

THE CORPORATION OF THE CITY OF THUNDER BAY

The Property Standards By-law #66-2008 Table of Contents

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	Enacted and passed June 9, 2008	38
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THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 066-2008

A by-law to establish standards for the maintenance and occupancy of property in Thunder Bay.

Recitals

1. This By-law is passed under authority of several statutes, including: the *Building Code Act, 1992*, the *Municipal Act, 2001*, the *Fire Protection and Prevention Act, 1997*, and the *Health Protection and Promotion Act*.
2. The Official Plan for The Corporation of the City of Thunder Bay includes provisions relating to property conditions, which enables the Council to enact a by-law under Subsection 15.1(3) of the *Building Code Act, 1992*.
3. Subsection 15.6(1) of the *Building Code Act, 1992*, requires that a property standards by-law must establish a Property Standards Committee.
4. The Corporation has had a Property Standards By-law (By-law Number 8-1995, incorporated as Municipal Code Chapter 846), with a Property Standards Committee, for some time.
5. A review of the historic Property Standards By-law, together with reviews of the Yard Maintenance By-law and Air Tight Containers By-law, have resulted in a rationalization of which matters are dealt with in each of these by-laws.
6. It is considered appropriate to replace By-law Number 8-1985 and Chapter 846 of the Municipal Code. Certain laws have changed and certain community standards have changed, and the Corporation's by-laws need to reflect those changes.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

Article 1.00: Application & Interpretation

1.01 Application

This By-law prescribes standards for the maintenance and occupancy of Land within Thunder Bay. This By-law applies to all Land within Thunder Bay, excluding Land that is Owned or Occupied by the Corporation, the Province or the Federal Government. It applies to all Land, whether that Land is occupied or not.

1.02 Definitions

Wherever a term set out below appears in the text of this By-law with its initial letters capitalized, the term is intended to have the meaning set out for it in this Section 1.02. Wherever a term below appears in the text of this by-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

“Accessory Building” means either a Building or a Structure, the use of which is incidental to that of the main Building situated on the same property, provided that Building or Structure is not used for human habitation.

“Adequate and Suitable Heat” means a minimum air temperature within a Dwelling Unit of twenty-one (21° C) degrees Celsius, or seventy (70° F) degrees Fahrenheit. To meet the definition, the heating system involved must be capable of maintaining those temperatures at one point five (1.5 m) metres or five (5 ft) feet above the floor level, in all Habitable Rooms.

“Adequate and Suitable Supply of Hot Water” means a supply of hot water at the ordinary temperature of at least forty-nine (49° C) degrees Celsius, or one hundred twenty (120° F) degrees Fahrenheit, in a quantity of at least one hundred sixty-five (165 l) litres, or thirty-six (36 gal) gallons, for fifteen (15) minutes with a minimum recovery rate of forty-five (45 l) litres, or ten (10 gal) gallons, per hour at the above-mentioned temperature.

“Adequate and Suitable Supply of Potable Water” means a continuous and uninterrupted supply of Potable Water of sufficient quantity for normal use of kitchen and/or cooking and/or dining facilities.

“Adequate and Suitable Supply of Water” means a continuous and uninterrupted supply of water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities.

“Areaway” means an underground Structure used for the convenience of the adjacent Building it serves. It is built separately, or attached to the Building that it serves, and is built below ground. All or some of the Structure may be exposed at ground level. Examples of Areaways include: light openings, light wells, vaults, storage spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices.

“Basement” means one or more storeys of a Building located below the First Storey.

“Building” means a Structure having a roof supported by columns or walls and used for the accommodation or storage of persons, animals, goods, materials, or equipment.

“By-law” means this By-law, including its recitals and schedules, which form integral parts of it, as amended from time to time.

“Committee” means the Property Standards Committee established by this By-law.

“Corporation” means The Corporation of the City of Thunder Bay, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario.

“Debris” means refuse, waste, discarded materials or garbage of any kind whatsoever. The term includes the following, whether of value or not:

- (a) accumulations of litter, remains, rubbish, trash;
- (b) weighty or bulky items such as: appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;
- (c) paper, cartons;
- (d) dilapidated furniture;
- (e) crockery, glass, cans, containers;
- (f) garden refuse and trimmings;
- (g) material from or for construction and demolition projects;
- (h) domestic and industrial waste;
- (i) dead or dying trees, branches, leaves or shrubs;
- (j) Inoperative Motor Vehicles;
- (k) Motor Vehicle parts;
- (l) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
- (m) earth or rock fill;
- (n) clothing or other household linens lying in an unprotected condition;

- (o) objects or conditions that may create a health, fire or accident hazard; and
- (p) animal feces.

“Dwelling” means a Building or Structure occupied or capable of being occupied for the purpose of human habitation. The term includes: a Building containing only one Dwelling Unit, as well as Buildings that contain more than one Dwelling Unit. Further, the term includes any Building that would be used for this purpose except for its state of disrepair.

“Dwelling Unit” means a Building used as a domicile by one or more persons. A Dwelling Unit usually contains: cooking, eating, living, sleeping and sanitary facilities.

“Final Order” means, in circumstances where a hearing was requested under Section 8.15, the Order as confirmed by the Committee. In circumstances where no hearing was requested, the term refers to the Order as issued in final form by the Municipal Law Enforcement Officer.

“First Storey” means that part of a Building having a floor area closest to grade, with a ceiling height of more than one point eight (1.8 m) metres, or six (6.0 ft) feet above grade.

“Guard” means a protective barrier installed to prevent accidental falls from one floor or stair level to another. The barrier may or may not have openings through it. The barrier must be rigid in construction.

“Habitable Room” means any room in a Dwelling Unit designed to be used for living, sleeping, cooking or eating purposes. The term does not include: bathrooms, laundry rooms, pantries, lobbies, corridors, halls, attics, stairways, closets, boiler rooms, other spaces for service or maintenance of the Dwelling or access to or vertical travel between floors of the Dwelling.

“Hazard” means Lands, Buildings, Structures or materials that are in an Unsafe Condition, or that constitute a fire risk.

“Hygenic Supplies” means: toilet paper, soap and individual towels or other means of drying hands.

“Inoperative Motor Vehicle” means a Motor Vehicle which may not be lawfully operated upon a highway under the *Highway Traffic Act* for any of the following reasons:

- (a) there is not in existence a currently validated permit for the vehicle;
- (b) there are not displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the *Highway Traffic Act* showing the permit number issued for the vehicle;

- (c) there is not affixed to a number plate displayed on the vehicle evidence of the current validation of the permit; or
- (d) the vehicle is damaged to the extent that it cannot be driven, is in a wrecked or dismantled condition or has had its source of motor power removed.

“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 on the Land.

