



Memorandum

Corporate By-law Number BL XX/2022

TO: Office of the City Clerk **FILE: XXXX-2022**

FROM: Gordon Stover
Development & Emergency Services - Licensing & Enforcement

DATE: xx/xx/2022 **(draft as of April 11/22)**

SUBJECT: BL XX/2022 - xxxxxxxxxxx

MEETING DATE: City Council – xx/xx/2022 (mm/dd/yyyy)

By-law Description: A By-law to xxxxxxxx

Authorization: Committee of the Whole - xxxxx, xx, 2022

By-law Explanation: The purpose of this By-law is to provide for the minimum standards of maintenance and occupancy.....

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER
BAY

BY-LAW NUMBER BL XXX/2022

A By-law to prescribe standards for the maintenance and occupancy of property in the City of Thunder Bay and to repeal By-law #66-2008.

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE
AND OCCUPANCY OF PROPERTY IN THE CITY OF THUNDER BAY**

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a Bylaw may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the City of Thunder Bay includes provisions relating to property conditions;

AND WHEREAS the Council of The City of Thunder Bay is desirous of passing a Bylaw under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

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;

AND WHEREAS, Section 10 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

NOW THEREFORE the Council of The City of Thunder Bay hereby enacts the following:

1. SHORT TITLE

That this By-law may be cited as the “Property Standards By-law”.

2. SCOPE OF THIS BY-LAW

That this By-law shall apply to all land within the geographic boundaries of the Corporation of the City of Thunder Bay, including residential, non-residential and vacant land, except those lands owned or controlled by the City that are not otherwise then leased or under control of another person(s) or party.

3. DEFINITIONS

- a) **“Accessory Building”**- means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property;
- b) **“Act”** -means an enactment or statute of the Province of Ontario;
- c) **“Approved”**- means acceptance by the Property Standards Officer;
- d) **“Basement”** - shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- e) **“Building”** – means any structure used or intended to be used for supporting or sheltering any use or occupancy;
- f) **“Building Code”** - means the Building Code Act, S.O. 1992, c.23 and any regulations made under that Act;
- g) **“Chief Building Official”** – means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, c. 23 and having jurisdiction for the enforcement thereof;
- h) **“City”** – means the Corporation of the City of Thunder Bay; “the Corporation” shall have the same meaning
- i) **“Code”** - means a regulation of the Province of Ontario known,
 - j) with respect to matters relating to building, as the Building Code;
 - k) with respect to matters relating to electricity, as the Electrical Safety Code;
 - l) with respect to matters relating to fire, as the Fire Code; and
 - m) with respect to matters relating to plumbing, as the Plumbing Code;
- j) **“Committee”** - means a Property Standards Appeal Committee established under this By-law;
- k) **“Council”** - shall mean the Council of the Corporation of the City of Thunder Bay;
- l) **“C.S.A. B-365 Standard”** – mean the Canadian Standards Association’s approved Standard for solid wood burning fuel appliances.
- m) **“Defect Notice”** – means a notice issued by an Officer that notifies the owner of property of defects therein, that do not comply with the provisions of this by-law and require an acknowledgement.

- n) **“Dwelling”** - means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- o) **“Dwelling unit”** – means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment;
- p) **“Exterior property area”** - means the building lot excluding buildings;
- q) **“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;
- r) **“First Storey”** - means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;
- s) **“Ground cover”** - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping
- t) **“Guard”** - means a balustrade or protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;
- u) **“Habitable room”** - means any room in a dwelling unit lawfully used or designed to be used for the purposes of living, sleeping, eating, cooking or preparation of food and, without limiting the foregoing, shall include a den, library, sunroom or recreational room or any combination thereof;
- v) **“Hazard”**- means Lands, Buildings, Structures or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire or a combination of these and includes unsafe containers which has a closing or locking mechanism such that something or someone inside

could be trapped and unable to be released without external assistance.

w) **“Land”** - means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. Reference to “Land” includes all Buildings and Structures, including fences, on the Land.

x) **“Non-habitable space”** – means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy;

y) **“MLEO”** – means any person appointed as a Municipal Law Enforcement Officer for the City, or a police officer.

z) **“Non-Residential Property”** - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein;

“Nuisance” – means a condition or use of Land which unreasonably interferes with the lawful use of another person’s Land. It typically involves an injurious, offensive or objectionable condition. Examples include:

- (a) emissions of smoke, gas, fumes, dust, or sawdust;
- (b) objectionable odours; or
- (c) the unsightly storage of goods, wares, merchandise, Debris or other material.

