

City of St. Thomas

BY-LAW No. 72 -2014

A By-law for prescribing standards for the maintenance and occupancy of property within the City of St. Thomas.

WHEREAS the Official Plan for the City of St. Thomas includes provisions relating to property conditions in the municipality;

AND WHEREAS subsection 15.1-(3) of the Ontario Building Code Act S.O. 1992 C.23, as amended, provides that a municipality may pass a by-law for prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the occupancy or use of such property that does not conform with the standards, for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition, and for prohibiting a person from obstructing the visibility of an order and for prohibiting the removal from any premises of any order placed thereon pursuant to a by-law passed under the authority of the said subsection 15.1-(3);

AND WHEREAS the Council of the Corporation of the City of St. Thomas has determined that it is desirable for the betterment of the municipality that this by-law be enacted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

SECTION 1 – GENERAL

Short Title

1.1 This by-law may be cited as "The Property Standards By-law".

Interpretation

1.2.1 The captions and headings in this by-law are inserted for convenience of reference only and do not define, limit or enlarge the scope, meaning or intent of any provision.

1.2.2 In this by-law, words used in the present tense include the future tense, words in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.

1.2.3 In this by-law the word "shall" is mandatory and not discretionary.

Application

1.3 The provisions of this by-law shall apply to all property within the City of St. Thomas.

Non-Conforming Use - Prohibited

1.4 No person shall occupy any property if there are conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

Removal of Non-Conforming Buildings and Structures

1.5 Any property that does not conform to the standards set forth in this by-law shall be repaired and maintained to conform to the standards or the site shall be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

Dilapidated Buildings

1.6 No person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:

- a) is dangerous to the public health or safety; or
- b) depreciates the value of other land or improvements in the neighbourhood.

Unoccupied Buildings

1.7 No person shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair such that the building is an imminent danger to public safety.

Prohibition

- 1.8 No person shall obstruct the visibility of an order and no person shall remove a copy of any order posted under The Building Code Act unless authorized to do so by an officer.

Application of other By-laws

- 1.9 Nothing in this By-law shall relieve any person from any obligation to comply with the requirements of any other by-law or with the requirements to obtain any licence, permit, certificate, authority, approval, consent or variance otherwise required.

Validity

- 1.10 Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be affected.

Conflicting By-laws

- 1.11 Where any provision of this by-law conflicts with any provision of any other by-law of the Corporation, the provision that establishes the higher standard of protection for the health, safety and welfare of the public shall prevail.

Effective Date

- 1.12 This by-law shall come into full force and effect as of the date of passing hereof.

SECTION 2 - DEFINITIONS

Except as specifically defined below, where a word or term used in this by-law is defined in the Ontario Building Code, the Building Code Act, or any other enactment or statute of the Province of Ontario, the meaning shall have the same meaning in this by-law. In this by-law:

- 2.1 "Accessory" when used to describe a building or structure means customarily incidental, subordinate and exclusively devoted to the main use on the lot and when used to describe a use, means customarily incidental, subordinate and exclusively devoted to the main use of the lot.
- 2.2 "Attached" means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.3 "Basement" shall mean that portion of a building between two floor levels which is partly below finished grade level.
- 2.4 "Bathroom" means a room containing a bathtub or shower with or without a water closet and basin or lavatory.
- 2.5 "Boarder" means a person who is provided with meals, or room and meals, regularly in a boarding, lodging or rooming house in return for compensation.
- 2.6 "Boarding house" means any building or part of a building, where the proprietor offers or supplies for gain or profit lodging or lodging and meals.
- 2.7 "Building Code" means the Ontario Building Code, O.Reg. 332/12, as amended.
- 2.8 "Building Code Act" means the Building Code Act, S.O. 1992, Chapter 23, as amended.
- 2.9 "Cellar" shall mean that portion of a building between two floor levels which has more than fifty percent (50%) of its height from finished floor to finished ceiling below grade level.
- 2.10 "Clerk" means the person duly appointed by the Council to the position of Clerk.
- 2.11 "Committee" means the Property Standards Committee established pursuant to this by-law.
- 2.12 "Corporation" means The Corporation of the City of St. Thomas.
- 2.13 "Council" means the Council of the Corporation.
- 2.14 "Crawl Space" means that space below the floor of the first story of a building which is not less than 0.3 m in height from the underside of the floor joists to the surface below and is not a cellar or basement as herein defined.

- 2.15 "Dwelling" means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and shall include the land and premises appurtenant thereto and all accessory buildings, fences or erections thereon or therein.
- 2.16 "Dwelling Unit" means one or more habitable rooms, occupied or designed to be occupied as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of the occupant or group of occupants.
- 2.17 "Existing" means existing as of the date of the passing of this By-law.
- 2.18 "Finished grade level" means the average elevation of the finished surface of the ground abutting the external walls of a building or structure, exclusive of any embankment in lieu of steps.
- 2.19 "Fire Code" shall mean the Fire Code, O.Reg. 213/07, as amended, as authorized by the Fire Protection and Prevention Act, S.O. 1997, Chapter 4.
- 2.20 "Fire Prevention Officer" means any person who may from time to time be appointed by the Council to the position of Fire Prevention Officer.
- 2.21 "Fire Resistance Rating" means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived there from as prescribed in the Ontario Building Code.
- 2.22 "Habitable Living Space" means any floor space in a dwelling or dwelling unit that is used, or intended to be used, for living, sleeping, cooking or eating space having a minimum headroom of 1.95 m.
- 2.23 "Habitable Room" means any room in a dwelling or dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes and includes a Toilet room but does not include Non-Habitable Living Space.
- 2.24 "Medical Officer of Health" means the Medical Officer of Health of the County of Elgin.
- 2.25 "Multiple Dwelling" means a building containing three (3) or more dwelling units.
- 2.26 "Motor Vehicle" means a motor vehicle as defined in the Highway Traffic Act, S.O. 1990, Chapter H.8.
- 2.27 "Non-Habitable Living Space" means any floor space in a dwelling or dwelling unit other than habitable living space, and includes a laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling or dwelling unit, for common use, and for access to, and vertical travel between, stories.
- 2.28 "Noxious Weed" means a plant that is designated under the Weed Control Act as a noxious weed.
- 2.29 "Occupant" means any person or persons over the age of eighteen years in possession of the property.
- 2.30 "Officer" means a Property Standards Officer who has been appointed by by-law by the Council and who shall be responsible for administering and enforcing the provisions of this By-law.
- 2.31 "Owner" includes,
- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let; and
 - (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 2.32 "Person" means and includes an individual, an association, a chartered organization, a firm, a corporation, partnership, agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- 2.33 "Plumbing System" means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances prescribed in Part 7 of the Ontario Building Code.