“Last Known Address” means the address which appears on the assessment rolls for Thunder Bay, maintained by the Municipal Property Assessment Corporation, or on the Registry.

“Manager” means the Manager of Licensing & Enforcement of the Corporation, or his or her authorized designates.

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the *Highway Traffic Act*.

“Municipal Law Enforcement Officer” means any person duly appointed to enforce the provisions of this By-law, any members of the Thunder Bay Police Service, and any Fire Prevention Officer and/or Platoon Chief.

“Non-Habitable Room” means any room in a Dwelling that does not meet the definition of Habitable Room.

“Non-Residential Property” means any property that does not meet the definition of Residential Property. Where a particular property has both residential and non-residential uses at the same site, those portions of the property which meet the definition of “Residential Property” must abide by the Residential Property Standards in Article 3.00 of this By-law, and those portions of the property which meet the definition of “Non-Residential Property” must abide by the Non-Residential Property Standards in Article 5.00 of this By-law.

A **“Nuisance”** is 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.

“Occupant” means a person other than the Owner who exercises rights in respect of Land, including:

- (a) A person for the time being managing the Land;
- (b) A person for the time being receiving the rent from the Land, whether or not on his or her own account or as agent or trustee of any other person;
- (c) A tenant or lessee;
- (d) A licensee; or
- (e) An occupier.

The term “Occupied” is an adjective applied to Land, Building or Structure meaning there is an Occupant for that Land, Building or Structure as set out in this definition, or alternatively, that the Owner functions as the Occupant of that Land, Building or Structure.

“Order” means an order issued by a Municipal Law Enforcement Officer under Section 8.08 of this By-law.

“Owner” means the registered owner of the Land.

“Passage” means a route for the movement of persons from the interior of a Dwelling Unit to the ground level of the exterior of the Building within which the Dwelling Unit exists.

“Potable Water” means water meeting all Provincial standards for drinking water.

“Professional” means an engineer, architect, or other person with credentials required by the circumstances, who is accredited as such in a manner satisfactory to the Manager.

“Registry” means a list of all Vacated Properties in Thunder Bay, together with the following information with respect to those Lands:

- (a) property address, or legal description if there is no municipal address;
- (b) the name of the Owner;
- (c) current mailing address and telephone number of the Owner;
- (d) the name of a secondary contact person should the Owner be unreachable;
- (e) current mailing address and telephone number of the secondary contact person;
- (f) immediate past use of the property;
- (g) any relevant known risks or information for emergency service providers; and
- (h) whether or not a fire safety plan exists for the property in accordance with the *Fire Protection and Prevention Act, 1997*, and the location of that plan if it exists.

“Rented Dwelling Unit” means a Dwelling Unit, whether self-contained or not, that is occupied as a residence by someone other than the Owner of the Land on which it exists, whether or not the Occupant pays anything for the right of occupancy. The term does not include seasonal vacation property including camps, cottages, trailers, and cabins unless same are occupied on a year-round basis.

“Residential Property” means any Dwelling Unit.

“Structure” means anything other than a Building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth stations, television antennae, signs, Swimming Pools, and above ground fuel storage tanks. The term does not include: vegetation, fences, driveways, patios, sidewalks, or retaining walls.

“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.

“Thunder Bay” means the geographic area within the jurisdiction of the Corporation.

“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.

“Vacated Property” means Land containing Buildings or Structures which are not regularly occupied or regularly used by the Owner or by any authorized Occupant.

“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.

“Yard” means the unoccupied space on the same lot as a Building or Structure.

1.03 Specific Interpretation Rules

- (a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (b) This By-law is to be read with all changes of gender or number required by the context.
- (c) The words “include”, “includes” and “including” are not to be read as limiting the words or phrases which precede or follow them.
- (d) The term “used” when referring to Land, Building or Structures is interpreted as including “intended to be used”.
- (e) Reference to a Building or Structure or Yard or Land includes that Building, Structure, Yard or Land in whole or in part.
- (f) Dimensions specified in metric units are the official dimensions. Imperial dimensions are provided solely for convenience.
- (g) In this By-law, the word "metre" may be represented by the abbreviation "m", the word "centimetre" may be represented by the abbreviation "cm", the word "feet" may be represented by the abbreviation "ft", and the word "inches" may be represented by the abbreviation "in".
- (h) Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done.
- (i) Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.

1.04 Legislation

References to legislation in this By-law are printed in Italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, 1992* incorporates reference to the Ontario Building Code, which is Regulation 350/06 passed under that statute.

1.05 Severability

If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

Article 2.00: General Standards for All Property within Thunder Bay

2.01 Application of Standards

The standards set out in this Article 2.00 apply to all property within Thunder Bay, regardless of its use, unless another specific Article of this By-law provides a different standard for a particular property use.

2.02 General Duty to Repair and Maintain Land

- (a) Every Owner and Occupant must repair and maintain his or her Land in accordance with the standards prescribed in this By-law.
- (b) All repairs and maintenance of Land shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, and the *Electricity Act, 1998*, where applicable.

2.03 Prohibition Against Renting Lands That Do Not Meet Standards

No Owner of Lands shall permit the use or occupancy of, and/or rent or lease to, and/or offer to rent or lease to, another person, any Land that does not conform to the provisions of this By-law.

2.04 Structural Adequacy

- (a) Every Owner of a Building or Structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.
- (b) If, in the opinion of a Municipal Law Enforcement Officer, in consultation with the Manager, there is doubt as to the structural condition and adequacy of a Building or Structure, the Municipal Law Enforcement Officer may order that the Building or Structure be examined by a Professional, at the Owner's expense, and that the Professional provide a written report. The written report, including drawings, signed and sealed by the Professional, and giving details of the findings of the examination, shall be submitted to the Municipal Law Enforcement Officer.
- (c) Examination and testing of any Building or Structure shall be conducted in a manner acceptable to the Manager and at the Owner's expense.
- (d) Details and drawings of all temporary shoring or other work deemed necessary by the Professional shall be included with the report required by Subsection 2.04(b) above.
- (d) All remedial or temporary work recommended by the Professional shall be completed by the Owner in the manner and within the time which shall be specified by the Municipal Law Enforcement Officer or Manager.
- (e) On completion of all of the work, the Owner shall cause a report signed and sealed by the Professional, which certifies that all of the work has been completed satisfactorily, to be submitted to the Manager.

2.05 Structural Requirements

- (a) Every Owner of a Building or Structure shall maintain the interior floors, ceilings and walls in a manner free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a Basement or crawl space floor.
- (b) Every Owner of a Building or Structure shall maintain the foundation walls of that Building so as to prevent the entrance of excessive moisture.
- (c) Every Owner of a Building or Structure, excepting those constructed with slab-on-grade construction, shall maintain foundation walls or piers which extend below the frost line, or to solid rock.