For clarity, a condition or use of Land in some situations can be considered a Nuisance where in other situations the same condition or use of Land is not considered a Nuisance. Proximity to neighbouring Land and/or particular uses of neighbouring Land will have an impact on whether or not a certain condition or use of Land constitutes a Nuisance. Further, the context of the Land in question can impact whether or not its condition or use is a Nuisance. Persons living in urban areas must accept a certain level of disturbance as incident to life in an urban area without that disturbance being considered to be a Nuisance.

aa) **“Officer (Property Standards)”** – means a Municipal Law Enforcement Officer appointed by the City as a Property Standards Officer and been assigned the responsibility of administering and enforcing a by-law

passed under section 15.1 of the Building Code

bb) **“Order”** – means an order, issued by a property standards officer, pursuant to section 15.2 of the Building Code Act to remedy defects in standards for maintenance and occupancy; an order-to-comply has the same meaning.

cc) **“Potable Water”** – means water meeting all the provincial standards for drinking.

dd) **“Person”** – means and includes any person, firm, partnership, corporation, company, association or organization of any kind;

ee) **“Safe condition”**- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition;

ff) **“Sewage system”** – means the City of Thunder Bay’s system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official for the City;

gg) **“Sign”** - means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use;

“Swimming Pool” means an outdoor pool of water for swimming, bathing, wading, or reflecting, which is capable of retaining a water depth equal to or greater than sixty (60 cm) centimeters or twenty-four (24 in) inches at any point. The term does not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with, and located on, Land devoted to the practice of farming.

hh) **“Unsafe Condition”**- is a descriptive phrase for Land, Buildings, Structures or material, that are in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the Land in question.

ii) **“Unightly Condition”** - means, in relation to land, having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality or neighbourhood and could be described as unpleasant to look at or unattractive, disagreeable, displeasing,

repulsive, revolting, offensive or inconsistent with the reasonable characteristics of the surrounding community

- jj) **“Vacant Building”** – means a building that is partially or entirely vacant and includes a building that is partially or entirely vacant and occupied by unauthorized persons;
- kk) **“Vehicle”** – includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment;
- ll) **“Vermin”**- means: mammals, birds or insects injurious to humans, physical property, game, livestock, or crops. Examples include: skunks, rats, termites, poisonous insects or reptiles, moths, and mice.
- mm) **“Visual barrier”** – shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official;
- nn) **“Waste”**- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather;
- oo) **“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.

4. GENERAL

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.
- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a code, when such provision(s) provide for the protection of persons in relation to the use of the property, regardless whether that standard is specifically set out in the By-law, or not.

- c) The owner of any property which does not conform to the standards in this Bylaw shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.
- d) The owner of any property, that has not complied with an confirmed order that seeks to remedy any unsafe conditions to any persons entering or being upon the property or within any structures thereon including those that pose potential fire, safety or health hazards, shall not occupy or permit the occupancy of the property until such time the order has been complied with or the property is cleared of all structures and left in a graded and level condition.
- e) All repairs and maintenance of property required by this by-law, shall be carried out in a manner and with the materials that are accepted as good workmanship in the trades concerned.
- f) For the purposes of subsection e) and without limiting subsection e), “carried out in a manner and with the materials that are accepted as good workmanship in the trades concerned” includes:
 - i) carried out with materials suitable and sufficient for that purpose and free from defects;
 - ii) carried out in a manner consistent with the recognized national and international industry best practices; and
 - iii) where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.
- g) All new construction or extensive repairs shall conform to the *Ontario Building Code*, where applicable.
- h) This by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
- i) Nothing in this By-law, including the doing of any required works to comply with the By-law or an Order or Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements, that must be complied with.
- j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements including weather, sun and other

environmental factors that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains or through other specific treatments that are designed to protect and maintain those surface areas requiring treatment.

- k) All lands and structures thereon, including fences, shall be kept clear and free from any graffiti, unauthorized signs or objectionable defacements or similiar markings.

