# Property Standards By-law 80 -2019

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


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# PROPERTY STANDARDS BY-LAW
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# City of St. Thomas

**BY-LAW No. 80 -2019**

**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 Section 391 (5) of the Municipal Act, S.O. 2001, c.25, as amended, provides that a municipality may pass a by-law imposing fees for services and activities provided or done by or on behalf of the municipality;

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.

Occupancy of Property - Prohibited

1.4 No person shall occupy, or permit to be occupied, 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 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 a graded and levelled condition.

Dilapidated Buildings

1.6 No person shall cause or permit a structure to deteriorate into a ruinous or dilapidated state such that the structure poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person in or about the property.

Prohibition

1.7 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

1.8 Nothing in this by-law shall relieve any person from any obligation to comply with the requirements of any other Act, associated Regulation, Standard or City By-law or with the requirements to obtain any licence, permit, certificate, authority or approval otherwise required.

Validity

1.9 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

1.10 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

1.11 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 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 structure otherwise complete in itself which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent structure.

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 wherein the proprietor offers or supplies for gain or profit lodging or lodging and meals.

2.7 "Building" shall have the same meaning as defined in the Building Code Act.

2.8 "Building Code" means the Ontario Building Code, O.Reg. 332/12, as amended.

2.9 "Building Code Act" means the Building Code Act, S.O. 1992, Chapter 23, as amended.

2.10 "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.

2.11 "Chief Building Official" means the person duly appointed by the Council to the position of Chief Building Official (CBO).

2.12 "Clerk" means the person duly appointed by the Council to the position of Clerk.

2.13 "Committee" means the Property Standards Committee established pursuant to this by-law.

2.14 "Corporation" means The Corporation of the City of St. Thomas.

2.15 "Council" means the Council of the Corporation.

2.16 "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.

2.17 "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.

2.18 "Excavation" means a cavity or hollow formed by the digging out of soil or the hole left behind following the demolition of a structure where the difference between the top and bottom of bank exceeds 0.45 m and the slope of the bank is steeper than a 1:2 rise/run slope.

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, as amended.

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 "Heritage Act" means the Ontario Heritage Act, R.S.O. 1990, c. O.18 as amended.

2.25 "Heritage attribute" means the attributes of the property that contribute to their cultural heritage value or interest and that is defined or described:

a) in a by-law designating a property passed under section 29, Part IV, of the Heritage Act and identified as a heritage attribute, reason for designation or otherwise;

b) in a Minister's order made under section 34.5, Part IV, of the Heritage Act and identified as a heritage attribute or otherwise;

c) in a by-law designating a heritage conservation district passed under section 41, Part V, of the Heritage Act and identified as a heritage attribute or otherwise; or

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

2.26 "Medical Officer of Health" means the Medical Officer of Health of the County of Elgin.

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 "Occupant" means any person or persons eighteen (18) years of age or older in possession of the property.

2.29 "Officer" means the CBO or 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.

2.30 "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;

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 the property:

c) the person designated as owner of the property according to then current assessment roll of the Corporation; and

d) the person identified as registered owner of the property according to records in the Registry and/or Land Titles Office for the Registry Division of Elgin at St. Thomas, Ontario (No. 11).

2.31 "Part IV heritage property" means a property designated under Part IV of the Heritage Act.

2.32 "Part V heritage property" means a property within a Heritage Conservation District as designated under Part V of the Heritage Act.

2.33 "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.

2.34 "Plumbing System" means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances prescribed in Part 7 of the Ontario Building Code.

2.35 "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, sea container or any other similarly described unit used for storage.

2.36 "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.

2.37 "Property" means a structure or part of a structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, and erections thereon whether heretofore or

hereafter erected, and includes vacant property.

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 "Sanitary sewage" means the liquid and liquid borne wastes from the sanitary conveniences of dwellings, commercial and institutional buildings or factories.

2.40 "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;

2.41 "Standards" means the standards set out in Sections 3 through 7, inclusive, of this by-law.

2.42 "Storm Sewer" means a sewer which carries storm water and surface water, street wash and other wash water or drainage, but excludes sanitary sewage.

2.43 "Street" means a public highway which affords a principal means of access to abutting lots.

2.44 "Structure" means an arrangement of materials constructed so as to support an element and may include a building, shed, gazebo, pool or fence.

2.45 "Toilet Room" means a room containing a water closet and wash basin.