2.06 Detail for Section 2.05(a)

The maintenance required by Subsection 2.05(a) includes: the shoring of the walls to prevent settling, installing sub-soil drains, where necessary, at the footings, grouting masonry cracks, and damp-proofing and waterproofing walls, joints and floors.

2.07 Exterior Building Requirements

Every Owner of a Building must:

- (a) keep walls, roofs and other exterior parts of that Building free from loose or improperly-secured objects or materials;
- (b) keep walls, roofs and other exterior parts of that Building free from cracked, broken or loose masonry units, stucco, or other defective cladding or trim;
- (c) treat exterior surfaces with paint or another suitable preservative or coating so as to prevent deterioration due to weather conditions or Vermin;
- (d) maintain the exterior walls of that Building, and their components, free of unauthorized signs, painted slogans, graffiti and similar defacements;
- (e) maintain the roof of that Building, including fascia boards, soffits and cornices, in a water-tight condition so as to prevent leakage into the Building;
- (f) maintain the roof of that Building, and all Accessory Buildings, so that they are kept clear of dangerous accumulations of ice and/or snow;
- (g) maintain every chimney of that Building, together with the components of that chimney, free from loose bricks and mortar, or any other defects;
- (h) maintain the flu and flu pipes of the chimney in accordance with the *Fire Protection and Prevention Act, 1997*;
- (i) maintain every stairway, fire escape, balcony, porch, landing or canopy so as not to be in an Unsafe Condition, and so as to be reasonably free from holes, cracks, excessive wear and warping, and other defects;
- (j) maintain all windows, doors, skylights and Basement hatchways of that Building in good repair, weather-tight and reasonably draught-free, to prevent infiltration by the elements;
- (k) provide adequate lighting for all parking spaces; and

- (l) maintain finished exterior surfaces so that no more than twenty-five (25%) percent of the finish on any area of any exterior wall is blistered, cracked, flaked, scaled, or chalked away.

2.08 Exemption from Subsection 2.07(d)

Subsection 2.07(d) does not apply to prevent graffiti, signs and painted slogans which have otherwise been authorized under a by-law or policy of the Corporation.

2.09 Detail for Subsection 2.07(e)

Maintenance in Subsection 2.07(e) includes: repairing the roof, fascia board, soffit, cornice, and flashing; applying waterproof coatings; and installing or repairing eave troughs and rain water piping.

2.10 Detail for Subsection 2.07(i)

Maintenance in Subsection 2.07(i) includes: repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose; repairing, renewing or supporting structural members that are rotted, deteriorating or loose; and painting.

2.11 Detail for Subsection 2.07(j)

Maintenance in Subsection 2.07(j) includes: painting; the application of preservative; renewing or replacing rotten or damaged doors, door frames, window frames, sashes and casings; refitting doors and windows; weather stripping; and replacing broken window and door glass and defective door and window hardware.

2.12 Building Requirements for Elements that May Be Exterior or Interior

Every Owner of a Building containing at least one Dwelling Unit must:

- (a) install and maintain a handrail on the open side of any stairway or ramp containing three (3) or more risers (including the landing) of a height of six hundred (600 mm) millimetres or twenty-four (24 in) inches between adjacent levels; and
- (b) install and maintain Guards around openings in floor areas and on the open sides of stairways or ramps with three (3) or more risers (including the landing), landings, balconies, mezzanines, porches, galleries, raised walkways, and other locations, as required.

2.13 Property Damage

- (a) A Building or Structure which is damaged, whether by natural causes or vandalism, must be demolished or repaired by the Owner as soon as is practicable, subject to Subsection 2.13(b).
- (b) Where the damage referenced in Subsection 2.13(a) resulted in the Lands being in an Unsafe Condition, immediate steps shall be taken by the Owner to prevent or remove that Unsafe Condition. The Building or Structure must be properly supported and barricaded until the necessary demolition or repair can be carried out, in accordance with Subsection 2.13(a).
- (c) Where the damage referenced in Subsection 2.13(a) involves exterior surface defacing by smoke, water or other causes, the Owner shall remove the defaced material, and shall refinish the area in a manner acceptable to the Municipal Law Enforcement Officer.

2.14 Retaining Walls

Owners or Occupants of Land which contains retaining walls must maintain those retaining walls in a manner which does not:

- (a) adversely affect the safety of the public;
- (b) adversely affect the safety of vehicular or pedestrian traffic;
- (c) constitute an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceal or interfere with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interfere with the use of a highway, public sidewalk or lane.

2.15 Accessory Structures & Retaining Walls – Hazard Prevention

The Owners and Occupants of Land are required to keep Accessory Buildings and Accessory Structures, retaining walls and other Structures on that Land in good repair so as to prevent Hazards.

2.16 Accessory Structures & Retaining Walls - Defaced

The Owners and Occupants of Land are required to keep Accessory Buildings and Accessory Structures, retaining walls and other Structures on that Land free of unauthorized signs, painted slogans, graffiti and similar defacements.

2.17 Exemptions from Section 2.16

Section 2.16 does not apply to prevent graffiti, signs and painted slogans, which have otherwise been authorized under a by-law or policy of the Corporation.

2.18 Accessory Structures & Retaining Walls– Surface Treatment

The Owners and Occupants of Land are required to treat the surfaces of Accessory Buildings and Accessory Structures, retaining walls and other Structures on that Land with appropriate weather-resistant materials, including paint or other suitable preservatives.

2.19 Exemption from Section 2.18

The requirements of Section 2.18 do not apply if the material used in construction of the Structure is inherently resistant to deterioration.

2.20 Parking Areas and Driveways

The Owner of Lands which are used for vehicular traffic and parking must maintain those parts of the Lands used for same with a surface covering of asphalt, concrete, or compacted stone or gravel. Further, the Owner must keep these areas in good repair.

2.21 Lighting of Yards

Owners and Occupants who erect or maintain lights to illuminate any Yard, or objects within the Yard, such as signs, must arrange, install, design and maintain the lights so as to deflect away from abutting Lands which are used for residential purposes. Alternatively, they may provide and maintain effective barriers to prevent the light from lamp standards, signs, and other sources from shining directly into a Dwelling Unit on neighbouring property.

2.22 Steps, Walkways, Pedestrian Areas

The Owner of any Lands must maintain steps, walkways, sidewalks and other areas intended for use by pedestrians in a manner which affords safe passage under normal use and normal weather conditions, day or night.

2.23 Swimming Pools

Every Owner of Lands upon which a Swimming Pool exists shall maintain that Swimming Pool:

- (a) in a clean and safe condition;

- (b) free from leaks and faulty components and equipment; and
- (c) in conformity with all other by-laws of the Corporation relating to Swimming Pools.