5. UNSAFE CONDITIONS

Without limiting any other provisions of this By-law, any condition on or within a property which may pose or constitute an undue or unreasonable danger, hazard or risk to the health or safety of any person, place or thing shall be abated or removed by the owner or occupant thereof.

EXTERIOR LANDS

6. EXTERIOR PROPERTY

- a) All exterior areas of a property shall be kept clean and free of litter, rubbish, waste, salvage, refuse, dead, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly or unsafe condition.
- b) Every property shall be kept free from garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property
- c) Without restricting the generality of this Section, such maintenance includes the removal of:
 - i) rubbish, garbage, waste, litter and waste;
 - ii) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation;
 - iii) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant Bylaws, Chapters or statutes; and

- iv) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

7. GARBAGE RECEPTACLES

Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

- a) Receptacles for garbage shall be:
 - i) made of watertight construction
 - ii) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - iii) maintained in good condition without holes or spillage; and
 - iv) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.
- b) Plastic bags shall be considered acceptable receptacles under subsection above provided they are:
 - i) adequately secured so as to prevent spillage;
 - ii) not stored outdoors unless protected from access by animals or vermin: and
 - iii) otherwise are maintained in compliance with subsection (1).
- c) Paper receptacles are not acceptable under this Section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection Bylaws.
- d) Where commercial, industrial, or residential on site garbage containers are visible from a public street or land, or residential properties, the area where the receptacles are stored shall be screened from public view.

8. LANDSCAPING AND TREES

- a) Grass, trees, bushes, hedges and other landscaping, shall be maintained to prevent an unsightly or unreasonable overgrowth in relation to the neighbouring environment.
- b) Grass, trees, bushes, hedges and other landscaping, non-organic ground cover and site facilities shall be provided and maintained in living condition or a safe condition.

9. UNENCLOSED PORCHES AND CARPORTS

Every unenclosed porch, balcony or carport , and every exterior and common area shall be kept free of garbage or waste material.

10. LOT GRADING AND DRAINAGE

- a) All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.
- b) All roof, driveways, sump pump or other surface drainage, and the drainage of water from swimming pools shall not be discharged directly or indirectly on to an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any sidewalk, highway, public lands or in such a manner that it will create a safety hazard, penetrate or damage a building, structure or property.
- c) Every roof drainage system and sump pump shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
- d) No person shall connect any roof drainage system, or part thereof, or any sump-pit discharges, directly or indirectly into the City's sanitary sewer system or permit a discharge into a sanitary sewer system.
- e) No fill shall be allowed to remain in an unleveled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.
- f) No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:
 - i) a construction site for which a building permit is in effect;
 - ii) a property being subdivided under subdivision agreement with the City; or
 - iii) property being actively farmed.

11. WALKWAYS AND DRIVEWAYS

Surface conditions of walkways and driveways, shall be installed and maintained in a safe condition with non-organic ground cover so as to:

- a) prevent ponding of storm water;
- b) not exhibit an unsightly appearance;
- c) be kept free of garbage and waste;
- d) be kept free of deep ruts and holes;
- e) provide for safe passage under normal use and weather conditions, day or night; and

- f) not to create a nuisance to other properties including adjoining public lands and highways.

12. PARKING LOTS

- a) Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.
- b) Parking lots, driveways and other similar public access areas of a yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.

13. EXTERIOR LIGHTING

- a) Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
- b) Facilities for lighting shall be maintained in a good state of repair.
- c) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.
- d) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent unwanted illumination of an adjacent property's auxiliary use areas including pools, hot tubs, decks and patios

14. RETAINING WALLS

All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

15. WELLS AND CISTERNS

A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting that is likely to prevent a hazard or unwanted entry, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

16. ACCESSORY BUILDINGS

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

- a) constructed with suitable materials;
- b) maintained in good repair;
- c) protected from deterioration by the application of paint or other suitable protective material.
- d) free from graffiti, unauthorized signs or similar defacements and markings.

17. FENCES

A fence erected on a property or separating adjoining properties shall be maintained:

- a) in good repair; (free from loose or insufficiently secured, rotten, warped or broken materials),
- b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to.
- c) shall be free of dangerous objects. and:
- d) reasonably plumb, unless specifically designed to be other than vertical.
- e) each length of fence along any adjoining property boundary shall be repaired and maintained so as to be reasonably homogeneous in colour, finish, materials, construction practices, pattern or design, unless originally designed to be otherwise.