## **SECTION 3** - GENERAL OCCUPANCY AND MAINTENANCE STANDARDS

### 3.1 Rodents, Vermin, Insects and Pests

3.1.1 An Owner shall maintain all structures free of rodents, vermin, insects and/or pests.

3.1.2 Openings in structures, including but not limited to cellars, soffits, facia, and crawl spaces, shall be protected to prevent the entrance of rodents, vermin, insects and pests.

### 3.2 Sewage and Drainage

3.2.1 No person shall discharge sanitary sewage from any building other than into a municipal sanitary sewage system, or into a private sewage system approved under Part 8 of The Ontario Building Code.

3.2.2 An Owner of a building abutting a municipal street where a municipal sanitary sewer is constructed shall connect 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. Otherwise 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.

3.2.3 Where a municipal sanitary sewer is constructed and the sanitary sewage from any

building on lands abutting the municipal 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.

3.2.4 No person shall drain storm water run-off from any downspout or any surface onto neighbouring properties.

3.2.5 An Owner shall grade and maintain their property to prevent ponding or the entry of storm water into a basement or cellar.

3.2.6 An Owner shall maintain natural drainage, drainage swales, ditches or watercourses to facilitate the natural flow of water and prevent ponding.

3.2.7 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.

3.2.8 No person shall discharge or direct storm water or roof water onto a sidewalk, walkway, steps, porch or other pedestrian access to a property which may be hazardous or create a risk of accident.

## 3.3 Accessory Structures

3.3.1 An Owner shall maintain all structures, fences and retaining walls in good repair.

3.3.2 Without restricting the generality of Subsection 3.3.1, good repair includes:

a) being 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;
b) being located in conformance with the provisions of the Zoning By-law No. 50-88 and the Building By-law No. 150-2016, as amended;
c) maintained in a safe and structurally sound condition;
d) free from health, fire and safety hazards;
e) reasonably plumb, unless specifically designed to be other than vertical;
f) securely anchored to the ground;
g) protected by preservative, paint or other weather resistant material; and
h) without visible deterioration.

3.3.3 An Owner shall maintain all swimming pools, hot tubs, wading pools and artificial ponds, including all accessories and appurtenances thereto, in good repair.

3.3.4 Without restricting the generality of Subsection 3.3.3, good repair includes:

a) free of leaks;
b) having the backwash from filters spread on lawn areas, provided seepage does not affect adjacent properties; and
c) not being drained to the street or directly into a sewer system unless the water is free of chemicals, including but not limited to chlorine, bromine or salt.

3.3.5 Portable storage containers may be used temporarily in residentially zoned areas for up to thirty (30) consecutive days for the purpose of storing items being moved from

and to a dwelling. The portable storage container may not be placed on any public street or public lane or so as to create an obstruction of sight lines.

3.4 Lighting, Lighting Fixtures and Light Standards

3.4.1 An Owner shall maintain all exterior lighting, lighting fixtures and light standards in good repair.

3.4.2 Without restricting the generality of Subsection 3.4.1, good repair includes:
a) constructed, erected and installed in accordance with the Ontario Electrical Code;
b) free of health, fire and safety hazards;
c) securely affixed to a structure or securely anchored to the ground;
d) located and aligned in such manner as to provide safe passage for the occupant(s); and
e) located and aligned in such manner as to prevent a nuisance to occupant(s) of adjoining properties.

## SECTION 4 – BUILDING STANDARDS

4.1 Foundations

4.1.1 Every structure shall be supported by a foundation capable of safely supporting its intended use.

4.1.2 An Owner shall maintain all foundation walls, piers, piles, rafts, slabs, and footings and other foundation units in good repair.

4.2 Integral Structural Soundness

4.2.1 An Owner shall maintain every part of a structure in good repair.

4.2.2 Without restricting the generality of Subsections 4.1.2 and 4.2.1, good repair includes:
a) maintained in a sound structural condition; and
b) able to sustain its own weight together with the loads that may be imposed by its use, occupancy and natural causes such as snow and wind.

4.2.3 If, in the opinion of the Officer, there is doubt as to the structural condition, construction material, or service systems of a structure or parts thereof, the Officer may order that such structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the Owner 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.

4.2.4 The Officer may accept the findings in the report pursuant to Subsection 4.2.3 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.

## 4.3 Exterior Walls, Roofs and other Exterior Building

4.3.1 An Owner shall maintain all exterior walls, and other exposed surfaces, not inherently resistant to deterioration in good repair.

4.3.2 Without restricting the generality of Subsection 4.3.1, good repair includes:

a) treated with a protective coating of paint or preservative;
b) maintained in good repair to prevent deterioration due to weather, insects, rodents or other elements;
c) free from loose and unsecured or improperly secured objects and material which may create an unsafe condition; and
d) insulation in accordance with the provisions of the Ontario Building Code.