2.24 Exemption from Section 2.23

Section 2.23 does not apply to Swimming Pools regulated under the *Health Protection and Promotion Act* (Public Pools Regulation).

2.25 Pest Prevention

Every Owner and Occupant of Land must:

- (a) keep the Buildings and Structures free of Vermin at all times; and
- (b) keep all openings of Buildings containing Dwelling Units that might permit the entry of Vermin appropriately screened or sealed.

2.26 Connections to Municipal Sanitary Sewer Services

Where Lands are serviced by the Corporation's sanitary sewer system, the Owner of those Lands must make and maintain the connections to the sanitary sewer system properly in accordance with the Corporation's standards.

2.27 Use of Municipal Sanitary Sewer Services

Where Lands are serviced by the Corporation's sanitary sewer system, the Owner of those Lands must connect all operating toilets on the Lands so that they drain into the sanitary sewer system.

2.28 Restriction Against By-pass of Sanitary Sewer Services

Where Lands are serviced by the Corporation's sanitary sewer system, the Owner of those Lands shall not use any toilet, vault, well or cesspool that is not connected with the sanitary sewer system.

2.29 Exemption from Section 2.28

Section 2.28 does not restrict the temporary use of portable outdoor washroom facilities which contain all waste for future proper disposal.

2.30 Discharge of Sewage

Where Lands are serviced by the Corporation's sanitary sewer system, the Owner of those Lands shall not discharge sewage of any kind onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

2.31 Prevention of Ponding

The Owner of a Building or Structure must provide a roof drainage system and, where necessary, sump pit system, that are configured, installed and maintained to prevent recurrent ponding of water on the Lands or on neighbouring Lands.

2.32 Prevention of Trespass

The Owner of a Building or Structure must provide a roof drainage system and, where necessary, sump pit system, that are configured, installed and maintained to prevent roof water or sump pump discharge from depositing on any abutting Lands, including highways, ditches or sidewalks.

2.33 Rain Water Leader – Disconnection from Sanitary Sewer

The Owner of a Building or Structure that is equipped with rain water leaders must prevent the rain water leaders from discharging or draining into the Corporation's sanitary sewer system.

2.34 Prevention of Drainage Into Building

The Owner of a Building or Structure that is equipped with rain water leaders must prevent the rain water leaders from creating a concentrated flow of water which may penetrate the Building or Structure.

2.35 Garbage Disposal - Adequacy

Every Owner of Land that is occupied must provide for the Occupants a sufficient number of receptacles to contain all refuse that accumulates on the Land between the regularly-designated collection days. This is a requirement whether or not the Corporation provides refuse collection services to the Land in question.

2.36 Garbage Disposal – Receptacle Requirements

To meet the requirements of Section 2.35, the receptacles provided by the Owner must be so constructed as to be free of holes, breaks or cracks, and must have smooth surfaces with finishes that are impervious to water.

2.37 Garbage Disposal – Cleanliness Requirements

Every Owner of Land must maintain the receptacles required by Section 2.35 so that they remain free of holes, breaks or cracks, and are cleaned and disinfected regularly to prevent odours and/or Hazards.

2.38 Garbage Disposal – Municipal Collection

Where the Corporation provides Land with refuse collection services, the Owner must place all refuse in a suitable container, which is made available for removal in accordance with the Corporation's applicable by-laws and policies.

2.39 Garbage Disposal – Nuisance Prevention

Where the Owner or Occupant of Land stores refuse out-of-doors, he or she must provide an effective container or barrier that prevents waste, wrappings, Debris, and the like from encroaching onto, or escaping onto, abutting or neighbouring Lands.

2.40 Air Conditioner – Maintenance

Owners and Occupants of Land with installed air conditioning units of any size or type must maintain the units and their associated mechanical ventilating, electrical systems and any supporting structures in good repair, and in a safe condition.

2.41 Air Conditioner – Condensation Control

Owners and Occupants of Land with installed air conditioning units of any size or type must equip the units with adequate devices to prevent condensation from the use of the system from draining onto areas which pedestrians are reasonably expected to use.

Owners and Occupants of Land with installed air conditioning units of any size or type must equip the units with adequate devices to prevent condensation from the use of the system from draining onto abutting Lands.

2.42 Electrical Service

The Owner of Land must install and maintain the electrical wiring and all electrical fixtures located or used on the Land in good working order and in conformity with the *Electricity Act, 1998*.

2.43 Nuisances Through Use

- (a) It is an offence for an Owner of Land to use the Land in a manner which creates a Nuisance; and

- (b) It is an offence for an Occupant of Land to use the Land in a manner which creates a Nuisance.

2.44 Passive Nuisances

- (a) It is an offence for an Owner of Land to allow a condition to develop and remain on the Land in a manner which creates a Nuisance; and
- (b) It is an offence for an Occupant of Land to allow a condition to develop and remain on the Land in a manner which creates a Nuisance.

Article 3.00: Standards for Residential Property

3.01 Application of Standards

Standards within this Article 3.00 apply to all Residential Property, in addition to the standards in the balance of this By-law. Where there is a conflict between standards in other parts of this By-law and the standards within this Article 3.00, then, with respect to Residential Property, the standards in this Article 3.00 prevail.

3.02 Interior Building Requirements

Every Owner of a Building containing at least one Dwelling Unit must:

- (a) maintain every floor, wall, ceiling and fixture of that Building in a clean, sanitary and safe condition;
- (b) maintain every wall, ceiling and floor in a Dwelling in good Repair so as to provide a continuous surface free of holes, large cracks, loose coverings or other defects;
- (c) maintain the walls surrounding showers and bathtubs in that Building so that they are impervious to water;
- (d) maintain every ceiling, both sides of an interior wall and the interior side of an exterior wall in that Building so as to be covered with a durable material that is resistant to cracking, scratching or breaking, or, alternatively, regularly paint or decorate so as to provide a finished surface which can be easily cleaned;
- (e) maintain every floor in that Building so that it is reasonably smooth and level and free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of Vermin;

- (f) maintain any floor in that Building that is covered with linoleum or a similar covering, so that it is not torn or worn so that it retains dirt or is in an otherwise Unsafe Condition;
- (g) maintain every floor in a bathroom, kitchen, shower room, and laundry room within that Building in good repair, impervious to water and readily cleaned;
- (h) not install or maintain a toilet or urinal within a room that is used or intended to be used for the preparation, cooking, storing or consumption of food, or for sleeping purposes;
- (i) provide in every Habitable Room and every bathroom, natural ventilation consisting of an opening or openings to the external air, with a minimum aggregate unobstructed free flow area of zero point nine (0.9 m³) cubic metre, or thirty-two point two (32.2 ft³) cubic feet, or, alternatively, is provided with mechanical ventilation which shall change the air once each hour;
- (j) where an aperture, such as a window, skylight or louver, is used for ventilation, maintain it so as to be easily opened, able to be kept open and easily closed;
- (k) vent, to the outside air, every Basement or unheated crawl space by means of screened windows which can be opened, or by louvers with screened openings, the area of which is not less than one (1%) percent of the floor area; and
- (l) maintain adequate ventilation to attics and roof spaces.