18. TOWERS, MASTS AND ANTENNAES

Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained:

- a) reasonably plumb, unless specifically designed to be other than vertical;
- b) in good repair; and
- c) in a safe and structurally sound condition.

19. SIGNS

A sign and any structure connected therewith shall be installed and maintained:

- a) in good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated;

- b) in a safe and structurally sound condition; and
- c) in a reasonably vertical plane unless otherwise approved by the City. An unused or discarded sign shall be removed from the property or shall be stored within a building.

EXTERIOR OF BUILDINGS - STRUCTURES

20. STRUCTURAL CAPACITY OF BUILDINGS

- a) All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- b) Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - i) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - ii) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - iii) to prevent the entry of moisture that could contribute to damage, fungus growth, decay or deterioration; and
 - iv) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

21. FOUNDATIONS WALLS AND BASEMENTS

- a) All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- b) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

22. EXTERIOR WALLS, SURFACES, CLADDING AND MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weathertight, free from holes, loose or unsecured objects and maintained in good repair and:

- a) free from missing, cracked or broken masonry units, missing, defective or deteriorated wood or metal siding or trim, missing, cracked, broken or loose stucco, loose or unsecured objects; and
- b) shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing, or the installation of termite shields, if required.

- c) all exterior surfaces that have previously been 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.
- d) Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

23. DOORS – WINDOWS – CELLARS – HATCHWAYS

- a) Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building and to minimize heat loss through infiltration.
- b) At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.
- c) All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- d) All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

24. WINDOW SCREENS

When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:

- a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

25. CANOPIES AND AWNINGS

All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay or rust by a periodic repair, replacement of materials or the application of weather-coating material.

26. ROOF STRUCTURES

- a) Every roof, and all of its components and accessory structures, shall be maintained in good repair and in a safe and structurally sound condition.
- b) Without restricting the generality of this Section, such maintenance includes:
 - (i) removal of loose, unsecured or rusted objects or materials;
 - (ii) removal of dangerous accumulations of snow or ice;
 - (iii) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - (iv) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

27. EAVESTROUGH – METAL DUCTS - FLASHING

- a) Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.
- b) 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 necessary.
- c) Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not discharge directly or adversely affect adjacent properties, or cause erosion.

28. CHIMNEY FLUES

- a) Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed to the Building Code and C.S.A. B-365, standards and be maintained free from obstruction and shall prevent:
 - i) the entrance of smoke or gases into a building
 - ii) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
 - iii) fire, health or other hazards.
- b) Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

29. GARAGES – CARPORTS

- a) The construction between an attached or built-in garage or carport and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.
- b) A door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- c) Garages and carports, including floors, shall be maintained in good repair and free from hazards.

30. FIRE OR STORM DAMAGE

- a) In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.
- a) Buildings, or portions thereof, that have been damaged by fire, flood, storms or other circumstance, shall be repaired to their original condition in conformance to the Code and the standards set out in this By-law or shall be demolished accordingly.

31. DEMOLITION OF STRUCTURES

- a) Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
- b) Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.
- c) Demolition activities shall be controlled with appropriate measures to protect the surrounding neighbourhood lands, including City lands and highways, from nuisance or hazardous dust, vibrations and litter.

INTERIOR OF BUILDINGS AND STRUCTURES

32. INTERIOR STRUCTURAL COMPONENTS

In every building or structure, all structural components, including but not limited to all joists, beams, studding, trusses and roof rafters, shall be comprised of sound material, in good repair and adequate to sustain the loads to which they are intended and subjected to.

33. WALLS – CEILINGS

- a) Every interior surfaces and finishes of walls and ceilings shall be maintained:
 - i) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
 - ii) free of holes, cracks, loose plaster or other material
 - iii) in a safe condition; and
 - iv) so as to possess the fire resistant properties required by the Building and Fire Codes.

- b) In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

34. FLOORS

- a) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

- c) Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

- d) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

- e) Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

35. STAIRS – HANDRAILS – GUARDS

- a) Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.

- b) All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
- b) Handrails shall be installed in accordance with Code and shall be maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
- c) All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

36. MEANS OF EGRESS

- a) Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- b) Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- c) The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- d) In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- e) Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- f) All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;
 - i) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
 - ii) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building at all

times.