4.3.3 An Owner shall maintain all roofs, including valleys, fascia boards, soffits, eavestroughs, roof gutters, down pipes, guards, lightning arrestors, and cornices, in good repair.

4.3.4 Without restricting the generality of Subsection 4.3.3, good repair includes:

a) free from obstructions;
b) free from hazardous accumulations of ice and snow;
c) free from loose and unsecured or improperly secured objects and material which may create an unsafe condition; and
d) maintained in a watertight condition so as to prevent leakage of water into the building.

4.3.5 An Owner shall maintain all chimneys, smoke or vent stacks and other roof structures in good repair.

4.3.6 Without restricting the generality of Subsection 4.3.5, good repair includes:

a) kept free from loose bricks or mortar;
b) kept free from loose or broken capping;
c) kept free from loose or rusted stanchions, guy-wires, braces or attachments; and
d) kept free from other unsafe conditions.

## 4.4 Doors and Windows

4.4.1 An Owner shall maintain all exterior doors, windows, skylights, and shutters, including storm doors and storm windows, in good repair.

4.4.2 Without restricting the generality of Subsection 4.4.1, good repair includes:

a) constructed, erected and installed in accordance with the requirements of the Ontario Building Code;
b) free of conditions which may create a health, fire or safety hazard;
c) preventing the entrance of wind, rain or snow into the building;
d) the refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens;
e) re-glazing cracked, broken or missing glass;
f) replacing or repairing defective hardware
g) providing missing hardware;
h) re-screening or weather stripping where such is defective or missing; and
i) painting or applying an effective preservative.

4.4.3 A door shall be provided at each entrance to a dwelling unit and to each room containing a water closet within a dwelling unit.

4.4.4 Entrance doors to a dwelling unit shall be provided with transparent glazing within or adjacent to it or be provided with a viewer.

4.4.5 Doors which allow access to or egress from a dwelling unit shall be provided with a dead bolt lock which cannot be accidentally locked against entry by the closing of the door.

4.4.6 In buildings of residential occupancy, weather stripping shall be provided around all exterior doors except garage doors.

4.4.7 All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked and where glazing is able to be opened, be provided with a screen.

4.4.8 An Owner shall provide sufficient doors and/or windows to meet the requirements of the Ontario Building Code for natural lighting, ventilation and exiting.

4.4.9 Where an opening is used or required for natural lighting or ventilation 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.

4.5 Stairs, Ramps, Railings and Guardrails

4.5.1 An Owner shall maintain every stair, ramp, landing, porch, veranda, balcony, or deck in good repair.

4.5.2 An Owner shall maintain every handrail, railing and guardrail in good repair.

4.5.3 Without restricting the generality of Subsections 4.5.2 and 4.5.3, good repair includes:
a) constructed, erected and installed in accordance with the requirements of the Ontario Building Code;
b) free of conditions which may create a health, fire or safety hazard;
c) replacing, repairing or strengthening members that are broken, warped, rotted, deteriorated or loose;
d) replacing or repairing finishes such as tile or carpet that are broken, torn, warped, rotted, deteriorated or loose;
e) painting or applying of other equivalent preservative; and
f) securely affixed or anchored.

4.6 Walls, Floors and Ceilings

4.6.1 An Owner shall maintain every wall, floor and ceiling in good repair.

4.6.2 Without restricting the generality of Subsection 4.6.1, good repair includes:
a) free of conditions which may create a health, fire or safety hazard;

b) maintain sound transmission ratings as required by the provisions of the Ontario Building Code;
c) finished flooring shall be smooth, even and free from roughness, open defects or trip hazards; and
d) finished flooring in bathrooms, kitchens, entrance halls, and laundry areas shall be water resistant.

## 4.7 Water Supply

4.7.1 An Owner shall provide an adequate supply of potable water to every use or occupancy which requires a water supply from a public or private water supply approved by the local authority designated under the Clean Water Act, S.O. 2006, Chapter 22, as amended.

4.7.2 Where an approved public or community water supply is available, every dwelling unit shall be connected thereto.

4.7.3 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.

## 4.8 Plumbing Systems

4.8.1 An Owner shall maintain every plumbing system, including all fixtures and appurtenances thereto, in every structure in good repair.