3.03 Habitable Room Lighting Requirements

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.

For living and dining rooms, the amount of natural light must be equal to, or greater than, ten (10%) percent of the floor area.

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.

The glass area of a door may be considered as a portion of the required window area.

3.04 Detail for Section 3.03

Where a wall of another Building or Structure faces the window in a Building and is located less than nine hundred (900 mm) millimeters, or thirty-five and one-half (35.5 in) inches, from the Building window, that Building window will not be considered to face directly to the outside, and will not be included as contributing to the minimum window area of the room required by Section 3.03.

3.05 Exterior Building Requirements

Every Owner of a Building containing at least one Dwelling Unit must:

- (a) maintain television aerials, satellite dishes and other roof Structures so that they are free from excess soil, peeling paint and/or deterioration; and
- (b) provide solid core doors for all entrances to Dwelling Units in accordance with the *Fire Protection and Prevention Act, 1997*.

3.06 Bathroom Facilities in Self-Contained Dwelling Units

Every Owner of a Building containing at least one Dwelling Unit must provide each self-contained Dwelling Unit in the Building with:

- (a) a bathroom consisting of at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit;
- (b) an Adequate and Suitable Supply of Hot Water, as well as cold running water, to every washbasin and bathtub and shower in a bathroom;
- (c) an Adequate and Suitable Supply of Water for every water closet in a bathroom; and
- (d) accessibility to at least one bathroom from within the Dwelling Unit.

Subject to a requirement that every room containing a toilet, urinal or bidet must also contain a washbasin, the facilities to make up the bathroom required by (a) above may be contained in more than one room.

3.07 Facilities in Dwelling Units With Shared Bathrooms

Every Owner of a Building containing at least two Dwelling Units involving shared bathrooms must provide each Dwelling Unit in the Building with access to at least one bathroom meeting the standards in this Section.

- (a) Facility Standard: The bathroom must have at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit. Subject to Subsection 3.07(f), the facilities to make up the bathroom required by this Subsection may be contained in more than one room.
- (b) Water Standards: All bathrooms must have:
 - (i) an Adequate and Suitable Supply of Hot Water, as well as cold running water, to every washbasin and bathtub and shower; and
 - (ii) an Adequate and Suitable Supply of Water for every water closet.
- (c) Supply Standards: There must be at least one bathroom meeting these standards for every two (2) Dwelling Units within the Building which require the Occupants to share bathroom facilities.
- (d) Access Standards: Each bathroom that is intended for shared use between Occupants of different Dwelling Units must have an appropriate entrance from a common passageway, hallway, corridor or other common space.
- (e) Privacy Standards: Each bathroom that is intended for shared use between Occupants of different Dwelling Units must have a door capable of being locked so as to allow privacy for the persons using it.
- (f) Health Standards: Each room that contains a toilet, bidet or urinal, that is intended for shared use between Occupants of different Dwelling Units must also have a washbasin.

3.08 Plumbing Facilities and Water Supply

Every Owner of a Building containing at least one Dwelling Unit must provide each Dwelling Unit in the Building with:

- (a) an Adequate and Suitable Supply of Hot Water, as well as cold running water, to every washbasin, bathtub and shower, and kitchen sink in the Dwelling Unit; and
- (b) hot water systems that are capable of supplying hot tap water as required by law at a maximum temperature of forty-nine (49°C) degrees Centigrade or one hundred twenty (120° F) degrees Fahrenheit.

Further, every Owner of a Building containing at least one Dwelling Unit must:

- (a) maintain all plumbing pipes and fixtures, including: drains, water supply pipes, and water closets, in good working condition, free of leaks and defects;

- (b) maintain all water pipes and appurtenances to water pipes in a manner that protects them from freezing;
- (c) connect (and maintain the connection of) all plumbing fixtures to the sewage system in accordance with the *Building Code Act, 1992*, as well as all relevant by-laws and policies of the Corporation; and
- (d) install (and maintain the installation of) every fixture of such materials, construction and design as to have all exposed surfaces of all parts readily accessible for cleaning, and free from defects.

3.09 Electrical Services

Every Owner of a Building containing at least one Dwelling Unit must provide a complete electrical wiring system, with all electrical fixtures installed and maintained in good working order and in conformity with the *Electricity Act, 1998*.

3.10 Occupancy Standards for Dwelling Units

Every Owner of Residential Property must:

- (a) abide by the requirements of the *Building Code Act, 1992* with respect to the maximum number of Occupants residing on a permanent basis in a Dwelling Unit;
- (b) not allow a room to be used for sleeping purposes unless it meets the requirements of the *Building Code Act, 1992* in that regard;
- (c) not allow a Basement to be used as a Dwelling Unit unless it conforms to the following requirements:
 - (i) each Habitable Room complies with all the requirements set out in this By-law;
 - (ii) floors and walls are constructed so as to be damp proof and impervious to water leakage; and
 - (iii) each Habitable Room is separated from service rooms by a suitable fire separation and approved under the *Building Code Act, 1992* and the *Fire Protection and Prevention Act, 1997*; and
- (d) provide and maintain for each Dwelling Unit, whether the Dwelling Unit self-contained or not, entrance/exit doors that close securely and that are each fitted with adequate hardware, including a locking device.

Article 4.00: Standards for Rented Dwelling Units

4.01 Application of Standards

Standards within this Article 4.00 apply to all Rented Dwelling Units, in addition to the standards in the balance of this By-law. Where there is a conflict between standards in other parts of this By-law and the standards within this Article 4.00, then, with respect to Rented Dwelling Units, the standards in this Article 4.00 prevail.

4.02 Windows

All windows in a Rented Dwelling Unit that are able to be opened must have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit.

4.03 Window Safety Devices Above First Storey

All windows in Rented Dwelling Units that are located above the First Storey must have an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a one hundred (100 mm) millimeter or four (4 in) inch diameter sphere, as provided for in the *Building Code Act, 1992*.

4.04 Doors

All exterior doors in a Rented Dwelling Unit must have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit.

At least one entrance door to a Rented Dwelling Unit must have suitable hardware so as to permit locking or securing from both inside and outside the Dwelling Unit.

