

By-Law #02-85

PROPERTY STANDARDS FOR MAINTENANCE AND OCCUPANCY - BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE CITY OF WATERLOO, AND PROHIBITING THE OCCUPANCY OR USE OF SUCH PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS; AND FOR REQUIRING PROPERTY BELOW THE STANDARDS PRESCRIBED HEREIN TO BE REPAIRED AND MAINTAINED TO COMPLY WITH THE STANDARDS, OR THE LANDS THEREOF TO BE CLEARED OF ALL BUILDINGS AND STRUCTURES AND LEFT IN A GRADED AND LEVEL CONDITION.

WHEREAS under subsection 15.1(3) of the Building Code Act, S.O. 1992, c.23 a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions; AND WHEREAS the Official Plan for The Corporation of the City of Waterloo includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of The City of Waterloo deems it desirable to pass a by-law pursuant to the powers conferred on Councils under the provisions of Section 15.1(3) of the Building Code Act, S.O. 1992, c.23; and amendments thereto;

AND WHEREAS subsection 15.6(1) of the Building Code Act requires that a by-law passed under subsection 15.2(3) of the Building Code Act shall provide for the establishment of a Property Standards Committee.

NOW THEREFORE, the Council for the Corporation of The City of Waterloo hereby enacts as follows:

1. DEFINITIONS

1. **“act”** means an enactment or statute of the Province of Ontario.
2. **“Chief Official”** means the Chief Building Official appointed under Section 3 of the Building Code Act, S.O. 1992, c.23, as amended, and having jurisdiction for the enforcement thereof.
3. **“City”** means The Corporation of the City of Waterloo.
4. **“code”** means a regulation of the Province of Ontario known,
 - (a) with respect to matters relating to building, as the Building Code

- (b) with respect to matters relating to electricity, as the Electrical Safety Code;
 - (c) with respect to matters relating to fire, as the Fire Code; and
 - (d) with respect to matters relating to plumbing, as the Plumbing Code.
5. **“Committee”** means a Property Standards Committee established under this By-law.
 6. **“Council”** means the Council of The Corporation of the City of Waterloo.
 7. **“dwelling”** means a building or part thereof, used or designed to be used as a residence and containing one or more dwelling units.
 8. **“dwelling unit”** means two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.
 9. **“exterior property area”** means the building lot excluding buildings.
 10. **“fence”** means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.
 11. **“ground cover”** means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
 12. **“graffiti”** means one or more letters, symbols, or marks, howsoever made, that disfigures or deface a property or object, but does not include a sign pursuant to the City’s sign by-laws or a mural which has been authorized by the City.
 13. **“habitable room”** means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food.
 14. **“means of egress”** means a doorway, hallway, corridor, exterior passageway or balcony, lobby, stair, ramp or other facility or combination thereof provided for the escape of persons from a building, dwelling unit, floor area, contained open space or room to a public thoroughfare, street, lane, yard or other approved open space at grade level. Egress includes exits and access to exits. Elevators and windows shall not be considered as means of egress.
 15. **“non-habitable space”** means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy specified in this By-law.
 16. **“occupant”** means any person or persons over the age of eighteen years in possession of the property.

17. **“Officer”** means a Property Standards Officer who has been appointed by Council to administer and enforce this By-law.
18. **“owner”** includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on the person’s own account or as an agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include 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.
19. **“person”** includes a person, firm, corporation, association or partnership.
20. **“property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
21. **“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.
22. **“safe condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
23. **“sign”** means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service, commodity or use.
24. **“standards”** means the standards of physical condition and occupancy set out in this By-law.
25. **“yard”** means the area of a property not occupied by buildings and includes landscaped roofed areas.

2. STANDARDS MAINTENANCE AND OCCUPANCY

Minimum adopted

The standards for maintenance and occupancy of property set forth in Section 3 through Section 28 of this By-law are hereby prescribed and adopted as the minimum standards for all property in the City.

3. REPAIR MAINTENANCE

Duty of owner

All owners of property which is below the standards prescribed by this By-law are required to repair and maintain such property to comply with the standards prescribed by this By-law, except where a demolition permit, referred to in Section 28(1), has been obtained and remains in effect.