4.8.2 Without restricting the generality of Subsection 4.8.1, good repair includes:
a) constructed, erected and installed in accordance with the requirements of Part 7 of the Ontario Building Code;
b) maintained in working order;
c) free from leaks and conditions which may create a health hazard;
d) free from conditions which may create a health, fire or safety hazard;
e) protected from freezing;
f) connected to the municipal sewerage system or to an approved private sanitary system through water seal traps; and
g) provided with adequate vents and cleanouts;

4.8.4 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 49o C.

4.8.5 Replacement hot water heaters shall have a thermostatic mixing value limiting water temperature to a maximum of 49o C.

## 4.9 Required Facilities

4.9.1 An Owner shall provide every dwelling unit with a kitchen sink, a bathtub and/or shower, and a water closet.

4.9.2 Every water closet shall be provided with an adjacent lavatory.

4.9.3 All plumbing fixtures required by Subsections 4.9.1 and 4.9.2 shall be connected to a piped water supply and shall discharge to the building sewer.

4.9.4 Required facilities for all other occupancies shall conform to the provisions of the Building Code or with the appropriate regulations for the specific occupancy enacted pursuant to the Ontario Regulation therefor, whichever is the more demanding.

4.10 Bathrooms, Washrooms and Toilet Rooms

4.10.1 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 be accessible from within the building.

4.10.2 Rooms referred to in Subsection 4.10.1 shall have lockable doors.

4.11 Kitchens

4.11.1 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.

4.11.2 Every countertop, cupboard and fixture shall be maintained in good repair.

4.11.3 Without restricting the generality of Subsection 4.11.2, good repair includes:
a) constructed, erected and installed in accordance with the manufacturer's specifications;
b) maintained in working order; and
c) free from conditions which may create a health, fire or safety hazard.

4.11.4 A minimum of 0.75 m clear space shall be provided above any exposed cooking surface. This can be reduced to 0.6 m for non-combustible surfaces.

4.11.5 Combustible wall framing, finishes or cabinets within 0.45m of an exposed cooking surface shall be protected by a material providing fire resistance not less than that of a 9.5 mm thickness of gypsum board or be of non-combustible materials.

4.12 Heating Systems

4.12.1 An Owner shall provide and maintain all heating systems, including all fixtures and appurtenances thereto, in good repair.

4.12.2 Without restricting the generality of Subsection 4.12.1, good repair includes;
a) constructed, erected and installed in accordance with the manufacturer's specifications;
b) complying with the requirements of any applicable Act, Regulation or bylaw;
c) being capable of heating habitable living space to the standard herein; and
d) free of health, fire and safety hazards.

4.12.3 Dwelling units shall be insulated and equipped with a heating system capable of maintaining an indoor air temperature of 20° C at 1.5 m above floor level and 1.0 m from exterior walls in all habitable living spaces.

4.12.4 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.

4.12.5 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.

4.12.6 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.

4.12.7 Mechanical equipment and heating devices shall be guarded to prevent injury to any person.

4.12.8 Portable heating devices shall not be used as the primary source of heat for any habitable living space.

## 4.13 Chimneys, Flues and Smoke Pipes

4.13.1 An Owner shall maintain every chimney, flue, smoke pipe or gas vent in good repair.

4.13.2 Without restricting the generality of Subsection 4.13.1, good repair includes:

a) constructed, erected and installed in accordance with the manufacturer's specifications;
b) complying with the requirements of any applicable Act, Regulation or bylaw;
c) maintained in good working order;
d) preventing gases from leaking into a building;
e) preventing the entrance of wind, rain or snow;
f) sealing all open joints;
g) keeping clear of obstructions; and
h) repairing all broken or loose masonry.

## 4.14 Electrical Services

4.14.1 An Owner shall maintain every dwelling unit wired for electricity free of health, fire and safety hazards in conformity with the Electrical Safety Code, O.Reg. 319/15 s.1, as amended.

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

## 4.15 Lighting

4.15.1 An Owner shall maintain all lighting, including exit lighting and emergency lighting, in good repair.

4.15.2 Without restricting the generality of Subsection 4.15.1, good repair includes:

a) constructed, erected and installed in accordance with the manufacturer's specifications;
b) complying with the requirements of any applicable Act, Regulation or bylaw;
c) maintained in good working order; and
d) free of health, fire and safety hazards.

4.15.3 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.

4.16 Ventilation

4.16.1 An Owner shall maintain all mechanical ventilation in good repair.

4.16.2 Without restricting the generality of Subsection 4.16.1, good repair includes:
a) constructed, erected and installed in accordance with the manufacturer's specifications;
b) complying with the requirements of any applicable Act, Regulation or bylaw;
c) maintained in good working order; and
d) free of health, fire and safety hazards.