4.05 Entry Voice Communication/Security System

Where a voice communication unit, working in conjunction with a security locking and release system controlling an entrance door, is provided by the Owner of a Rented Dwelling Unit, that system must be maintained in good working order at all times.

4.06 Kitchens

Kitchens in Rented Dwelling Units must have:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a counter or work area, exclusive of the sink, covered with a material that is impervious to moisture and grease that is easily cleanable; and

- (c) adequate space for both a stove and a refrigerator, including the suitable electrical or gas connections.

4.07 Heating

Where a Rented Dwelling Unit is heated by or at the expense of the Owner rather than the Occupant, the Owner must provide the Dwelling Unit with Adequate and Suitable Heat.

The heating system must not require auxiliary heaters to be used as primary sources of heat.

4.08 Passages

Every Rented Dwelling Unit must have a safe, continuous and unobstructed Passage.

The Owner of a Rented Dwelling Unit must maintain the Passage for that unit in good repair, free of Debris, objects and Unsafe Conditions.

All Passages must conform to the *Fire Protection and Prevention Act, 1997*.

4.09 Disconnecting Utilities by Owner

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*.

4.10 Exemption

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.

4.11 Electrical Systems

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.

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.

4.12 Light Fixtures

Owners of Rented Dwelling Units must provide a permanent light fixture in every: bathroom, furnace room, kitchen, kitchenette, cooking space, laundry room, hallway, stairway, corridor, and passage within the Dwelling Unit. If a garage is associated with the Rented Dwelling Unit, then the Owner must also provide a permanent light fixture in that garage.

Lighting must provide, with normal use, sufficient illumination so as to avoid Unsafe Conditions.

4.13 Receptacles for Laundry Facilities

Every laundry room, or other area in a Rented Dwelling Unit that is to be used for doing laundry, must have at least one electrical duplex convenience outlet. Each such outlet must be on a separate circuit.

4.14 Appliances

Where the Owner of a Rented Dwelling Unit supplies the Occupant with appliances, those appliances must be maintained in good working order by the Owner.

4.15 Fuel Burning Appliances

All fuel burning appliances, equipment, and accessories in a Rented Dwelling Unit that are supplied by the Owner, must be installed and maintained by the Owner to the standards provided by the *Energy Efficiency Act*.

4.16 Potable Water

The Owner of a Rented Dwelling Unit must provide an Adequate and Suitable Supply of Potable Water to at least one tap within the Dwelling Unit.

Article 5.00: Standards for Non-Residential Property

5.01 Application of Standards

Standards within this Article 5.00 apply to all Non-Residential Property, in addition to the standards in the balance of this By-law. Where there is a conflict between standards in other parts of this By-law and the standards within this Article 5.00, then, with respect to Non-Residential Property, the standards in this Article 5.00 prevail.

5.02 Exterior Walls

The Owner of Non-Residential Property must maintain all marquees, awnings, standpipes, exhaust ducts and similar equipment, attachments, extensions to Buildings or Structures, together with their supporting members, in good repair, properly and safely anchored and protected from the elements and against decay and rust by the periodic application of a weather-coating material. Despite this requirement, no application of a weather-coating material is required if the item is constructed of materials inherently resistant to deterioration.

5.03 Debris

The Owners and Occupants of Non-Residential Property must maintain the Buildings on the Land so that the interiors of those Buildings are kept free from Debris that would cause Unsafe Conditions.

5.04 Plumbing

The Owners of Non-Residential Property must maintain:

- (a) all plumbing including: drains, water supply pipes, water closets and other plumbing fixtures, in good working condition, free of leaks and defects; and
- (b) all water pipes, and appurtenances to water pipes, so as to be protected from freezing.

5.05 Lighting

The Owner of Non-Residential Property must provide and maintain sufficient windows, skylights and electrical lighting fixtures in order to furnish illumination in all passageways, halls and stairways, whenever the Building is in use, and at all times in every stairway provided for use in case of fire or other emergency.

5.06 Bathroom Facilities

The Owner of Non-Residential Property upon which a business is carried out must provide, maintain, and keep stocked with Hygienic Supplies, a minimum of one water closet and one washbasin, supplied with an Adequate Supply of Water, which is readily accessible to employees of the business.

The bathroom facilities required by this Section must be in an enclosed room that has a door capable of being locked so as to provide privacy for the user, and must be located on the same Land.

The Owner of the Non-Residential Property must maintain the bathroom facilities required by this Section in a neat and clean condition.

5.07 Signs

The Owner of Non-Residential Property, which contains one or more signs, must maintain those signs in good repair and in accordance with other by-laws or policies of the Corporation. Any signs which are weathered and faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, either be removed or repaired by the Owner.

Article 6.00: Standards for Vacated Properties

6.01 Application of Standards

Standards within this Article 6.00 apply to all Vacated Properties, in addition to the standards in the balance of this By-law. Where there is a conflict between standards in other parts of this By-law and the standards within this Article 6.00, then, with respect to Vacated Properties, the standards in this Article 6.00 prevail.

6.02 Registry

The Corporation will maintain the Registry. Every Owner of Vacated Properties must provide the Corporation with the information necessary for completion of the Registry with respect to the Vacated Property.

Every Owner of Vacated Property must keep the Corporation advised of his or her current mailing address to keep the Registry up to date.

6.03 Annual Interior Inspections of Buildings on Vacated Property

In addition to any other inspections of a Building on Vacated Property as required or permitted under this By-law or any applicable legislation, a Municipal Law Enforcement Officer may, at least once each calendar year, conduct an interior inspection of a Building on a Vacated Property after providing reasonable notice to the Owner.

6.04 Fee for Annual Inspection

The Corporation may charge fees for annual inspections for Buildings on Vacated Property as stipulated in Schedule “C” of By-law 297-2002.

6.05 Maintenance of Vacated Property

The Owner of a Vacated Property must:

- (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 Buildings and Structures, excepting any that are required for the security and maintenance of the Land;
- (c) maintain the Buildings and Structures on the Land to guard against Unsafe Conditions, risk of fire, accident or other danger;
- (d) keep the windows and doors of the Buildings and Structures on the Land sealed to prevent unauthorized access, including boarding any damaged windows or doors in accordance with Section 6.07 of this By-law;
- (e) maintain the entrance to the Building, including: porches, stairways, required Guards, and the like, in good repair so as to afford safe passage to authorized persons attending the site;
- (f) barricade all openings on any floor or between floors, including: service spaces, chutes, air vents and elevator shafts, in order to prevent accident or injury; and
- (g) maintain the Land in accordance with the standards in Sections 6.06 and 6.07.