37. HEATING SYSTEMS

- a) It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- b) Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
- c) Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- d) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- e) Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions
- f) Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

38. AIR CONDITIONING

- a) Air conditioners, where provided, shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical, electrical condition and functioning condition.
- b) 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.
- c) The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.
- d) Central air conditioning units, where provided, shall be maintained in good working order.

39. ELECTRICAL

- a) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- b) The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order and safe condition.
- c) Extension cords shall not be used on a permanent basis.

40. VENTILATION

- a) Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- b) Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- c) When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.
- d) An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- e) Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

41. NATURAL LIGHTING

- a) Every Owner of a Building containing at least one Dwelling Unit must provide every Habitable Room (with the exception of kitchens and bathrooms) with a window, skylight or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this Section.

- b) For living and dining rooms, the amount of natural light must be equal to, or greater than, ten (10%) percent of the floor area.
- c) For bedrooms and other Habitable Rooms, the amount of natural light must be equal to, or greater than, five (5%) percent of the floor area.
- d) The glass area of a door may be considered as a portion of the required window area.

42. LIGHTING

- b) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and every other habitable and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
- c) Lighting equipment shall be installed and maintained throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

43. PLUMBING SYSTEMS

- a) All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- b) Plumbing systems on a property shall be provided, installed and maintained:
 - i) in compliance with the respective requirements of any applicable Act or Bylaw;
 - ii) in good working order and good repair; and
 - iii) in a safe condition.
- c) All plumbing fixtures shall be connected to the sewage system through water seal traps.

44. WATER SUPPLY

Every dwelling and every building to which water is available under pressure through piping shall be provided with:

- (a) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and
- (b) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
- (c) piping for cold water connected to every toilet and hose bib.

45. ELEVATING DEVICES

- a) An Elevator or other approved elevating device supplied to employees, tenants and/or the public, shall comply with the Technical Standards and Safety Act, 2000, and its regulations as enforced by the Technical Standards and Safety Authority.
- b) An elevator, where provided and when in operation, shall:
 - i) be kept clean and free of dirt and defacements; and
 - ii) have working lights, elevator buttons, floor indicators and ventilation

46. SEWAGE SYSTEMS

- a) Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
- b) Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
- c) The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

47. NUISANCES THROUGH USE

- a) It is an offence for an Owner or occupant of Land to use the Land in a manner which creates a Nuisance; and
- b) It is an offence for the Owner or occupant of Land to allow a condition to develop and remain on the land in a manner which creates a Nuisance
- c) For the purposes of defining a nuisance in this section, it shall be any condition on a property that adversely affects one or

more surrounding properties on a regular, repeated or continuous basis, that reasonably is expected to interfere with the regular peace, enjoyment and intended uses of affected lands, including commercial lands, when the totality of locality, severity of harm, sensitivity and utility are weighed and considered.

48. SWIMMING POOLS/HOT TUBS

- a) Every Owner of Lands upon which a Swimming Pool exists shall maintain that Swimming Pool:
- (i) in a clean and safe condition;
 - (ii) free from leaks and faulty components and equipment; and
 - (iii) in conformity with all other by-laws of the Corporation relating to Swimming Pools.
- b) Every Owner of Lands upon which a Hot tub fixture exists shall maintain that hot tub fixture:
- (iv) in a clean and safe condition;
 - (v) free from leaks and faulty components and equipment;
 - (vi) cover or protect with appropriate device to secure from unwated or accidental entry.

49. PEST CONTROL

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

ADDITIONAL REQUIREMENTS FOR DWELLING UNITS

50. DISCONNECTION VITAL SERVICES BY OWNER

- a) The Owner of a Rented Dwelling Unit may not disconnect any service or utility supplying heat, electricity, gas, refrigeration or water to any Rented Dwelling Unit, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering that service or utility. This Section does not relieve landlords from notice and other obligations in the *Residential Tenancies Act, 2006*.

- b) Section 4.09 does not apply where a tenancy agreement makes the Occupant liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, and the Occupant fails to pay, with the result that the utility supply company discontinues the service. In those circumstances, the Occupant is considered to have consented to the disconnection.