- 2.34 "Portable Storage Container" means any on-site container described as a portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit used for storage.
- 2.35 "Private Sewage System" means a system designed for the collection and disposal of sanitary sewage on private property as prescribed in Part 8 of The Ontario Building Code.
- 2.36 "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, and erections thereon whether heretofore or hereafter erected, and include vacant property.
- 2.37 "Public Building" means any building to which the general public is invited or permitted access, whether or not for a fee, and, without limiting the generality of the foregoing, includes:
- a) any building that is offered for use or used as a place of public assembly;
 - b) any building occupied by and used for the purposes of public service by any public authority;
 - c) any food premises and any food service premises as defined in the Health Protection and Promotion Act, and the Regulations made pursuant to the said Act;
 - d) any factory and any industrial establishment as defined in the Occupational Health and Safety Act;
 - e) any hotel as defined in the Hotel Fire Safety Act;
 - f) any boarding house, having equipment to provide meals for ten (10) or more boarders;
 - g) any lodging house having accommodation for ten (10) or more lodgers;
 - h) any tourist establishment as defined in The Tourism Act; or
 - i) any premises, whether enclosed or not, where,
 - a) any cinematograph or moving picture machine or similar apparatus is operated,
 - b) any theatrical performance, carnival, circus, side show menagerie, concert, rodeo, exhibition, horse race, athletic contest or other exhibition is staged or held, or
 - c) facilities for dancing or ice skating or roller skating are provided, and to which admission is granted upon payment for admission.
- 2.38 "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- 2.39 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one (1) or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishments.
- 2.40 "Sanitary sewage" means the liquid and liquid borne wastes from the sanitary conveniences of dwellings, commercial and institutional buildings or factories.
- 2.41 "Sanitary Sewer" means a sewer for the collection and transmission of sanitary sewage and industrial wastes and to which storm, surface and ground waters are not intentionally admitted;
- 2.42 "Sewage" shall include drainage, storm water, industrial wastes and sanitary sewage.
- 2.43 "Standards" means the standards set out in Sections 3, 4 & 5 of this by-law.
- 2.44 "Storm Sewer" means a sewer which carries storm water and surface water, street wash and other wash water or drainage, but excludes sanitary sewage.
- 2.45 "Street" means a public highway which affords a principal means of access to abutting lots.
- 2.46 "Toilet Room" means a room containing a water closet and wash basin.
- 2.47 "Walk" shall mean a route or access surfaced with gravel, stone, wood, asphalt, concrete, cement or other similar material.
- 2.48 "Yard" shall mean the land other than publicly owned land around and appurtenant to the whole or any part of a building and used or intended to be used in connection with that building.

SECTION 3 - GENERAL OCCUPANCY AND MAINTENANCE STANDARDS

3.1 Exterior Property

- 3.1.1 Every property shall be maintained neat and tidy, free of rubbish and debris and from conditions that may create a health, safety or fire hazard. Neat and tidy includes the removal of:
- rubbish, garbage, brush, waste, litter and debris;
 - injurious insects, termites, rodents, vermin and other pests;
 - growth in weeds in excess of 0.2 m;
 - ground cover, hedges and bushes which are unreasonably overgrown;
 - dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe condition;
 - wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers;
 - construction/renovation materials for an extended period of time not to exceed 60 days.
- 3.1.2 Every property shall be kept free from excessive growth of weeds and grasses, which shall not be permitted to grow or stand at a height greater than 0.2 m and all noxious weeds shall be destroyed.
- 3.1.3 Every property shall be kept free from undergrowth or underbrush, and from dead, decayed or damaged trees, and branches and limbs thereof, which may create an unkempt, or unsafe condition, or harbour pests or vermin.
- 3.1.4 Every property shall be kept free of all unused excavations, empty in-ground pools, holes, unenclosed wells, pits, shafts, cisterns or reservoirs, and the same shall be filled to grade with clean fill. Provided that where any excavations, holes, unenclosed wells, pits, shafts, cisterns or reservoirs are in use and are required by the nature of use and occupancy of any property, and may constitute a health or safety hazard or exceed a depth of 0.6 m, a fence or barrier shall be erected and maintained completely around the same to a height of not less than 1.2 metres above the grade level at the perimeter of each of them.
- 3.1.5 Upon the demolition, or removal of any building or structure, all utility services shall be disconnected in the manner approved by the utility service provider and all private drain connections shall be properly stopped up and sealed. All excavations shall be filled to grade with clean fill.
- 3.1.6 No tree, bush, hedge, or shrub shall be planted or maintained on a corner lot within six metres of the intersection of the front lot line and the exterior lot line of such lot.
- 3.1.7 Every pond upon every property which may constitute a health or safety hazard, or may exceed a depth of 0.46 m, shall be protected by a fence or barrier maintained completely around the same to a height of not less than 1.2 m above the grade level at the perimeter of such pond.
- 3.1.7.1 Nothing in Sentence 3.1.7 shall require a Storm Water Management Facility to be protected by a fence or barrier provided that the Storm Water Management Facility is constructed in accordance with the following grading standards for pond embankments:
- extended Detention Pond (intermittently dry and wet):
Minimum embankment slope requirement: 4:1 (horizontal to vertical);
 - permanently Wet Ponds and Wetlands:
Minimum embankment slope requirement constructed: 5:1 (horizontal to vertical) below the permanent pool.
- In addition, pond perimeters would have a terraced flat grading area, a minimum 1.8 m around the water's edge of the permanent pool to enhance safety and to allow for pedestrian access and maintenance. In addition, each facility would be posted with one warning sign in a visible location.
- 3.1.8 No yard shall be used as a place to store, keep, display, pile or accumulate any of the following:
- any motor vehicle or trailer which does not bear a current license;
 - any part of a motor vehicle or trailer;
 - any clothing or household goods, including a mattress, bed, dresser, sofa, chair, table, television, radio, stove, refrigerator, dishwasher, washing machine and dryer or other furnishing or appliance, or any part of any of them; or
 - any furnace, hot water heater, air conditioner, or any part of any of them.
- 3.1.8.1 Nothing in Sentence 3.1.8 shall prohibit the storing, keeping, or displaying of an unlicensed motor vehicle or trailer on a lot in a commercial or industrial zone where such storing, keeping or displaying is part of a business lawfully conducted on such lot.
- 3.1.9 Where goods, materials or substances are lawfully permitted to be stored outdoors, by law, such goods, materials or substances shall be maintained in a safe condition, located, parked or

stacked in a neat and orderly fashion or in bins, containers, structures or enclosures, appropriate to their nature, composition, chemical or other characteristic properties or distinctive attributes. Such outdoor storage shall be enclosed by fencing at least 1.5 m in height. Such fenced enclosure shall be located at least 6 m from any street, and the area exterior thereto shall be landscaped, save and except any adjoining building, driveway, or parking or loading area.