4.16.3 An Owner shall maintain natural ventilation in good repair.

4.16.4 Without restricting the generality of Subsection 4.16.3, good repair includes:
a) maintained in good working order; and
b) free of health, fire and safety hazards.

4.17 Unheated Basements, Cellars and Crawl Spaces

4.17.1 Any unheated space within a building 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 windows or louvers 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.

4.18 Air Conditioners and Air Conditioning Systems

4.18.1 An Owner shall maintain all air conditioners and air conditioning systems in good repair.

4.18.2 Without restricting the generality of Subsection 4.18.1, good repair includes:
a) constructed, erected and installed in accordance with the manufacturer's specifications;
b) complying with the requirements of any applicable Act, Regulation or bylaw;
c) maintained in good working order; and
d) free of health, fire and safety hazards.

## SECTION 5 – HERITAGE PROPERTY

5.1 General Standards – Heritage Property

5.1.1 In addition to the standards for the maintenance and occupancy of property set out elsewhere in this by-law, the Owner shall maintain all heritage attributes of a Part IV or Part V heritage property.

5.1.2 Without restricting the generality of Subsection 5.1.1, maintain, for the purposes of this Section, means preserve, protect, repair, alter, reconstruct, refinish, or replace, in

compliance with the *Ontario Heritage Act.*

5.2 Part IV Heritage Property

5.2.1 The Owner shall comply with the provisions of the *Ontario Heritage Act* if the alteration is likely to affect the property's heritage attributes, as set out in the designation of the property, and the Owner shall apply to Council under the *Ontario Heritage Act* to obtain written consent, or receive the Minister's consent, as the case may be.

5.3 Part V Heritage Property

5.3.1 The Owner shall comply with the provisions of the *Ontario Heritage Act* and obtain a permit when altering or permitting the alteration of any part of the property, other than the interior of any structure or building on the property, or when erecting, demolishing or removing any building or structure on the property, or permitting the same, unless excepted from such requirement under the *Ontario Heritage Act*

5.4 Vacant Heritage Property

5.4.1 An Owner shall not alter or clear, including but not limited to removal, demolition or relocation of a building or structure on a Part IV heritage property or a Part V heritage property, except in accordance with the *Ontario Heritage Act.*

5.4.2 An Owner of a vacant or unoccupied heritage property shall protect the heritage attributes of the property against the risk of fire, storm, neglect, intentional damage, or damage by other causes, by effectively preventing the entrance of elements, unauthorized persons, or the infestation of pests by boarding up and securing any openings to the building of a vacant or unoccupied heritage property.

5.4.3 Without restricting the generality of Subsection 5.4.2, securing heritage properties includes, but is not limited to:

a) boarding shall be installed in a manner that minimizes damage to any heritage attribute, is reversible, and minimizes visual impact;
b) all boarding shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
c) on the window openings, boards shall be painted a matte black to resemble window glass;
d) on the door openings, boards shall be painted a colour that matches the original door;
e) on an opening other than a window or door opening, boards shall be painted or otherwise treated so that the colour matches the colour of the exterior of the building;
f) boarding shall be in good repair;
g) an exterior lighting fixture shall be installed and/or maintained in the front porch, verandah, or area adjacent to the front entrance of the building or structure, and must be activated by motion sensors, and shall maintain an average level of illumination of at least 50 lux at ground level; and
h) where a heritage property remains vacant for a period of 90 days or more, the Owner shall ensure that appropriate utilities serving the heritage property are

connected, as required, in order to provide and maintain heat and ventilation, and to monitor the same, to prevent damage to the heritage attributes.

## SECTION 6 - FIRE PROTECTION

### 6.1 Means of Egress

6.1.1 An Owner shall provide a means of egress from all buildings in conformity with the provisions of the Ontario Building Code and the Ontario Fire Code.

6.1.2 An Owner shall maintain all means of egress in good repair.

6.1.3 Without restricting the generality of Subsections 6.1.1 and 6.1.2, means of egress includes;
- a) number, location, and dimensions;
- b) flame spread and fire resistance ratings;
- c) handrails, guards, obstructions and hazards;
- d) travel distances, construction and direction of door swing; and
- e) lighting, exit lighting, emergency lighting, and access to exits.

6.1.4 Without restricting the generality of Subsection 6.1.2, good repair includes:
- a) constructed, erected and installed in accordance with the requirements of the Ontario Building Code;
- b) complying with the requirements of any applicable Act, Regulation or bylaw;
- c) keeping clear of obstructions; and
- d) free of health, fire and safety hazards.