4. EXTERIOR PROPERTY AREAS

(1) Safe condition environment protected

Exterior property areas shall be maintained in a neat, tidy and safe condition and so as not to detract from the neighbouring environment.

(2) Removal required specific items

Without restricting the generality of Section 4(1), such maintenance includes the removal of:

- (a) rubbish, garbage, waste, litter and debris;
- (b) injurious insects, termites, rodents, vermin and other pests;
- (c) trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;
- (d) excessive growth of weeds, grass and bushes pursuant to City of Waterloo Lot Maintenance By-law 89-137 (as amended);
- (e) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof; and
- (f) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

(3) Driveways parking areas paths walkways

Driveways, parking areas, paths and walkways shall be installed and maintained in a safe condition with non-organic ground cover.

(4) Lighting fixtures and supports

Lighting fixtures and their supports shall be installed and maintained in a safe and structurally sound condition and in working order and good repair.

(5) Ground cover erosion control

Suitable ground cover shall be provided and maintained to prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be re-sodded or re-seeded as often as is required to maintain the grass in a living condition.

(6) Grass trees bushes hedges landscaping

Grass, trees, bushes, hedges and other landscaping, non-organic ground cover and site facilities, required as a condition of development or redevelopment of the site shall be provided and maintained in living condition or in a good state of repair. The Officer may accept alternatives provided the intent of the original conditions of approval are maintained.

(7) Firewood Storage

No firewood shall be stored in a residential yard that fronts on a municipal street. Firewood may be stored in a rear yard or side yard subject to the following condition;

- (a) firewood stored in a side yard or rear yard shall be at least 0.6 metres (24 inches) from every property line;
- (b) no piece of firewood shall exceed 0.6 metres (24 inches) in length and all firewood shall be staked in an orderly pile;
- (c) on a property that is less than 0.4 hectares (1 acre) in area, no firewood pile(s) shall exceed 1.5 metres (59 inches) in height or cover an area larger than 6.0 metres square (64 square feet); and
- (d) on a property that is 0.4 hectares (1 acre) in area, no firewood pile(s) shall cover an area greater than 15 metres square (160 square feet).

(8) Fences Gates Swimming Pools Hot Tubs

All swimming pools, wading pools and ponds and any appurtenances, including fences and gates thereto shall be maintained in good repair, free from leaks and free from health and safety hazards. This does not refer to Storm Water Management Ponds.

(9) Stagnant Water

All swimming pools, wading pools and ponds shall be kept clean of stagnant water and any such areas that are unkept or unused shall be drained of all water found therein. This does not refer to Storm Water Management Ponds.

(10) Graffiti removal

All property, including but not limited to, buildings, structures, fences or other objects shall be kept clean and free of graffiti at all times.

(11) Exterior lighting

All exterior lighting shall not cause light to trespass on to adjacent properties and shall be such as to protect adjacent properties from glare.

(12) Sensor activated lighting

Sensor activated lighting shall not be triggered by activity off the property.

5. FENCES

(1) Erection maintenance standards

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

- (a) in good repair;
- (b) in a safe and structurally sound condition;
- (c) reasonably plumb; and
- (d) unless inherently resistant to deterioration, with a protective coating of paint or equivalent weather-resistant material.

6. SIGNS

(1) Installation maintenance standards

A sign and any structure therefor shall be installed and maintained:

- (a) in conformance with the requirements of the City of Waterloo Sign By-law 80-75 (as amended);
- (b) in good repair and without any visible deterioration when viewed from any property other than the property on which the sign is situated;
- (c) in a safe and structurally sound condition; and
- (d) in a reasonably vertical plane unless otherwise approved by the City.

(2) Unused not cared for discarded

A sign that is unused, not cared for or discarded shall be removed from the property or shall be stored within a building.

7. RETAINING WALLS

(1) Maintenance safe structurally sound

A retaining wall shall be maintained in good repair and in a safe and structurally sound condition.