- 3.1.10 Any refrigerator or freezer left in a yard shall be covered and secured so that its door or doors may not be opened or have its hinges, latches, lid, door or doors removed until it is properly disposed of.

3.2 Walks, Access, Driveways, Parking and Loading Areas

- 3.2.1 Walks shall be provided from all entrances of every building to the street, provided that the walks may lead to a hard surfaced driveway or parking area and thus to the street.
- 3.2.2 All driveways, parking areas, and loading areas shall be constructed of concrete, asphalt, paving stone or crushed stone treated with emulsified asphalt or other appropriate material to provide a stable, dust free surface.
- 3.2.3 All steps, porches, verandas, walks, parking areas, loading areas and driveways shall be maintained in good condition, so as to afford safe passage under normal use and weather conditions.
- 3.2.4 All retaining walls are to be maintained and kept structurally sound.
- 3.2.5 Clear, unobstructed access shall be provided and maintained to all gas, water and hydro electric meters and utility equipment inside and outside of buildings.
- 3.2.6 All lighting fixtures providing illumination of any parking area or loading area shall be located and aligned in such manner as to provide safe passage for the occupant(s) and prevent a nuisance to occupant(s) of adjoining properties.

3.3 Fences

- 3.3.1 All fences on every property shall be maintained in good repair and shall be protected by preservative, paint or other weather resistant material.

3.4 Rodents, Vermin, Insects and Pests

- 3.4.1 Every property shall be kept free of rodents, vermin, termites and other injurious insects and other pests. The methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.
- 3.4.2 Openings in buildings, cellars, soffits, fascia, and crawl spaces shall be protected to prevent the entrance of rodents, vermin, insects and pests.

3.5 Solid Waste Disposal

- 3.5.1 Every property shall be kept clear of waste material including garbage and rubbish, ashes, and other debris.
- 3.5.2 All garbage, rubbish, ashes, debris, trade waste and other discarded material shall be stored in receptacles that meet the requirements of Sentence 3.5.3 and shall be placed for collection in accordance with the provisions of the Corporation's by-laws, or where collection is by private contract, in accordance with the terms of contract, provided that in any event the same shall not be permitted to accumulate so as to create a health, fire or safety hazard or nuisance.
- 3.5.3 Receptacles for garbage, rubbish, ashes, debris, trade waste and other discarded materials shall be plastic bags or other containers that are water tight, provided with a tight fitting cover and maintained in good repair and kept clean and free of offensive odours.
- 3.5.4 All garbage chutes, storage or disposal rooms, containers, receptacles, collection and storage areas shall be maintained in good repair, kept clean and free of offensive odours.

3.6 Sewage and Drainage

- 3.6.1 Sanitary sewage from any building shall be discharged into the municipal sanitary sewage system, or into a private sewage system approved under Part 8 of The Ontario Building Code, and not otherwise.

- 3.6.2 Where a municipal sanitary sewer is constructed in any street and the owner of a building on such street fails to connect such building to such sewer within nine months after notice has been sent by the Corporation to the owner by registered mail to the owner's last known address requiring the connection to be made, the Corporation may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner.
- 3.6.3 Where a municipal sanitary sewer is constructed and the sanitary sewage from any building on lands abutting the street is discharged into such sewer, the contents of any septic tank or holding tank used in connection with the private sewage system shall be removed and disposed of at an approved site within two months of the issue of the certificate of acceptance by the City and the tank shall be either filled in or removed.
- 3.6.4 Storm water run-off from any downspout or any surface shall not be drained onto neighbouring properties.
- 3.6.5 Every property shall be graded and maintained to prevent ponding or the entry of storm water into a basement or cellar.
- 3.6.6 Natural drainage, drainage swales, ditches or watercourses shall be maintained to facilitate the natural flow of water and prevent ponding.
- 3.6.7 No person shall connect or permit any connection of any weeping tile, foundation drain, roof drain, or land drain into any sanitary sewer, or combined sewer, and no person shall discharge, or permit to be discharged into any such sanitary sewer, or combined sewer, any foundation, roof or surface water or drainage.
- 3.6.8 No storm water or roof water shall be discharged onto a sidewalk, walkway, steps, porch or other pedestrian access to a property which may be hazardous or create a risk of accident.

3.7 Accessory Buildings and Structures

- 3.7.1 All accessory buildings and structures shall be capable of sustaining the loads that may be applied thereto as a result of use in accordance with the requirements of the Ontario Building Code.
- 3.7.2 All accessory buildings and structures shall be maintained in a structurally sound condition, free from health, fire and safety hazards.
- 3.7.3 All accessory buildings and structures shall be kept in good repair.
- 3.7.4 Storage sheds and other accessory buildings and structures shall be securely anchored to the ground and kept free of rodents, vermin, and injurious insects.
- 3.7.5 Swimming pools shall be maintained in good repair, free of leaks. Swimming pools, shall be drained to the street or directly into a storm sewer system when being drained or emptied, and shall not be drained onto adjacent properties. The backwash from pool filters shall be drained to either a sanitary sewer or a storm sewer or may be spread on lawn areas provided seepage there from does not affect adjacent properties.
- 3.7.6 No person shall construct, install or erect any swimming pool on any property which will or may, in any manner, alter the existing drainage of water upon, in, along or through such property so as to obstruct the drainage of such property or obstruct the drainage of any adjacent property or create ponding upon any property.
- 3.7.7 Portable storage containers may only be temporarily used in residentially zoned areas for up to thirty consecutive days for the purpose of storing items being moved from and to a dwelling. The storage container may not be placed on any public street or public lane for that purpose.

3.8 Lighting, Lighting Fixtures and Light Standards

- 3.8.1 All exterior lighting, lighting fixtures and light standards shall be constructed, erected and installed in accordance with the Ontario Electrical Code and maintained free of health, fire and safety hazards.
- 3.8.2 All exterior lighting, lighting fixtures and light standards shall be maintained in good repair and securely affixed to a structure or securely anchored to the ground.

SECTION 4 – BUILDING STANDARDS

4.1 Foundations

- 4.1.1 Every structure shall be supported by a foundation capable of safely supporting its design load.
- 4.1.2 All foundation walls, piers, piles, rafts, slabs, and footings and other foundation units shall be maintained in good repair, and structurally sound.
- 4.1.3 Foundation walls shall be waterproofed or damp proofed to prevent the entry of moisture or water into a basement, cellar or crawl space.