### 6.2 Fire Protection

6.2.1 Fire protection for all structures shall be provided in conformity with the provisions of the Ontario Building Code and the Ontario Fire Code.

6.2.2 An Owner shall maintain all fire protection elements in good repair.

6.2.3 Without restricting the generality of Subsection 6.2.2, fire protection elements include;
- a) flame spread and fire resistance rating of surfaces;
- b) permitted openings, fire dampers, and fire stops; and
- c) fire alarm, sprinkler and standpipe systems and any appurtenances thereto.

6.2.4 Without restricting the generality of Subsection 6.2.2, good repair includes:
- a) constructed, erected and installed in accordance with the requirements of the Ontario Building Code;
- b) complying with the requirements of any applicable Act, Regulation or bylaw;
- c) maintained in good working order; and
- d) free of health, fire and safety hazards.

### 6.3 Smoke and Carbon Monoxide Alarms

6.3.1 An Owner shall provide working smoke and carbon monoxide alarms in conformity with the provisions of the Ontario Building Code and the Ontario Fire Code.

6.4 Structures Damaged by Fire

6.4.1 An Owner shall restore to its original condition any structure, or portion thereof, damaged by fire or other causes and repair as may otherwise be required, or the structure shall be demolished or the damaged portion removed.

6.4.2 Without restricting the generality of Subsection 6.4.1, such repairs shall include:
a) abating any unsafe condition; and
b) refinishing so as to be in harmony with adjoining undamaged surfaces.

## SECTION 7 - VACANT PROPERTY

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

7.1.2 The Owner of any vacant or unoccupied structure shall protect such structure against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons as well as rodents, vermin, insects and pests.

7.1.3 Without restricting the generality of Subsection 7.1.2, protection may include the boarding up of all openings to the structure with rigid, tight fitting construction to the satisfaction of the Officer.

7.1.4 All materials used for boarding up vacant or unoccupied structures shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the structure and reasonably compatible in design with adjoining decorative finishing material. All such boarding shall be installed within the reveal of the exterior cladding and securely fastened to every doorway, window or wall opening that constitutes a means of access and so as to not create a hazard.

7.1.5 Where a structure remains vacant or unoccupied for a period of more than ninety (90) days, the Owner shall ensure that all utilities serving the structure and that are not required for the safety or security thereof are properly disconnected or otherwise secured to prevent risk of fire, accident, damage or other danger to the property or adjoining premises.

## SECTION 8 - DEMOLITION

8.1.1 No person shall commence, conduct, or permit to be commenced or conducted, any work in the nature of demolition or removal of a structure or part thereof unless such person has first obtained a permit therefor from the Chief Building Official in compliance with the Building Code Act and posts such permit in a prominent position on the demolition site.

8.1.2 Upon the demolition or removal of any 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.

8.1.3 The Owner of any structure or part thereof being demolished shall leave any remaining wall or walls (including any former party wall or walls, whether separately or jointly owned) structurally sound, weathertight, in a safe condition and in conformity with the standards in the Ontario Building Code.

8.1.4 Upon completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations, and provided and maintained with a suitable ground cover.

## SECTION 9 - RESPONSIBILITY OF THE OWNER

9.1.1 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 such person unless such property conforms to the standards prescribed in this by-law;
c) comply with all lawful orders of a Property Standards Officer, within such time and in such manner as specified therein; and
d) confirm location of all lot boundaries pertinent to any structure on the lot.

9.1.2 The Owner of any property shall not undertake, or permit to be undertaken, any work or alterations on the property without first obtaining the appropriate permits from the Corporation.

## SECTION 10 - RESPONSIBILITY OF THE OCCUPANT

10.1.1 The occupant of a property shall, in respect of that part of any property which such person 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 such person occupies or controls to the maximum permitted for the type of occupancy in use;
b) maintain all plumbing, cooking, refrigeration, heating, ventilation and other fixtures, appliances, building equipment and storage facilities in that part of the premises which such person 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 such person 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 accordance with the by-laws of the Corporation;
f) maintain that part of the premises which such person occupies or controls free of rodents, vermin and insects; and
g) maintain the property which such person occupies or controls, or the portions thereof, free of conditions which constitute a health, fire or safety hazard.

## SECTION 11 - ADMINISTRATION AND ENFORCEMENT

### 11.1 Property Standards Committee

11.1.1 A Property Standards Committee shall be established which shall be comprised of not fewer than three persons appointed from time to time by the Council, each of who shall be resident ratepayers of the City of St. Thomas.

11.1.2 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.