(2) Maintenance standards

Without restricting the generality of Section 7(1), such maintenance includes:

- (a) redesigning, repairing or replacing of all deteriorated, damaged, misaligned or missing portions of the wall and any railings or guards appurtenant thereto;
- (b) installing subsoil drains where required to maintain the stability of the wall;
- (c) grouting masonry cracks; and
- (d) applying to all exposed metal or wooden components, unless inherently resistant to deterioration, a protective coating of paint or equivalent weather-resistant material.

8. GANTRIES TOWERS MASTS – ANTENNAE

(1) Maintenance standards

Gantries, towers, masts, antennae and structures of similar character shall be maintained:

- (a) reasonably plumb;
- (b) in good repair;
- (c) in a safe and structurally sound condition; and
- (d) in a relatively rust-free condition.

9. STRUCTURAL CAPACITY

(1) Building to sustain own weight

A building, or any part thereof, shall be capable of sustaining its own weight together with the loads that may be applied thereto by reason of its use and occupancy, natural causes such as snow and wind and all other causes set out in the Building Code.

(2) Safety factor standards

The factor of safety specified in the Building Code is the minimum standard which is to be met without exceeding soil capacity and the maximum differential or other settlement specified in the

(3) Building Code.

Structurally sound condition when deemed

When a building or part thereof or any other structure meets the standard set out above, it shall be deemed to be in a structurally sound condition.

10. UNSAFE CONDITIONS

(1) Abatement removal

Unsafe conditions in a building or on a property shall be abated or removed.

(2) Abatement removal standards

Without limiting the generality of Section 10(1), abatement or removal of an unsafe condition may include:

- (a) the provision, maintenance or repair of:
 - (i) fire and gas separations and fire protection;
 - (ii) early warning, fire extinguishing and fire fighting equipment and devices;
 - (iii) smoke control measures appropriate for the use and occupancy of the building, floor area, suite of rooms or space, and for the existing construction and building services; and
 - (iv) exit and emergency lighting.
- (b) the proper handling, storage and discharge of flammable liquids, dangerous chemicals and other dangerous materials;
- (c) the proper storage of combustible materials so as to minimize spread of fire and permit effective fire control;
- (d) the control of hazardous industrial processes and operations and the prevention of explosion;
- (e) the removal of garbage and refuse;
- (f) the removal or extermination of pests such as rodents, vermin and injurious insects, including termites and cockroaches; and
- (g) the elimination of any conditions which pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person in the building or on or about the property.

(3) Lease notice to tenants safety devices

The owner shall notify all tenants by provision incorporated in their lease of the availability of safety devices for windows with movable sashes and for balcony doors so as to prevent risk of accident to small children and, at the request of an occupant, shall install, maintain or repair such devices in a manner to prevent small children from opening a door or window beyond four inches.

11. FOUNDATIONS, WALLS, COLUMNS and BEAMS

(1) Maintenance safe structurally sound

The foundations, walls, columns and beams of a building shall be maintained in good repair and in a safe and structurally sound condition.

(2) Maintenance standards

Without restricting the generality of Section 11(1), such maintenance includes:

- (a) repairing or replacing decayed, damaged, weakened or missing foundations, walls, columns and beams along with any components, claddings, finishes and trims forming a part thereof;

- (b) extending the foundation walls below grade or regrading to provide adequate frost cover;
- (c) shoring, jacking up or underpinning of foundations where necessary;
- (d) repairing or replacing decayed, damaged, weakened or missing sills, piers, posts or other supports;
- (e) making sills, piers, posts or other wooden supports, repaired or replaced at or in ground, insect proof;
- (f) grouting, caulking or other waterproofing of cracks and joints in foundations and walls;
- (g) keeping all walls free from holes and loose or unsecured objects or materials; and
- (h) carrying out such other work as may be necessary to overcome any settlement or sagging which is detrimental to the appearance of the building or detracts from the neighbouring environment.

12. DOORS, WINDOWS, SHUTTERS and HATCHWAYS

(1) Maintenance good working order repair

The doors, windows (including storm and screen windows), shutters, hatchways and other exterior openings in a building shall be maintained in good working order and good repair, in a safe condition and, except for screen windows, reasonably weather-tight and draft free.