4.2 Basement and Cellar Floors and Crawl Spaces

- 4.2.1 Every basement and cellar shall have a concrete floor. Where drainage is required, a floor drain, properly trapped, shall be installed at the lowest point of the floor and connected to the sewer system or sump.
- 4.2.2 Basement and cellar floors shall be maintained in good repair, free from cracks, breaks, holes or conditions which may create a health or safety hazard.
- 4.2.3 Every crawl space shall:
 - a) be provided with access openings;
 - b) be ventilated by natural or mechanical means;
 - c) have clearance below the joists and beams;
 - d) have drainage;
 - e) be provided with a ground cover; and
 - f) be protected against fire hazard, in accordance with the provisions of the Ontario Building Code,all of which shall be maintained in good repair.

4.3 Integral Structural Soundness

- 4.3.1 The structural components of every building shall be maintained in a sound structural condition, to sustain its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds, in accordance with its designed use and occupancy.
- 4.3.2 Every part of a structure shall be maintained in good repair.
- 4.3.3 If, in the opinion of the officer, there is doubt as to the structural condition, construction material, or service systems of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or its authorized agent, and that a written report, which may include drawings for any remedial work designed by the engineer, and giving details of the findings of such examination be submitted to the officer.
 - 4.3.3.1 The officer may accept the findings in the report pursuant to Sentence 4.3.3 as the requirements for compliance with the required repairs provided the officer is satisfied all deficiencies have been identified and properly dealt with by the report.

4.4 Exterior Walls, Roofs and other Exterior Building

- 4.4.1 All exterior walls, and other exposed surfaces, not inherently resistant to deterioration, shall be treated with a protective coating of paint or preservative and maintained in good repair to prevent deterioration, due to weather, insects, rodents or other elements.
- 4.4.2 Exterior walls, roofs and other parts of any building shall be maintained free from loose and unsecured or improperly secured objects and material which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.
- 4.4.3 All exterior walls and roof areas shall be maintained with insulation in accordance with the provisions of the Ontario Building Code.
- 4.4.4 All roofs, including valleys, fascia boards, soffits, eavestroughs, roof gutters, down pipes, guards, lightning arrestors, and cornices, shall be maintained structurally and in a watertight condition so as to prevent leakage of water into the building.
- 4.4.5 All eavestroughs, roof gutters and down pipes shall be kept in good repair and free from obstructions.

- 4.4.6 All interior floors, ceilings and walls shall be kept free from dampness.
- 4.4.7 All roofs shall be kept free from hazardous accumulations of ice and snow.
- 4.4.8 Chimney, smoke or vent stacks and other roof structures shall be maintained and free from:
- a) loose bricks and mortar and loose or broken capping;
 - b) loose or rusted stanchions, guy wires, braces and attachments; and
 - c) other unsafe conditions

4.5 Doors and Windows

- 4.5.1 A door shall be provided at each entrance to a dwelling unit and to each room containing a water closet within a dwelling unit.
- 4.5.2 In buildings of residential occupancy, weather stripping shall be provided around all exterior doors except garage doors.
- 4.5.3 Except for doors on enclosed unheated vestibules and cold cellars, and except for glazed portions of doors, all doors separating heated space from unheated space shall have a minimum thermal resistance (RSI value) of 0.7 where a storm door is not provided.
- 4.5.4 All sliding glass doors separating heated space from the outside shall have a maximum coefficient of heat transfer (U value) of 0.3 where a storm door is not provided.
- 4.5.5 All glazed portions of doors separating heated space from the outside shall have a maximum coefficient of heat transfer (U value) of 0.3.
- 4.5.6 All doors, windows, skylights, and shutters, including storm & screen doors and storm and screen windows shall be maintained in good repair so as to prevent the entrance of wind, rain or snow.
- 4.5.6.1 Without restricting the generality of Sentence 4.5.6, good repair includes:
- a) the refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens;
 - b) re-glazing cracked, broken or missing glass;
 - c) replacing or repairing defective hardware and providing missing hardware;
 - d) re-screening or weather stripping where such is defective or missing; and
 - e) painting or applying of a effective preservative.
- 4.5.7 All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured.
- 4.5.8 Doors which allow access to or egress from a dwelling unit within an apartment dwelling, shall be provided with a dead bolt lock, which cannot be accidentally locked against entry by the closing of the door.
- 4.5.9 Defective door and window hardware shall be repaired or replaced.
- 4.5.10 Where a window is above the second storey and the window is lower than 1.0 m from the floor, the maximum the window can open is 0.1 m and where a door or sliding door is not serving a balcony or landing, it shall be protected by a guard conforming to the O.B.C, or shall conform to Sentence 4.6.5.
- 4.5.11 When an 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) wire mesh screen, metal grille or other equivalent durable material; or
 - b) other protection so as to effectively prevent the entry of rodents or vermin.

4.6 Stairs, Railings, and Guardrails

- 4.6.1 Every stair, landing, porch, veranda, balcony, or deck shall be maintained in good repair, free from conditions which may create a health, fire or safety hazard.
- 4.6.1.1 Without restricting the generality of sub-section 4.6.1, in good repair includes:
- a) repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet that contain depressions, protrusions or are broken, torn warped, loose or otherwise defective;
 - b) renewing or strengthening structural members that are rotted, deteriorated or loose; and
 - c) repainting or re-applying of other equivalent preservative, if required.
- 4.6.2 Handrails, railings and guardrails shall be of sound construction and maintained free of health,

fire and safety hazards, and shall be provided in accordance with the requirements of the Ontario Building Code.

- 4.6.3 All railings, handrails and guardrails shall be maintained in good repair and securely affixed or anchored.
- 4.6.4 An existing guard with a minimum height of 0.9 m is acceptable along the open sides of balconies, mezzanines, landings or other areas where the vertical drop exceeds 0.6 m, except that a existing guard of 0.71 m minimum height is acceptable for exterior porches, decks, and balconies where the vertical drop from the open side exceeds 0.6 m but does not exceed 1.8 m. Railing and guards in accordance with the Ontario Building Code are required where the vertical drop exceeds 1.8 m.
- 4.6.5 Except as provided in Sentence 4.6.6, every existing exterior stair with more than 3 risers and every interior stair with more than 2 risers shall be protected with guards on all open sides having a minimum height of 0.8 m measured vertically above a line drawn through the outside edge of the stair nosing, except that an existing guard of 0.71 m minimum height is acceptable where the stairs serves an existing exterior porch, deck, balcony or exterior landing with a floor height less than 1.8 m above finished grade.
- 4.6.6 A stair within a Dwelling Unit serving an unfinished basement need only have a guard or a wall on one side.
- 4.6.7 Guards around exterior balconies, porches, and decks of buildings of residential occupancy shall be constructed so as not to facilitate climbing.
- 4.6.8 Treads and risers for existing stairs shall have a uniform rise and run in any one flight of stairs.