11.1.3 When a vacancy occurs in the membership of the Committee, the Council shall forthwith fill the vacancy.

11.1.4 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.

11.1.5 The members of the Committee shall be paid such compensation as Council may provide, which shall be recorded by resolution of Council.

11.1.6 Secretarial services for the Committee shall be provided through the office of the Clerk.

11.1.7 The Secretary for the Committee 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 applies with necessary modifications to such documents.

11.1.8 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 of such hearing be given to such persons as the committee considers should receive such notice.

### 11.2 Rights of Entry

11.2.1 Subject to Subsection 11.2.2 and while this by-law is in effect, an Officer, and any person acting under their instructions, may at all reasonable times, without producing a warrant and upon producing proper identification, enter and inspect any property to determine;

a) whether the property conforms with the standards prescribed in this by-law;
b) whether a Notice made under Subsection 11.3 has been complied with; or
c) whether an Order made under Subsection 11.4 has been complied with.

11.2.2 Except under the authority of a search warrant issued pursuant to the Building Code 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.

## 11.3 Notice

11.3.1 If, upon inspection of a property, an Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer may make and serve upon any Owner thereof, 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 of the Property Standards Officer under Subsection 11.4.

## 11.4 Order

11.4.1 If, upon inspection of a property, an Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer may make and serve upon any Owner thereof, an Order of the Property Standards Officer in accordance with Sections 15.1 through 15.8 of the Building Code Act.

11.4.2 An Order of the Property Standards Officer, once confirmed in accordance with Subsections 11.6.3, 11.7.3, or 11.7.6, shall incur an administration fee as set out in Schedule "A" hereto.

11.4.3 An Order of the Property Standards Officer confirmed in accordance with Subsections 11.6.3, 11.7.3, or 11.7.6 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 a copy of the Order as of the date of acquisition.

11.4.4 The registration and/or removal of an Order of the Property Standards Officer against title shall incur an administration fee as set out in Schedule "A" hereto.

11.4.5 If an Owner fails to comply with an Order of the Property Standards Officer confirmed in accordance with Subsections 11.6.3, 11.7.3, or 11.7.6, then the costs to the Corporation of any further inspections, reports, notifications or registrations relating to the non-compliance of the property and as the Officer may deem appropriate shall be payable to the Corporation by the Owner, including but not limited to any and all third party disbursements incurred by the Corporation and fees for services as set out in Schedule "A" hereto.

11.4.10 Following the inspection of a property against which an Order of the Property Standards Officer has been confirmed in accordance with Subsections 11.6.3, 11.7.3, or 11.7.6, the Officer may, or on the request of the Owner shall, issue to the Owner a Certificate of Compliance if, in the opinion of the Officer, the property is in compliance with the standards of this by-law.

11.4.11 The fee payable for a Certificate of Compliance issued at the request of the Owner pursuant to Subsection 11.4.10 shall be as set out in Schedule "A" hereto.

11.4.12 Any fees or charges payable to the Corporation pursuant to this section and as set out in Schedule "A" hereto 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.

## 11.5 Certificate of Offence

11.5.1 If, upon inspection of a property, an Officer determines that such property does not comply with the standards set forth in this by-law, then that officer may, in addition to any other process as contemplated herein prepare a Certificate of Offence and issue a Provincial Offences Notice to the owner for violation of this by-law pursuant to Part I of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

## 11.6 Appeal to Property Standards Committee

11.6.1 When the Owner of property against whom an Order under Subsection 11.4 has been made and served is not satisfied or disagrees with or otherwise disputes any term or condition of such Order, then such Owner may appeal the said Order to the Property Standards Committee as established herein by sending a written Notice of Appeal, detailing the alleged reasons for the Appeal, to the Secretary of the said Committee, the said Notice of Appeal to be delivered to the said Secretary by registered mail or in person as set forth below and to be received by the said Secretary no later than fourteen (14) clear days after the date upon which the said Order was served upon the Owner:

| | |
|---|---|
| By Registered Mail: | Property Standards Committee<br>City Hall<br>545 Talbot Street<br>St. Thomas, Ontario<br>N5P 3V7 |
| In Person: | Secretary<br>Property Standards Committee<br>City Hall<br>545 Talbot Street<br>St. Thomas, Ontario |

11.6.2 An Owner who appeals an Order to the Property Standards Committee shall pay to the Clerk of the Corporation the fee for the appeal as set out in Schedule "A" hereto at the time the Notice of Appeal is filed. Failure to pay this fee will render the appeal null and void.