6.06 Securing Vacated Property

Section 6.06 applies to Buildings on Vacated Property, subject to Section 6.07. To comply with this Section 6.06, the Owner of a Building situated on Vacated Property must:

- (a) keep all exterior doors to the Building operational, so as to fit tightly within their frames when closed;
- (b) keep all exterior doors to the Building locked so as to prevent unauthorized entry;
- (c) keep all windows on the Building properly glazed and in good repair;
- (d) keep all windows on the Building either permanently sealed or locked so as to prevent unauthorized entry;
- (e) keep all windows, doors, Basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind, from entering the Building;
- (f) render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least four (4 m) metres or one hundred fifty-six (156 in) inches, or guarding them in some other manner acceptable to a Municipal Law Enforcement Officer; and
- (g) secure all Areaways by:
 - (i) filling them with concrete or unshrinkable fill; or
 - (ii) covering the openings to them with metal plates of at least eight (8 mm) millimeters or zero point three (0.3 in) inch thick, and securing the metal plates so as to prevent them from shifting.

6.07 Boarding Vacated Property

Section 6.07 applies to Buildings on Vacated Property where it is impossible or impracticable to comply with Subsections 6.06(a), (b), (c), and (d) with respect to security of some or all of the doors and windows. Section 6.07 applies to the boarding up of any windows, doors or other openings which cannot be maintained to the standard required by Section 6.06. To comply with this Section 6.07, the Owner of a Vacated Property must:

- (a) cover, with a solid piece of plywood, at least twelve point seven (12.7 mm) millimeters or one-half (0.5 in) inch thick, all doors, windows or other openings;
- (b) secure the plywood referenced in Section 6.07(a) with screws or coated nails which are at least ten (10 cm) centimeters or four (4 in) inches long that are installed at intervals of not more than thirty (30 cm) centimeters or eleven point eight (11.8 in) inches;

- (c) fit the plywood required by Subsection 6.07(a) within the frames in a watertight manner; and
- (d) protect the plywood from the elements with paint or preservatives in a manner so as to minimize detracting from the value of other properties in the immediate vicinity.

Article 7.00: Property Standards Committee

7.01 Property Standards Committee

The Property Standards Committee previously established by the Corporation is continued.

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 of one of its local boards are not eligible to be members of the Committee.

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.

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.

Any member of the Committee may administer oaths.

The Corporation may establish an honorarium to be paid to members of the Committee.

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.

7.02 Scheduling of, and Notice for, Hearings

When the secretary of the Committee has received a request for a hearing under Section 8.15 of this By-law, he or she will, after consultation with the chair of the Committee, determine the appropriate date for the hearing, to be held in the Corporation's council chambers, on an evening which is not more than sixty (60) days from the date that the secretary received the request. Where the council chambers is not available for any reason, the Committee may hold the hearing in another appropriate forum within Thunder Bay.

The secretary shall send notice of the date, time and place of the hearing to the person who submitted the notice, the Licensing & Enforcement Division of the Development Services Department of the Corporation, and the City Solicitor. Notice shall be sent so that the recipients receive the notice not less than seven (7) days and not more than thirty (30) days from the date of the hearing.

The Committee shall hold the hearing at the date, place and time set out in the notice. This does not preclude deferrals or adjournments of the hearing in accordance with the Committee's rules of procedure established under Section 7.03 and/or by by-law or policy of the Corporation.

7.03 Conduct of Hearings

The Committee may adopt its own rules of procedure for its hearings, subject to this By-law, the Corporation's applicable policies and the *Statutory Powers Procedures Act*.

The applicant may appear with or without legal or paralegal counsel or non-legal agent at the hearing, to present the appeal.

7.04 Decision of the Committee

The Committee has jurisdiction to confirm, modify or rescind the Order, or to extend the time within which the Order is to be complied with.

Decisions of the Committee shall be provided to all participants requesting same, in writing. The decision must contain detail of the Committee's reasons.

The person who requested the hearing must receive a copy of the resulting decision within thirty (30) days of the date that the decision is made.

Article 8.00: Enforcement: Orders, Appeals & Offences

8.01 Statutory Exemption for Normal Farm Practices

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*, from carrying out a normal farm practice.

8.02 Conflict

In the event of any conflict between this By-law and any other by-law of the Corporation, the more restrictive provision shall prevail, unless the context requires otherwise.

8.03 Inspection Authority

Authority to inspect Lands to determine compliance with the standards established in this By-law is found in the *Building Code Act, 1992* (Sections 15, 15.2 and 16), the *Municipal Act, 2001* (Sections 435, 436 and 437) and the *Fire Protection and Prevention Act, 1997* (Part V and Section 19).

8.04 Notices of Violation

A Municipal Law Enforcement Officer who finds, upon inspection, that Land does not conform to any of the applicable standards prescribed in this By-law, shall attempt to persuade the Owner or Occupant to undertake the necessary action to bring the Land up to the applicable standard.

A Municipal Law Enforcement Officer who is unable to persuade the Owner or Occupant to correct deficiencies in or on the Land, shall, subject to Section 8.11, provide all Owners, Occupants, and persons listed on the Registry, with notice of his or her observations.

The notice shall be completed in the format approved by the Manager of Licensing & Enforcement of the Corporation, but shall, at a minimum, contain the following information:

- (a) the legal description of the Land or, where there is one, its municipal address;
- (b) reasonable particulars of the aspects of the Land that do not conform to this By-law, including specific reference to Sections containing applicable standards that have not been met;
- (c) direction as to how the Land can be brought into compliance with the By-law;

- (d) a reasonable time period within which the Land must be brought into compliance with the By-law to avoid issuance of an Order under Section 8.08; and
- (e) the contact information for the Municipal Law Enforcement Officer who conducted the inspection and issued the notice under this Section, including a statement that that person is authorized to vary the notice requirements where appropriate.

8.05 Delivery of Notice of Violation

Where the Land is occupied, notice of violation issued under Section 8.04 shall be:

- (a) hand-delivered or mailed to the Occupant, or addressed to the Occupant and left in a mail receptacle on the Land; and
- (b) where the Occupant is not the Owner, sent by mail to the Last Known Address of the Owner; and
- (c) where the Land is in the Registry, sent by mail to any persons identified in the Registry at the addresses indicated in the Registry.

Where the Land is not occupied, notice of violation issued under Section 8.04 shall be:

- (a) mailed to the Last Known Address of the Owner; and
- (b) where the Land is in the Registry, sent by mail to any persons identified in the Registry at the addresses indicated in the Registry; and
- (c) at the discretion of the Municipal Law Enforcement Officer, posted on the Land.

8.06 Authority to Vary the Notice

At any time, the Municipal Law Enforcement Officer who issued the notice under Section 8.04, or another Municipal Law Enforcement Officer in circumstances where the issuing officer is not available, may modify the terms or requirements of the notice, including the time within which compliance with the By-law must be achieved.