4.7 Walls and Ceilings

- 4.7.1 Every wall and ceiling shall be maintained in good repair, free of conditions which may create a health, fire or safety hazard.
- 4.7.2 Where sound transmission ratings are required in accordance with the provisions of the Ontario Building Code, they shall be maintained in good repair.
- 4.7.3 Where non-combustible construction, fire separations, firewalls, fire resistance ratings and other fire protection measures are required in accordance with the provisions of the Ontario Building Code, or in accordance with the Ontario Fire Code, they shall be maintained in good repair.

4.8 Floors

- 4.8.1 Every floor shall be maintained in good repair free of all conditions which may create a health, fire or safety hazard. Finished flooring shall have a surface that is smooth, even and free from roughness or open defects.
- 4.8.2 Finished flooring in bathrooms, kitchens, public entrance halls, laundry and general storage areas shall consist of resilient flooring, felted synthetic fibre floor coverings, concrete, terrazzo, ceramic tile, mastic or other types of flooring providing similar degrees of water resistance.

4.9 Cleanliness

- 4.9.1 Every floor, wall, ceiling and fixture shall be maintained in a clean and sanitary condition and every property shall be kept free from rubbish, debris or conditions which may create a health, fire or safety hazard.

4.10 Water Supply

- 4.10.1 Every property, the use or occupancy of which requires a water supply, shall be provided with an adequate supply of potable water from a public or private water supply approved by the local authority designated under the Clean Water Act, S.O. 2006, Chapter 22.
- 4.10.2 Where an approved public or community water supply is available, every dwelling unit shall be connected thereto.
- 4.10.3 Where a piped water supply is available, piping for hot and cold water shall be connected to every kitchen sink, lavatory, bathtub, shower, slop sink and laundry area and piping for cold water shall be run to every water closet and hose bib.

4.11 Plumbing System

- 4.11.1 The plumbing system in every building shall be maintained in good repair and working order, free from leaks and conditions which may create a health hazard.
- 4.11.2 All water pipes and appurtenances thereto shall be protected from freezing.
- 4.11.3 All plumbing fixtures shall be connected to discharge to the municipal sewerage system or to an approved private sanitary system through water seal traps.
- 4.11.4 All plumbing fixtures shall be provided with adequate vents and cleanouts.
- 4.11.5 Notwithstanding anything herein contained, the provisions of Part 7 of the Ontario Building Code shall apply.
- 4.11.6 Every water heater installed for the purpose of supplying hot running water to the occupants of a property shall be capable of heating water to a temperature of 49° C.
- 4.11.7 Replacement hot water heaters shall have a thermostatic mixing valve limiting water temperature to a maximum of 49° C.

4.12 Required Facilities

- 4.12.1 Every dwelling unit shall be provided with a kitchen sink, washbasin, bathtub or shower, and water closet, which shall be connected to a piped water supply and discharge to the building sewer.
- 4.12.2 Laundry facilities or a space for laundry facilities shall be provided in every dwelling unit, or grouped elsewhere in the building in a location conveniently accessible to occupants of every dwelling unit.
- 4.12.3 Required facilities for all other occupancies shall conform to the provisions of the Ontario Building Code or with the appropriate regulations for the specific occupancy enacted pursuant to the Ontario Regulation therefore, whichever is the more demanding.

4.13 Bathrooms, Washrooms and Toilet Rooms

- 4.13.1 All bathrooms, washrooms and toilet rooms shall be fully enclosed to provide privacy and shall be so located that access thereto does not require passing through any other dwelling unit, or through an open area or an unheated area or corridor, and shall be located within and accessible from within the building.
- 4.13.2 A washbasin shall be located in the same room as the water closet.
- 4.13.3 All bathrooms, washrooms, and toilet rooms shall be enclosed by a door that can be latched or locked from the inside.

4.14 Kitchens

- 4.14.1 Every dwelling unit shall contain a kitchen area equipped with a sink served with piped hot and cold water supply, storage facilities, an impervious counter top work area and space for a stove and refrigerator.
- 4.14.2 Every kitchen sink shall be provided with an adequate, impervious surfaced, splash back and drain board.
- 4.14.3 Every kitchen shall be provided with an adequate, approved energy source.
- 4.14.4 A minimum of 0.75 m clear space shall be provided above any exposed cooking surface. This can be reduce to 0.6 m for non-combustible surfaces.
- 4.14.5 All material immediately beneath or within 0.45 m of an exposed cooking surface shall be of fireproof material, provided that where such surface cooking equipment has been installed in accordance with the manufacturers' specifications, the same shall suffice.
- 4.14.6 All cooking equipment requiring exhausting to a chimney or flue shall be connected thereto by rigid connections in conformity with manufacturers' specifications.
- 4.14.7 All energy sources, plumbing, counters, storage cupboards and other fixtures shall be maintained in good repair.