11.6.3 In the event that a Notice of Appeal against an Order issued pursuant to Subsection 11.4 is not received by the Secretary of the Property Standards Committee within the time period set forth herein, then the said Order is deemed as and is confirmed.

11.6.4 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 (14) days prior to the date fixed therefor to the Appellant and to the Officer who issued the order.

11.6.5 Where a Notice of Appeal has been received, the Committee shall hear the appeal within twenty-one (21) days of the date of Notice of Appeal. The Committee shall have all the powers and functions of the Officer who made the Order and may do any of the following things, if in the Committee's opinion, doing so would maintain the

general intent and purpose of this by-law and of the official plan:
a) confirm, modify or rescind the Order;
b) extend the time for complying with the Order.

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

11.7 Appeal to Court

11.7.1 The Corporation in which the property is situate or any Owner affected by a decision of the Committee under Subsection 11.6 may appeal that decision to a Judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Court for an Appointment within fourteen (14) days after the sending of a copy of the decision.

11.7.2 An Owner who appeals a decision of the Property Standards Committee shall pay to the Clerk of the Corporation the fee for the appeal as set out in Schedule "A" hereto at the time the Notice of Appeal is filed.

11.7.3 In the event that an appeal of a decision of the Property Standards Committee is not received by the Clerk and the Superior Court of Justice within the time period set forth herein, then the said Order is deemed as and is confirmed.

11.7.4 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 the persons upon whom the appointment is to be served.

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

11.7.6 The decision of the judge shall be final and binding.

## SECTION 12 – UNSAFE AND EMERGENCY ORDERS

12.1 If, upon inspection of a building, an Officer is satisfied that a building poses a danger to the health or safety of any person, the Chief Building Official may make an Order and otherwise act in accordance with Sections 15.9 or 15.10 of the Building Code Act as may be appropriate.

## SECTION 13 – OFFENCE AND PENALTY

13.1 Every person who contravenes any provision of this by-law or any Order delivered hereunder is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

13.2 Notwithstanding that set forth in Subsection 13.1, every person who contravenes any provision of this by-law or any Order delivered hereunder is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, shall be subject to the following monetary penalties:
a) upon a first conviction, to a fine of not more than $ 25,000.00; and
b) upon a second or subsequent conviction, to a fine of not more than $ 50,000.00.

13.3 Every person who is a director or officer of a defendent corporation who knowingly concurs in a contravention of this by-law or any notice delivered hereunder by such corporation is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, shall be subject to the following monetary penalties:

a) upon a first conviction, to a fine of not more than $ 25,000.00; and
b) upon a second or subsequent conviction, to a fine of not more than $ 50,000.00.

13.4 If either an Order has been issued under this by-law or any Court of competent jurisdiction has issued an Order in respect of this by-law and such Order has not been complied with, then any ongoing contravention of such Order shall be deemed to be a continuing offence for each day or part thereof that the said Notice or Order is not complied with.

13.5 Every person who contravenes any provision of this by-law in such a manner so as to constitute a continuing offence thereof is guilty of such offence and upon conviction pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, is liable to a fine of not more than $ 15,000.00 per day, or any part thereof, that such offence continues.

13.6 In the event of conviction of an offence of this by-law, the Court entering such conviction or any other Court of competent jurisdiction may, in addition to any other penalty, make an Order prohibiting the continuation or repetition of the offence by the person so convicted.

**SECTION 14** - REPEALED

14.1 By-Law No. 72-2014, as amended, is hereby repealed.

READ a First and Second time this 17th day of June, 2019.

READ a Third time and Finally passed this 17th day of June, 2019.

Maria Konefal, City Clerk

Joe Preston, Mayor

# SCHEDULE "A"

**BY-LAW NO. 80 -2019**

Administration Fee for Issuance of Orders

Property Standards Order ..... $ 200.00

Administration Fee for Registration of Orders against title

Property Standards Order ..... $ 700.00

Administration Fee for Removal of Orders from title

Property Standards Order ..... $ 700.00

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 ..... | $ 75.00 /hour |
| Time – Property Standards Officer ..... | $ 50.00 /hour |
| Time – Building Services Assistant ..... | $ 50.00 /hour |
| Mileage, photocopying, phone, etc. ..... | as per City guidelines |

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

Administration fee ..... 15% of total disbursements

Administration Fee for Issuance of Certificates of Compliance

Residential ..... $ 200.00 per unit

Commercial ..... $ 500.00 per unit

Industrial/Institutional ..... $ 50.00 per 100 $m^2$ of building area
minimum $ 500.00

Vacant and Derelict property ..... $ 200.00