8.07 Request for Review by Division Manager

Any person who has received (or observed the posting of) a notice under Section 8.05, may request that the Manager of Licensing & Enforcement of the Corporation's Development Services Department review the circumstances surrounding the issuing of the notice and its provisions.

The Manager of Licensing & Enforcement, upon review, has the same authority as the Municipal Law Enforcement Officer who issued the notice under Section 8.04.

8.08 Orders

Where a notice of violation issued under Section 8.04 is not complied with in the time specified in it for compliance, the Municipal Law Enforcement Officer shall issue an Order under Subsection 15.2(2) of the *Building Code Act, 1992*.

8.09 Content of Orders

The Order shall contain all of the information that had been included in the notice issued under Section 8.04, amended as necessary for changed circumstances since the notice was sent, and further, the Order shall specify the final date on which the recipient of the Order may request a hearing under Section 8.15 of this By-law.

Under the authority of Section 15.1(3) of the *Building Code Act, 1992*, an Order may do any of the following:

- (a) require that certain remedial action be taken to bring the Land in question up to the standards prescribed in this By-law;
- (b) should the remedial action not be taken, require the Land to be cleared of all Buildings, Structures, or Debris, and left in a graded and leveled condition; and/or
- (c) prohibit the occupancy or use of Land that does not conform with the standards.

8.10 Service of Orders

An Order shall be served in accordance with Subsections 15.2(3) and 27(1) of the *Building Code Act, 1992*.

8.11 Dispensation with Notice of Violation

Despite Section 8.04, a Municipal Law Enforcement Officer may proceed to issue an Order under Section 8.08, without having first given a notice of violation under Section 8.04, where:

- (a) the same, or substantially the same, deficiency of standard with respect to the same Land was the subject matter of a notice of violation under Section 8.04 of this By-law (or paragraph 846.3.5 of Chapter 846 of the Municipal Code) within the previous twenty four (24) months and the Land in question remains under the Ownership of the same person; or

- (b) the deficiency is an emergency as contemplated in Section 8.14 of this By-law.

8.12 Authority to Vary Orders

At any time, the Municipal Law Enforcement Officer who issued the Order, or another Municipal Law Enforcement Officer in circumstances where the issuing officer is not available, may modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved.

8.13 Registration of Orders

The Corporation may, at the discretion of the issuing Municipal Law Enforcement Officer, register the Order on title to the Land, which is the subject matter of the Order, under the authority of Subsection 15.2(4) of the *Building Code Act, 1992*.

8.14 Emergency Orders

If a Municipal Law Enforcement Officer observes non-compliance with this By-law that results in an Unsafe Condition which poses an immediate threat, he or she shall proceed to issue an Order and rectify the danger at the Corporation's expense, as set out in the *Building Code Act, 1992*, Section 15.7.

8.15 Request for Hearing

A person receiving an Order issued and served under Section 8.10 of this By-law may, within the time limit set out in the Order (which cannot be less than fourteen (14) days from the date he or she received the Order), request that the Committee hold a hearing to rule on an appeal of the terms and conditions of the Order.

The person requesting the hearing shall do so by sending a notice of appeal to the secretary of the Property Standards Committee and paying the processing fee, if any, set out in Schedule "C" to By-law 297-2002.

8.16 Offence for Failure to Comply with Final Order

Every person who contravenes or fails to comply with a Final Order properly issued in accordance with this By-law has committed an offence and may be prosecuted as provided for in the *Provincial Offences Act*.

8.17 Offence for Interference with MLEO in Course of Enforcement

Every person who interferes with the ability of a Municipal Law Enforcement Officer to enforce the provisions of this By-law is guilty of an offence.

Interference with enforcement efforts includes:

- (a) attempts to prevent a Municipal Law Enforcement Officer who is authorized by law to enter, entry to Land;
- (b) removal or destruction of any sign, notice or placard placed upon a premises by a Municipal Law Enforcement Officer;
- (c) verbal or physical abuse of a Municipal Law Enforcement Officer in the lawful course of his or her duties; and
- (d) the deliberate relating of false information to a Municipal Law Enforcement Officer.

8.18 Offence for Failing to Keep Registry Current

Every Owner of Vacated Property, who fails to provide the Corporation with the information required for the Corporation to maintain the Registry as contemplated by Sections 1.02 and 6.02 of this By-law within fifteen (15) days of being requested to provide the information, is guilty of an offence.

Every Owner of Vacated Property, who fails to provide the Corporation with notice of a change to any of the information required for the Registry as listed in Sections 1.02 and 6.02 of this By-law within fifteen (15) days of the change is guilty of an offence.

8.19 Penalties Upon Conviction

A person who is convicted of an offence under Sections 8.16 or 8.17 of this By-law is subject to the penalties as provided in Section 36 of the *Building Code Act, 1992*.

A person who is convicted of an offence under Section 8.18 of this By-law is subject to the penalties as provided in Section 61 of the *Provincial Offences Act*.

8.20 Corporation may Undertake Work

Despite any other provisions of this By-law, and in addition to prosecution for offences, the Corporation may undertake the work required to bring Land into compliance with the standards in this By-law, at the Owner's expense, in strict accordance with the provisions of the *Building Code Act, 1992* in that regard.

8.21 Certificate of Compliance

At the request of the recipient of an Order, the Municipal Law Enforcement Officer who issued the Order may, after inspecting the subject Lands and forming the opinion that the Lands are then in compliance with this By-law, issue a certificate of compliance to the recipient of the Order. The Corporation may establish a fee for this service, and, if it has done so in Schedule “C” to By-law 297-2002, the fee must be paid as a condition of issuance of the certificate.

Where an Order was registered against property title under Section 8.13 of this By-law, and the Order is subsequently complied with, the Corporation shall, at the expense of the Owner, apply to remove the Order from title.

Article 9.00: General Provisions & Repeals

9.01 Conflict

If a provision of this By-law conflicts with any provision of another by-law in force within Thunder Bay, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

9.02 Effective Date

This By-law shall take effect on the date of its passage.

9.03 Title

This By-law may be referred to as the “Property Standards By-law”.

9.04 Repeals

Upon passage of this By-law, the following are repealed:

- (a) By-law 8-1985; and
- (b) Chapter 846 of the Municipal Code of Thunder Bay.

9.05 Transitional Rules

Despite Sections 9.02 and 9.04, after the passage of this By-law, By-law No. 8-1985, and/or Municipal Code Chapter 846 shall continue to apply to any Land for which an

Order had been previously issued, but only until such time as the work required by that Order has been completed, or any work carried out by the Corporation under that by-law has been concluded.

Enacted and passed this 9th day of June, A.D. 2008 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

“Lynn Peterson”

Mayor

“Rosalie A. Evans”

Acting City Clerk