4.15 Heating Systems

- 4.15.1 Residential buildings shall be insulated and equipped with heating facilities together capable of maintaining an indoor air temperature of 22° C at 1.5 m above floor level and 1.0 m from exterior walls in all habitable rooms, bathrooms and toilet rooms.
- 4.15.2 Heating facilities shall be provided which shall be capable of maintaining a temperature not less than 18.5° C in an unfinished basement or cellar in buildings of residential occupancy. Crawl spaces need not be heated.
- 4.15.3 All other buildings shall be insulated and equipped with heating facilities both sufficient to maintain the desired indoor air temperature commensurate with the use of the building at the outside winter design temperature determined in accordance with the provisions of the Ontario Building Code.
- 4.15.4 Heating to the standards set forth herein shall be provided and maintained from the 15th day of September in each year until the 31st day of May of the following year.
- 4.15.5 Equipment forming part of a heating, ventilating or air-conditioning system, with the exception of embedded pipes or ducts, shall be installed with provision for access for inspection, maintenance, repair and cleaning.
- 4.15.6 Mechanical equipment and heating terminal devices shall be guarded to prevent injury to any person.
- 4.15.7 Equipment forming part of a heating or air-conditioning system that may be adversely affected by freezing temperatures and which is located in unheated areas shall be adequately protected from freezing.
- 4.15.8 The heating systems required herein shall be maintained in good working condition so as to be capable of heating the dwelling and/or the dwelling unit safely to the required standard.
- 4.15.9 All heating systems shall be constructed equipped and installed to conform to the provisions of the Ontario Building Code.
- 4.15.10 No heating appliance shall be installed or placed so as to create a fire hazard, nor to impede the free movement of persons within the room where the heating appliance is located, nor be located in corridors, hallways or other means of egress and impede the free movement of persons.
- 4.15.11 Fuel fired appliances shall not be installed in any exit or any corridor serving as access to exit.
- 4.15.12 Service rooms or service space, separated from the remainder of the building by fire separations, shall be provided, and constructed to conform to the provisions of the Ontario Building Code, and shall be maintained in good repair.
- 4.15.13 All heating equipment requiring exhausting to a chimney or flue shall be properly connected thereto by rigid piping installed in conformity with the manufacturers' specifications.
- 4.15.14 Rigid connections shall be installed between any equipment burning gaseous fuel and the supply line, except that an approved flexible connection not more than 0.6 m long may be installed to permit cleaning behind an appliance used for cooking.
- 4.15.15 Any room which contains a heating unit for a central heating system shall be provided with a natural or mechanical means of supplying combustion air for such heating unit. The amount of combustion air will be determined in accordance with good practice and the manufacturer's specifications.
- 4.15.16 Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.
- 4.15.17 All oil-fired heating systems, including space heaters, shall conform to the manufacturers' specifications
- 4.15.18 All gas fired heating systems, including space heaters, shall conform to the Gas Utilization Code and Ontario Regulations in effect from time to time pursuant to The Energy Act.
- 4.15.19 Portable heating devices shall not be used as the primary source of heat for any Habitable Room.

4.15.20 Wood stoves within a dwelling unit and any other property shall be maintained in accordance to Canadian Standards Association's standard, B 365-M.

4.16 Chimneys, Flues, Smoke Pipes

4.16.1 Any mechanism, equipment, or structure used in the process of burning fuel or combustible material, shall be properly vented to the outside air, by means of a smoke pipe, vent pipe, flue, chimney, or other appropriate and adequate device, conforming to the manufacturers' specifications, and approved by the Building Inspector.

4.16.2 Every chimney, smoke pipe, flue and gas vent shall be maintained so as to prevent gases from leaking into a building.

4.16.3 Every chimney, smoke pipe, flue and gas vent shall be kept clear of obstructions, all open joints shall be sealed and all broken and loose masonry shall be repaired.

4.16.4 Every chimney, smoke pipe, flue and gas vent shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefore, or in contact therewith, does not exceed a temperature of 71° C.

4.16.5 Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material or structural members shall not be heated so as to exceed a temperature of 71° C.

4.17 Electrical Services and Lighting

4.17.1 Every dwelling and every dwelling unit shall be wired for electricity and lighting equipment shall be installed throughout.

4.17.2 Every habitable room shall contain at least two electrical duplex convenience outlets where the floor area does not exceed 10 m². For each additional 10 m² of floor area, or part thereof, one additional outlet shall be provided.

4.17.3 An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, interior and exterior stairway, and landing.

4.17.4 Fuses or overload devices shall not exceed limits set by St. Thomas Energy.

4.17.5 Extension cords which are not part of a fixture shall not be permitted on a permanent basis.

4.17.6 All lighting, including exit lighting and emergency lighting shall conform to the provisions of the Ontario Building Code and shall be maintained in good working order.

4.17.7 All electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of Electrical Safety Authority designated under the Electricity Act, S.O. 1998, Chapter 15.

4.18 Light for Dwellings and Dwelling Units

4.18.1 Every habitable room except for a kitchen shall have a window or windows, sky-lights or translucent panels that face directly to the outside at least 0.15 m above the adjoining finished grade with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.

4.18.2 Whenever walls or other portions of structures are located on the outside less than 1.0 m from a window, such window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room.

4.18.3 Every exit, public corridor or corridor providing access to exit for the public and storage garages shall be provided and maintained with lighting fixtures which furnish an average illumination level of 50 lux at the floor or tread level.

4.19 Ventilation for Dwelling and Dwelling Units

4.19.1 Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside. Such opening or openings shall have a minimum aggregate unobstructed area of 0.3 m² and shall be located in the exterior walls or through operable parts of skylights.

- 4.19.2 Except as herein provided, every bathroom or room containing a water closet shall be provided with an operable window or opening for natural ventilation located in an exterior wall or through operable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 0.1 m².
- 4.19.3 All systems of mechanical ventilation shall be maintained in working order.
- 4.19.4 The natural ventilation requirements prescribed in Sentences 4.19.1 and 4.19.2 may be omitted from any room where adequate mechanical ventilation equipment is provided which is capable of changing the air four times each hour.
- 4.19.5 Openings for natural ventilation other than windows shall be constructed to provide protection from the weather and insects and screening shall be of rustproof material.
- 4.19.6 All mechanical ventilation shall conform to the provisions of the Ontario Building Code.
- 4.19.7 Every enclosed attic or roof space shall be vented by openings to the exterior to provide at least 0.092 m² of unobstructed vent area for every 27.9 m² of insulated floor area in the space.
- 4.19.8 Every window that opens requires a screen.

4.20 Basements, Cellars and Unheated Crawl Spaces

- 4.20.1 Every basement, cellar and unheated crawl space shall be adequately vented to the outside air by means of windows which can be opened or by louvers with screened openings, the area of which shall not be less than one percent of the floor area. Windows in basements, cellars and unheated crawl spaces shall be screened with rust proof material to provide protection from insects.

4.21 Air Conditioners, Air Conditioning Systems

- 4.21.1 All air conditioners and air conditioning system shall be securely mounted and installed in accordance with manufacturers' specifications.
- 4.21.2 All air conditioners and air conditioning systems shall be maintained in good repair, free of conditions which may constitute a health, fire or safety hazard.