(2) Maintenance standard

Without restricting the generality of Section 12(1), such maintenance includes:

- (a) repairing, refitting or replacing decayed, damaged, defective or missing doors, windows, frames, sashes, casings, shutters, hatchways or screens;
- (b) keeping glazed doors, windows and other transparent surfaces reasonably clean so as to permit unimpeded visibility and unrestricted passage of light;
- (c) re-glazing, or refitting with transparent glass or other material or, where permitted, with a translucent substitute;
- (d) repairing or replacing defective, damaged or missing hardware and locking devices; and
- (e) weather-stripping and caulking of doors and windows.

(3) Opening ventilation illumination protection

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

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

13. STAIRS, FLOORS, LANDINGS , VERANDAHS, PORCHES, DECKS, LOADING DOCKS and BALCONIES

(1) Maintenance safe structurally sound

Every stair, floor, landing, verandah, porch, deck, loading dock, balcony along with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

(2) Maintenance standards

Without restricting the generality of Section 13(1), such maintenance includes:

- (a) repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose, depressed, protruding or otherwise defective or missing;
- (b) repairing, replacing or supporting structural members that are decayed, damaged, weakened, loose or missing; and
- (c) providing, in accordance with the Building Code, repairing or replacing balustrades, guards and railings.

(3) Vacant unoccupied building exemption conditions

Stairs, floors, landings, verandahs, porches, decks, loading docks, balconies and every appurtenance attached thereto within the exterior walls of a vacant or unoccupied building are exempt from the requirements of sections 13(1) and 13(2) provided that section 28 of this By-law is adhered to.

14. ROOFS and ROOF STRUCTURES

(1) Maintenance safe structurally sound

Every roof, including chimneys, stacks, masts, lightning arrestors, antennae and other roof structures shall be maintained in good repair and in a safe and structurally sound condition.

(2) Maintenance standards

Without restricting the generality of Section 14(1), such maintenance includes:

- (a) removal of loose, unsecured or rusted objects or materials;
- (b) removal of dangerous accumulations of snow or ice;
- (c) keeping roofs and chimneys weather-tight and free from leaks; and
- (d) keeping all roof related structures reasonably plumb unless specifically designed to be other than vertical.

15. EXTERIOR SURFACES

(1) Paint weather-resistant material required

Every exterior surface, not inherently resistant to deterioration, on a building or any part thereof or appurtenance thereto shall be maintained, without visible deterioration, with a protective coating of paint or equivalent weather-resistant material.

(2) Damage fire other causes repair demolition

A building or portion thereof, damaged by fire or other causes, shall be repaired to its original condition and as may otherwise be required by this By-law, or the building shall be demolished or the damaged portion removed and the property left in a graded and level condition.

(3) Repairs standards

Without restricting the generality of Section 15(1) and 15(2), such repairs shall include:

- (a) abating any unsafe condition; and
- (b) refinishing so as to be in harmony with adjoining undamaged surfaces.

(4) Vacant unoccupied building exception

Nothing in this section shall be construed as restricting any door, window or other opening in the exterior of a vacant or unoccupied building from being protected by preventing entry thereto for such time as a building remains vacant or unoccupied, as is required by Section 28 of this By-law.

16. INTERIOR SURFACES

(1) Maintenance standards

Interior building surfaces shall be maintained:

- (a) in good repair, free from mould, holes, loose boards and broken, torn, damaged, decayed or missing materials;
- (b) in a safe condition; and
- (c) so as to possess the fire resistant properties required by the Building and Fire Codes.

17. ELEVATORS and ELEVATING DEVICES

(1) Maintenance standards

Elevators, dumbwaiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:

- (a) in accordance with the requirements of the Elevating Service Act and any regulations made thereunder;
- (b) in good working order and good repair; and

(c) in a safe condition.

18. VENTILATION SYSTEMS

(1) Provision maintenance standards

Ventilation, as required by the Building and Fire Codes, shall be provided to and maintained in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

(2) Cleaning maintenance standards

Ventilation systems shall be cleaned regularly and installed, used and maintained:

- (a) in conformance with the requirements of the Building and Fire Codes;
- (b) in good working condition and good repair; and
- (c) in a safe condition.