51. ELECTRICAL SYSTEMS

- a) Owners of Rented Dwelling Units must install and maintain in good working order the electrical wiring, fixtures, switches, and receptacles within those Rented Dwelling Units and within any Accessory Buildings provided for the Occupants of the Rented Dwelling Units.
- b) The electrical system in the Rented Dwelling Unit, and in Accessory Buildings provided for the Occupants of the Rented Dwelling Unit must accommodate normal residential use so as to avoid the necessity of creating an Unsafe Condition because of the use of extension cords or temporary electrical wiring systems.

52. OCCUPANCY STANDARDS

A non-habitable room shall not be used as a habitable room

53. TOILET AND BATHROOM FACILITIES

- a) Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
- b) All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.
- c) All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- d) No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

54. Every owner of a residential rental dwelling shall ensure that:

- a) All heating and mechanical systems, including equipment related to fuel sources for such systems, shall be installed and maintained at all times to ensure compliance with the City's Adequate and Suitable Heat By-law, as enacted by Council from time to time.
 - b) No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
55. Every owner of a residential rental dwelling shall ensure that:
- a) That the dwelling unit is provided with an adequate and suitable supply of Potable Water to at least one tap within the dwelling unit.
 - b) That where the owner supplies the occupant appliances, as part of the rental contract/lease, those appliances must be maintained in good working order by the owner.

GENERAL PROVISIONS RELATING TO VACANT BUILDINGS

56. The owner of a vacant building, in addition to any requirements of any other by-law of the City, shall:
- a) keep all buildings on the land clear of debris;
 - b) disconnect or have disconnected or discontinued, all water, electrical and gas services to the building except where required for the security and maintenance of the building;
 - c) maintain the building to prevent against unsafe conditions or risk of fire or accidents;
 - d) keep the windows, doors or any other openings to the building secured to prevent unauthorized entry;
 - e) maintain any entrances to the building, in good repair so as to provide for safe access for any authorized person attending the property; and
 - f) barricade all openings on any floor or between floors to prevent the risk of accident or injury to a person.

GENERAL ADMINISTRATION PROVISIONS

57. MLEO– POWER ENTRY FOR INSPECTION

- a) An Municipal Law Enforcement Officer (MLEO), in accordance with the powers of entry set out in section 435(1) and 436(1) of the Municipal Act 2001, may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not compliance exists for:

- b) any requirements of this by-law and/or the conditions of any permit issued thereunder.
- c) ii) any direction or order issued by the municipality, under this by-law.
- d) iii) any court order, issued pursuant to section 431 of the Municipal Act 2001

58. MLEO – ISSUE DEFECT NOTICE

- a) An Municipal Law Enforcement Officer (MLEO), who becomes aware of a property that does not conform to this by-law, may issue a defect notice to the owner advising of the defect(s) that are in contravention for the By-law.
- b) A defect notice shall require the owner to respond to the notice within seven (7) days of receipt, advising of either i) the intent to repair defect(s) and the time frame required or ii) disagreement with the defect(s) set out therein.
- c) Any owner of property that receives a defect notice shall respond in the required time frame and in the manner set out in the notice.
- d) A defect notice is issued at the discretion of an MLEO, is not a precondition for any Property Standards Order to be issued in respect of a defects, on any property.

59. SERVICE OF DEFECT NOTICE - BY MLEO/OFFICER

- a) An defect notice may be delivered in person to an owner or occupant, at the address of lands that are subject of the notice or left with an inmate therein that is over that apparent age of eighteen years, or
- b) An defect notice may be sent registered mail to the last known address supplied to the corporation's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed, or
- c) An defect notice may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.
- d) It is an offence for any person to remove or tear down or interfere with any Notice or Order posted on the property, except by the owner or agent thereof, of the property posted.

60. OFFENCE – FAIL TO RESPOND TO NOTICE

- a) It is an offence for any person or owner, who has been served with a defect notice, to fail to respond to the notice within the time frame and manner, set out therein.

- b) A illegible or incomplete response to a defect notice shall deemed to have not met the requirement to respond.

