the premises are occupied.

44.0 PLUMBING

44.1 In every non-residential building, plumbing fixtures shall be provided and installed in accordance with the requirements of all applicable governmental regulations.

44.2 All plumbing, drainpipes, water pipes and plumbing fixtures in every non-residential property and every connecting line to the sewage system, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

44.3 All installed plumbing fixtures:

- 1) shall be kept in good repair, in a clean and sanitary condition and every sanitary unit shall be so located and enclosed as to be easily accessible to and provide privacy for, the persons using such sanitary units;
- 2) shall be connected to a sewage system;
- 3) shall be provided with an adequate supply of running water and such fixtures as washbasins, showers and other fixtures at which hot water is required, shall be provided with an adequate supply of hot water at a minimum temperature of 49 degrees C (120 F).

44.4 Rooms in which plumbing fixtures are installed shall be maintained in a clean and sanitary condition and the walls and ceilings shall be provided with a smooth surface reasonably impervious to water and resistant to chipping or cracking.

44.5 The paint on walls and ceilings in rooms in which plumbing fixtures are installed shall be renewed as often as necessary and maintained in a clean and sanitary condition.

44.6 In mixed-use buildings, plumbing fixtures installed in connection with the non-residential portion of the building and available for use by members of the public, shall be separate from such fixtures required by the standards for the residential portion of the building.

45.0 ELECTRICAL SERVICES AND LIGHTING

45.1 Non-residential properties shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power may be available at all times.

45.2 The electrical connection to and the wiring system of a non-residential property shall be installed and maintained in good working order, free from

fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.

45.3 In all parts of a non-residential building a level of illumination shall be provided and maintained which will adequately protect all persons within the building from health and accident hazards.

45.4 Artificial lighting shall be provided and maintained in good working order at all times in every stairway, hall and passageway, in every room in which plumbing fixtures are installed, and in every furnace room and boiler room.

45.5 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

46.0 VENTILATION

46.1 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good repair and in a safe mechanical condition.

46.2 All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.

46.3 Ventilation shall be provided for every room in which plumbing fixtures are installed, every locker room and clothes drying room either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.

46.4 Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a building is installed, the discharge from such a system shall terminate above the roof line of the building and not less than 3.05 metres (10 feet) clear of any skylight, window, ventilation or other opening into a building and shall be operated in such a way as not to constitute a nuisance.

47.0 MEANS OF EGRESS

47.1 All means of egress within a non-residential building shall be:

- 1) maintained free from all obstructions or impediments;
- 2) provided with lighting facilities capable of supplying not less than 11 lux (1 foot candle) of light intensity on the floor surfaces continuously;
- 3) provided with clean, clear, unobstructed and readily visible exit signs, for every required exit.

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

48.0 WINDOW GUARDS

48.1 Every window in a non-residential building located above the first storey in corridors, stairways and other public areas that extends to less than 1070 mm (42") above the floor or landing shall be protected by a guard at least 1070 mm (42") in height and having no openings large enough to permit the passage of a spherical object with a diameter of 200 mm (8") and be non-climbable.

49.0 ELEVATING DEVICES

49.1 Elevating devices in a non-residential building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

HERRITAGE BUILDINGS

50.0 HERITAGE ATTRIBUTES

50.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the Owner or Occupant of a Part IV or Part V Heritage Property shall:

- 1) maintain, preserve and protect the heritage attributes of the Part IV or Part V Heritage property so as to maintain its heritage character as well as its visual and structural heritage integrity;
- 2) maintain the Part IV or Part V Heritage Property in a manner that will ensure the protection and preservation of its heritage values and attributes; and,
- 3) obtain a heritage permit from Council prior to performing work or causing any work to be performed under this section of this by-law.

51.0 REPAIR OF HERITAGE ATTRIBUTES

51.1 Despite any other provision of this By-law, where a Heritage Attribute of a Part IV or Part V Heritage Property can be repaired the Heritage Attribute shall not be replaced and shall be repaired:

- 1) in a manner that minimizes damage to the heritage values and attributes;
- 2) in a manner that maintains the design, colour, texture, grain or distinctive features of the Heritage Attributes; and
- 3) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

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

52.0 REPLACEMENT OF HERITAGE ATTRIBUTES

52.1 Despite any other provision of this By-law, where a Heritage Attribute of a Part IV or Part V Heritage Property cannot be repaired, the heritage Attribute shall be replaced:

- 1) using the same types of materials as the original;
- 2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.
- 3) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute; and
- 4) in a manner that minimizes damage to the Heritage Attributes of the Property.

53.0 ALTERATION OF HERITAGE ATTRIBUTES

53.1 Despite any other provision of this By-law or the Building Code Act, 1992, as amended, or as substituted from time to time, no building or structure of a Part IV and Part V Heritage Property may be altered or cleared, including but

not limited to removed, demolished or relocated except in accordance with the Ontario Heritage Act.

54.0 VACCANT AND DAMAGED DESIGNATED HERRITGE PROPERTIES

54.1 Where a Part IV or Part V Heritage Property remains vacant for a period of 90 days or more, the Owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions.