SECTION 5 - OCCUPANCY STANDARDS

- 5.1.1 The maximum number of persons residing in a dwelling or dwelling unit shall not exceed one person per 9.3 m² of total floor area of habitable room or rooms.
- 5.1.1.1 For the purpose of computing the maximum number of persons referred to in Sentence 5.1.1, the following values shall be used:
- a) any child under one year of age shall not be counted;
 - b) any child one year of age or more, but under twelve years of age shall be deemed to be one-half person; and
 - c) persons twelve years of age or over shall be counted as one.
- 5.1.2 The floor area under a ceiling which is less than 1.95 m in height shall not be included for the purpose of computing the habitable room floor area referred to in Sentence 5.1.1.
- 5.1.3 No room in any dwelling or dwelling unit shall be used for sleeping purposes unless the room has a minimum width of 1.8 metres and a minimum floor area of 5.6 m². At least one-half of the required minimum floor area shall have a ceiling height of 1.95 m. Any part of the floor having a clear height of less than 1.4 m shall not be considered in computing the required floor area.
- 5.1.4 Notwithstanding any other requirement contained in this by-law, all walls and ceilings in habitable rooms in dwellings or dwelling units shall be clad with a material giving a minimum fire resistance rating of thirty minutes. All walls and ceilings in other buildings shall be clad with materials providing the minimum fire resistance ratings required for their respective group and division of occupancy classification in compliance with the regulations under the Building Code Act.
- 5.1.6 No basement or cellar space shall be used as a habitable room unless in addition to the requirements of Sentences 5.1.3 and 5.1.4, it also meets the following requirements:
- a) floors and walls are so constructed as to be impervious to underground and surface run-off water and are damp proofed;
 - b) the habitable room meets all requirements for light, ventilation and ceiling height set out

- c) in this by-law;
- c) each habitable room shall be separated from heating equipment, or other equally hazardous equipment by a partition having a fire resistance rating of a least one hour. All other walls and ceilings in habitable rooms shall be clad with a material giving a minimum fire resistance rating of thirty minutes.
- d) access to each habitable room shall be gained without passage through a furnace or boiler room.

SECTION 6 - FIRE PROTECTION

6.1 Means of Egress

- 6.1.1 Means of egress from all buildings shall be provided in conformity with the provisions of the Ontario Building Code. Without limiting the generality of the foregoing, means of egress shall include their number, location, dimensions, flame spread ratings, fire resistance ratings, fire protection ratings, stairs, handrails and guards, removal of obstructions and hazards, travel distances, type, construction and direction of swing of doors, lighting, exit lighting, emergency lighting, and access to exits.

6.2 Fire Protection

- 6.2.1 Fire protection for all buildings shall be provided in conformity with the provisions of the Ontario Building Code. Without limiting the generality of the foregoing, fire protection shall include non-combustible construction, flame spread ratings, fire resistance ratings, fire protection ratings, permitted openings, firewalls, fire separations, fire dampers, fire stops, fire alarm systems, sprinkler systems, heat detectors, smoke detectors, smoke alarms, and fire fighting access to and within buildings.

6.3 Smoke Alarms

- 6.3.1 Without limiting the generality of Sentences 6.1.1 and 6.2.1, in all buildings of residential occupancy, smoke alarms shall be provided and installed by the owner. Smoke alarms shall be installed:
- a) on or at the ceiling level in the corridor of each floor adjacent to each stairway and on the ceiling in the basement adjacent to each stairway,
 - b) in the ceiling of a hallway or corridor leading to the bedrooms in the dwelling unit, in a location where the alarm is audible within all bedrooms when the doors are closed; and
 - c) in the case of a boarding house, lodging house, rooming house or private rest home in which the residents do not require nursing care, and where three or more persons are provided sleeping accommodation in one bedroom, in addition to the foregoing, in the ceiling of each such bedroom.
- 6.3.2 Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired in accordance with the Building Code.

6.4 Maintenance

- 6.4.1 All fire protection construction, components thereof, appliances and equipment shall be maintained in good repair and in good operating condition.

SECTION 7 - RESPONSIBILITY OF THE OCCUPANT

- 7.1 The occupant of a property shall, in respect of that part of any property which he occupies and controls, comply with all of the standards prescribed in this by-law and shall:
- a) limit occupancy of that part of the premises which he occupies or controls to the maximum permitted for the type of occupancy in use, in accordance with the provisions of this by-law and with the provisions of the Fire Code;
 - b) maintain all plumbing, cooking, refrigeration, heating, ventilation and other fixtures, appliances, building equipment and storage facilities in that part of the premises which he occupies or controls in a clean and sanitary condition, and shall exercise reasonable care in the operation and use thereof;
 - c) maintain that part of the premises which he occupies or controls free from conditions which constitute a health, fire or safety hazard;
 - d) keep all exits clean and unencumbered;
 - e) dispose of all garbage and refuse in receptacles approved for use in accordance with the by-laws of the Corporation and, upon the day of the week appointed for collection from his premises, place such receptacles adjacent to the travelled portion of the street, or where collection is conducted upon a public lane or alley, adjacent thereto, and following

the emptying of receptacles by the collector, the occupant shall return them to his premises. Where collection is undertaken by contract, the occupant shall at all times place all garbage and refuse in receptacles approved for use in accordance with the by-laws of the Corporation, within the storage bin, container or other facility provided for that purpose, and shall maintain such locations and facilities in a clean and sanitary condition;

- f) in the case of commercial premises, provide appropriate covered receptacles for disposal of garbage and refuse which may be discarded by customers and other persons frequenting the premises, at such locations on the premises as may be required to prevent littering;
- g) maintain that part of the premises which he occupies or controls free of rodents, vermin and insects; and
- h) maintain those yards which he occupies or controls, or the portions thereof, free of conditions which constitute a health fire or safety hazard.

SECTION 8 - RESPONSIBILITY OF THE OWNER

8.1 The owner of every property shall:

- a) comply with all of the standards prescribed in this by-law;
- b) not permit any person to use or occupy any property owned by him unless such property conforms to the standards prescribed in this by-law; and
- c) comply with all lawful orders of a Property Standards Officer, within such time and in such manner as specified therein.

SECTION 9 - ADMINISTRATION AND ENFORCEMENT

9.1 Property Standards Committee

- 9.1.1 A Property Standards Committee shall be established which shall be comprised of three persons appointed from time to time by the Council, each of who shall be resident ratepayers of the City of St. Thomas.
- 9.1.2 Each member of the Committee shall hold office for a term of three years, provided that the first appointments shall be for one, two and three years respectively so that one member's term shall expire annually.
- 9.1.3 When a vacancy occurs in the membership of the Committee, the Council shall forthwith fill the vacancy.
- 9.1.4 The members of the Committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the Committee may appoint another member as acting chairman. Any member of the Committee may administer oaths.
- 9.1.5 The members of the Committee shall be paid such compensation as the council may provide, which shall be recorded by resolution of the Council.
- 9.1.6 Secretarial services for the Committee shall be provided through the offices of the City Clerk.
- 9.1.7 The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Sections 253 and 254 of the Municipal Act, 2001 applies with necessary modifications to such documents.
- 9.1.8 A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure but before hearing an appeal shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

9.2 Property Standards Officer

9.2.1 Duties of a Property Standards Officer

It shall be the duty of every Property Standards Officer to administer and enforce the provisions of this by-law, and in the performance of such duty, he shall have all the powers and responsibilities set forth in The Building Code Act and the Regulations made pursuant to the said Act.