61. OBSRUCT MLEO – PROHIBITED

- a) No person, including the owner, shall impede, interfere or obstruct an Municipal Law Enforcement Officer (MLEO) in the execution of their duties and in the inspection of property required under the by-law, by doing any act or refusing any direction of an MLEO, that includes request for access to enter and inspect any property or structure thereon, except those actual areas used as a dwelling unit.
- b) It is an Offence for any person to obstruct an Municipal Law Enforcement Officer (MLEO) in the discharge of their duties

62. PENALTY – DEFECT NOTICE

Any person who fails to comply with the requirements of sections 58, 59, 60 or 61 of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof

63. ENFORCEMENT BY MLEO's / OFFICERS (PROPERTY STANDARDS)

- a) A Municipal Law Enforcement Officer (MLEO) may enter and inspect property to ensure compliance with the requirements of this by-law and may issue a defect notice under section 58 of the By-law.
- b) An Officer (Property Standards) may enter and inspect, or re-inspect property to ensure compliance with the by-law or to determine whether an order has been complied with.
- c) An Officer (Property Standards) may issue a defect notice under section 58 of the by-law or an order under section 15.2 of the Building Code Act.

64. ISSUE ORDER – PROPERTY STANDARDS OFFICER

- a) Where an Officer (Property Standards) issues an order regarding a property, it is issued under the authority of the Building Code Act.
- b) Where an Officer (Property Standards) issues a section 58 defect notice, it shall be deemed to be issued under the authority of the Municipal Act, while also operating as a Municipal Law Enforcement Officer(MLEO).

65. APPLICATION OF BUILDING CODE PROVISIONS – ORDER PROCESSES

Where an order is issued in respect of non-conformance with the provisions of this by-law, the processes set out in the Building Code Act, including the appeals process for an order, shall apply.

66. PROPERTY STANDARDS APPEAL PROCEEDURES

- a) Any person who receives an order issued under section 15.2 of the Building Code Act, from an Officer (Property Standards), is entitled to appeal to the Secretary within the timeframes and in the manner set out in the order, made pursuant to the process established in section 15.1 of the Building Code Act.
- b) A defect notice issued under section 58 of this by-law is not subject to an appeal process under this by-law.

67. PROPERTY STANDARDS APPEAL COMMITTEE ESTABLISHED

- a) The Property Standards Appeal Committee previously established by the Corporation is continued.
- b) The Committee shall be composed of three (3) persons appointed in accordance with the Corporation's approved procedure for the appointment to boards, committees and authorities. Members of the Corporation's council and employees of the Corporation or one of its local boards are not eligible to be members of the Committee.
- c) The term of office for the members of the Committee is four (4) years, however all members shall serve beyond their terms of office, as required, until re-appointed or replaced.
- d) Any vacancy on the Committee shall be filled forthwith.
- e) Once established, the Committee shall elect, from among its members, a chairperson. The role of the chairperson is to preside over, and maintain order at all hearings of the Committee. Two (2) members of the Committee constitutes a quorum for conducting hearings. Where the elected chairperson is unable to attend any given hearing, the remaining members shall elect one of themselves to preside in that instance.
- f) The Corporation may establish an honorarium to be paid to members of the Committee.

- g) The Corporation shall provide for a secretary for the Committee. This will be a person employed or contracted by the Corporation who is not a Municipal Law Enforcement Officer. The secretary 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, and section 253 of the Municipal Act, 2001, applies to the minutes and records.
- h) The Committee may, subject to subsection (i), adopt its own rules of procedure and any member may administer oaths.
- i) The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable.
- j) The Committee shall have the powers as set out in section 15.3 of the Building Code Act, S.O. 1992, c.23.

68. PENALTY – ORDERS

An owner who fails to comply with an order that is final and binding or a directive issued pursuant to the *Building Code Act, S.O. 1992, c.23*, is guilty of an offence under Section 36(1) of the *Building Code Act, S.O. 1992, c.23*, and is liable to a penalty or penalties as set out in Section 36 of that Act.

69. SEVERABILITY

If any provision or article of this Bylaw is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Bylaw and the remaining provisions or article shall remain in effect until repealed.

70. CONFLICTS

Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act or Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

71. TRANSITIONAL RULES

After the date of the passing of this Bylaw, Bylaw #066-2008, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to

the date of passing of this Bylaw, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

72. This By-law shall come into force and take effect upon final passing thereof.

READ A FIRST AND SECOND TIME this ___ day of _____, 2022.

READ A THIRD TIME AND FINALLY PASSED this ___ day of _____, 2022.

Mayor

(seal)

Clerk

DRAFT