54.2 The owner of the vacant Part IV or Part V Heritage Property shall protect the building and Property against the risk of fire, storm, neglect, intentional damage and damage by other causes by effectively preventing the entrance to it all animals and unauthorized Persons and by closing and securing openings to the building with boarding:

1) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;

2) that is fastened securely in a manner that minimizes damage to the Heritage Attributes and the historic fabric and is reversible, and

3) in a manner that minimizes visual impact..

54.3 Despite any of the provisions above, no window, door or other opening on a Part IV or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required.

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

54.5 The Owner of vacant Part IV or Part V Heritage Property shall post Signs prohibiting trespassing onto the Property and prohibiting removal of materials.

55.0 UNSAFE HERITAGE POPERTY

55.1 Where a building or structure on a Part IV or Part V Heritage Property has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the Owner shall ensure that all necessary measures are taken to Heritage Attributes and prevent damage or further damage to the Part IV or Part V Heritage Property.

55.2 If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and a member of the Canadian Association of Heritage Professionals and employed by the Owner or authorized agent, and that a written report be submitted to the Officer, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination.

56.0 DEMOLITION OF HERITAGE PROPERTY

56.1 Despite any other provision of this By-law or the Building Code Act, 1992, no building or structure located on Part IV and Part V of Heritage Property that has been designated under Section 29, 34.5 or 41. Of the Ontario Heritage Act may be altered or cleared including but not limited to removed, demolished or relocated except in accordance with the Ontario Heritage Act,

56.2 Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations and provided an maintained with suitable ground cover.

57.0 CONFLICT

57.1 If there is a conflict between this section and any other provision in this By-law or any other Town By-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

ENFORCEMENT

58.0 POWER OF ENTRY

58.1 A Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:

- 1) whether the property conforms with the standards prescribed in this by-law, or
- 2) whether an Order made under the Act has been complied with.

58.2 For the purpose of an inspection, and in accordance with s. 15.8 of the Act, a Property Standards Officer may:

- 1) require the production for inspection of documents or things, including drawings, or specifications, that may be relevant to the property or any part thereof;
- 2) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- 3) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification;
- 4) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection; and
- 5) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the Order.

58.3 The Town may charge the owner of a property a fee or charge pursuant to the Towns fees and charges By-law to conduct an inspection, including increase fees for multiple inspections.

59.0 ORDER

59.1 A Property Standards Officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- 1) the municipal address or the legal description of the property;
- 2) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- 3) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- 4) indicating the final date for giving notice of appeal from the order

59.2 An 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.

59.3 An Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order

60.0 APPEALS

60.1 An owner or occupant who has been served with an order may appeal the Order to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order along with the applicable fee.

60.2 An Order that is not appealed within the time referred to in Section 59.1 shall be deemed to be confirmed.

60.3 The committee shall hear the appeal.

60.4 On an appeal, the Committee has all the powers and functions of the Property Standards Officer who made the order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1) Confirm, modify or rescind the order to demolish or repair,

2) Extend the time for complying with the order.

61.0 FAILURE TO COMPLY WITH AN ORDER

61.1 If an Order is not complied with the Town may cause the property to be repaired, cleaned, cleared or demolished, as the case may be.

61.2 For the purpose of the section 60.1 of this by-law. Employees or agents of the Town may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the property.

61.3 The Town or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under Section 60.2 of this by-law.

61.4 The Town shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolition under Section 60.1 of this by-law and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001.

62.0 SERVICE

62.1 An Order shall be served personally or by registered mail sent to the last known address of the Person to whom notice is to be given or that Persons agent for service.

62.2 An order served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.

62.3 A copy of the Order may be posted on the Property.

63.0 CERTIFICATE OF COMPLIANCE

63.1 An Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this by-law may issue a certificate of compliance to the owner.

63.2 An Officer shall issue a certificate of compliance to an owner who requests such a certificate and who pays the fee set out in Schedule "A" to this by-law if, after inspecting the property, the Officer is of the opinion that the property is in compliance with this by-law.

64.0 PENALTIES

64.1 Every person who fails to comply with an order, direction or requirement made under the Building Code Act is guilty of an offence.

64.2 A person who is convicted of an offence is liable to a fine pursuant to the Building Code Act of not more than \$50,000 for a first offence and to a fine not more than \$100,000 for a subsequent offence.

64.3 If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$100,000 for a first offence and \$200,000 for a subsequent offence.

64.4 For the purpose of section 6.2 and 6.3 an offence is a subsequent offence if there has been a previous conviction under this by-law.

64.5 Every person who fails to comply with an order made by an Property Standards Officer under section 6.2 is guilty of an offence and on conviction, in addition to the penalties mentioned in sections 6.2 and 6.3 is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired

64.6 If a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted on the same property.

65.0 TRANSITION

65.1 After the date of passing of this by-law, By-law 1999-34, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and repair by the Town, has been concluded.

66.0 REPEAL

66.1 Bylaw 1999-34 and 2001-96 as amended is hereby repealed.

67.0 SHORT TITLE

67.1 This by-law may be referred to as the "Property Standards By-law"

68.0 EFFECTIVE DATE

Enacted this day of , 201x.

Tony Van Bynen, Mayor