9.2.2 Right of Entry

Subject to Sentence 9.2.3, while this by-law is in effect, an Officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter

and inspect any property.

9.2.3 Entry into Dwelling Place

Except under the authority of a search warrant issued under Section 158 of the Provincial Offences Act, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

9.2.4 Notices

An officer who finds that a property does not conform to any of the standards prescribed in this by-law may make a Notice of Non-conformity

- a) stating the municipal address or the legal description of such property;
- b) giving reasonable particulars of the deficiencies;
- c) indicating the time for complying with the terms and conditions of the Notice; and
- d) indicating that non-compliance may result in the issuance of an Order under Sentence 9.2.5.

9.2.5 Orders

An officer who finds that a property does not conform to any of the standards prescribed in this by-law may make an order,

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

9.2.5.1 An Order of the Property Standards Officer will be accompanied by an administration fee as set out in Schedule "A".

9.2.6 Service and Posting of Order

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

9.2.7 Registration of Order

The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 9.2.5 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

9.2.8 Recovery of Costs Relative to Order

Where an owner or Occupant fails to comply with an Order issued under this by-law within the time stipulated in the Order, the costs to the Corporation of such further inspections of the Property and such reports and further notification or registrations as the Officer may deem appropriate shall be payable to the Corporation by the Property owner including disbursements and the Corporation's fees for services as set out in Schedule "A".

9.3 Appeal to Property Standards Committee

9.3.1 When the owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, he may appeal to the Property Standards Committee by sending notice of appeal, stating the owner's reasons for the appeal, by registered mail to the secretary of the Committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

9.3.2 The Secretary of the Committee shall, upon receipt of a notice of appeal, fix an appointment for hearing thereof and within seven days of receipt of the notice of appeal give notice in writing of the appointment for hearing at least fourteen days prior to the date fixed therefore to the appellant and to the Officer who issued the order.

9.3.3 An owner who appeals an Order shall pay to the clerk of the Corporation the fee for the appeal as set out in Schedule "A" at the time the appeal is filed.

9.4 Decision on Appeal

9.4.1 Where an appeal has been taken, the Committee shall hear the appeal within twenty-one days of the date of notice of the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the official plan are maintained.

9.4.2 The Secretary of the Committee shall give a copy of its written decision to the appellant and the Officer who issued the order.

9.5 Appeal to Judge

9.5.1 The municipality in which the property is situate or any owner or occupant or person affected by a decision under Section 9.4.1 may appeal to a judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Ontario Court for an appointment within 14 days after the sending of a copy of the decision.

9.5.2 An owner who appeals appeal to a judge of the Superior Court of Justice shall pay to the clerk of the Corporation the fee for the appeal as set out in Schedule "A" at the time the appeal is filed.

9.5.3 A judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

9.5.4 On the appeal, the judge has the same powers and functions as the Committee.

9.6 Effect of Decision

9.6.1 The order, as deemed to have been confirmed, or as confirmed or modified by the Committee under paragraph 9.4.1, or in the event of an appeal to the judge under subsection 9.5, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified within the order.

9.7 Certificate of Compliance

9.7.1 Following the inspection of a property, the Officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this by-law.

9.7.2 The fee payable for a certificate of compliance issued at the request of the owner shall be as set out in Schedule "A" to this by-law.

9.8 Municipal Lien

9.8.1 The fees and charges payable to the corporation pursuant to Sections 9.2.5(c), 9.2.4.1, 9.2.7, 9.3.3 and 9.7.2 of this by-law shall be a lien on the property and shall be deemed to be municipal real property taxes and may be added by the Clerk to the Tax Collector's roll and be collected in the same manner and with the same priorities as municipal real property taxes.

SECTION 10 - EMERGENCY POWERS

10.1 Emergency Orders

10.1.1 If, upon inspection of a building, an officer is satisfied that a building poses an immediate danger to the health or safety of any person, the Chief Building Official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

10.1.2 The order shall be served on the owner of the property and each person apparently in possession of the building and such other persons affected thereby as the Chief Building Official determines and a copy shall be posted on the building.

10.2 Emergency Powers

- 10.2.1 After making an order under Sentence 10.1.1, the Chief Building Official may, either before or after the order is served, take any measures necessary to terminate the danger, and, for this purpose, the Chief Building Official, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant.
- 10.2.2 The officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Chief Building Official or an Inspector in the reasonable exercise of his or her powers under Sentence 10.2.1.
- 10.2.3 If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with Sentence 10.1.2 as soon as is practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.
- 10.2.4 If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in Sentence 10.2.3 in accordance with Sentence 10.1.2 as soon as is practicable after the measures have been taken.
- 10.2.5 As soon as is practicable after the requirements of Sentences 10.2.3 and 10.2.4 have been complied with, the Chief Building Official shall apply to a judge of the Ontario Court (General Division) for an order confirming the order made under Sentence 10.1.1 and the judge shall hold a hearing for that purpose.
- 10.2.6 The judge in disposing of an application under Sentence 10.2.5 shall,
 - a) confirm, modify or rescind the order; and
 - b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.
- 10.2.7 The disposition under Sentence 10.2.6 is final.
- 10.2.8 The amount determined by the judge to be recoverable shall be a lien on the land and shall be deemed to be municipal real property taxes and may be added by the clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

SECTION 11 - OFFENCES

- 11.1 Any person who fails to comply with an order under the Building Code Act is guilty of an offence and upon conviction shall be liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.
- 11.2 If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence as provided in 11.1.

SECTION 12 - REPEALED

- 12.1 By-Law No. 12-99, as amended, is hereby repealed.

READ a First and Second time this 7TH day of APRIL, 2014.

READ a Third time and Finally passed this 7TH day of APRIL, 2014.


Wendell Graves, CAO/Clerk


Heather Jackson, Mayor

SCHEDULE "A"

BY-LAW No. 72 -2014

Administration Fee for Issuance of Orders

Property Standards Order \$ 100.00

Administration Fee for Appeals

Property Standards Committee \$ 150.00

Superior Court Judge \$ 300.00

Fees for Services related to execution of Orders

Fees for staff service:

Time - Chief Building Official \$ 65.00 /hour

Time – Property Standards Officer \$ 45.00 /hour

Time – Building Services Assistant \$ 30.00 /hour

Mileage, photocopying, phone, etc. as per City guidelines

External Disbursements actual cost
(Professional services, contractor services, etc.)

Administration fee 10% of total disbursements

Administration Fee for Issuance of Certificates of Compliance

Residential \$ 100.00 per unit

Commercial \$ 100.00 per unit

Industrial/Institutional \$ 50.00 per 100 m² of building area

Vacant and Derelict property \$ 100.00