19. HEATING AND MECHANICAL SYSTEMS

(1) Provision heat standards

All buildings shall contain a heating system capable of supplying, during normal hours of occupancy, sufficient heat to maintain a minimum air temperature of 21 degrees Celsius (70 degrees Fahrenheit).

(2) Space not normally heated exception

The heating system and temperature required need not be provided for space not normally heated.

(3) Hot water adequate supply required

An adequate supply of hot water with a temperature range from 60 to 73.8 degrees Celsius (140 to 165 degrees Fahrenheit) shall be provided and maintained in all dwelling units.

(4) Maintenance standards

The heating system and hot water system required and other mechanical systems shall be provided, maintained and operated:

- (a) in accordance with the respective requirements of the Building, Plumbing and Fire Codes and the Energy Act and any regulations thereunder;
- (b) in good working order and good repair; and
- (c) in a safe condition.

20. ELECTRICAL SYSTEMS

(1) Connection with electrical supply system

A dwelling unit and, where required by the Building or Electrical Safety Codes, a building shall be connected to an electrical supply system and shall be wired to receive electricity.

(2) Connection system standards

The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use and intended use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained:

- (a) in compliance with the respective requirements of the Electrical Safety, Building and Fire Codes;
- (b) in good working order and good repair; and
- (c) in a safe condition.

21. DRAINAGE PLUMBING SYSTEMS

(1) Provision maintenance standards

Drainage and plumbing systems on a property shall be provided, installed and maintained:

- (a) in compliance with the requirements of the Building and Plumbing Codes, the Environmental Protection Act and any regulation thereunder;
- (b) in good working order and good repair; and
- (c) in a safe condition.

(2) Eavestrough gutters downpipes standards

Where water runoff from roof surface is discharged by way of eavestroughs or roof gutters and downpipes, they shall be installed and maintained in good working order and good repair, watertight and free from leaks and in a safe condition.

(3) Downpipe sump pump grading standards

Downpipes, sump pump and discharge lines shall be designed, provided and maintained so as to discharge water runoff away from the building and to prevent flooding, erosion and other nuisance to neighbouring properties.

22. REFUSE DISPOSAL

(1) Design installation maintenance standards

All refuse disposal facilities shall be designed, installed and maintained as required by the Building Code and any applicable by-law.

(2) Containers receptacles external screened covered

External containers and receptacles, where permitted, shall be screened from the view of neighbouring properties and shall be provided with covers so that any material contained therein shall not be exposed to view or to rodents, vermin, insects or other pests. Such covers shall be provided at all times, except when the containers or receptacles are actually being filled or emptied.

(3) Garbage chutes rooms containers standards

Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and good repair.

23. RECREATIONAL FACILITIES

(1) Installation maintenance safe continuous use

Recreational areas, structures, rooms and other facilities required by the City for the indoor and outdoor use of the occupants of a building shall be provided, installed, repaired and cleaned as is necessary in order to maintain them in a safe condition and available for use on a continuous basis at all reasonable hours.

(2) Equipment recreational standards

Equipment meeting the recreational needs of the occupants of the building shall be provided and maintained in such facilities in good working order, in good repair and in a safe condition.

24. RESIDENTIAL OCCUPANCY

(1) Non-habitable space use prohibited

No person shall use or cause or permit to be used non-habitable space for the purpose of a habitable room.

(2) Dwelling use occupancy standards

No portion of a dwelling shall be used for residential occupancy unless:

- (a) the floors, walls and ceilings within a building and the exterior walls, roofs and any openings therein are watertight and reasonably free from dampness and drafts;
- (b) every habitable room, except a kitchen, contains one or more windows or skylight that:
 - (i) open directly to the outside air; and
 - (ii) have a total light transmitting area and openable ventilation area of not less than that required by the Building Code.
- (c) All windows and skylights are:
 - (i) glazed or fitted with an appropriate transparent material;

- (ii) provided with hardware and locking devices;
 - (iii) maintained in good working order and good repair; and
 - (iv) if required for ventilating purposes, capable of being easily opened and closed at all times.
- (d) the heating system is capable of maintaining a minimum air temperature of 21 degrees Celsius (70 degrees Fahrenheit), unless otherwise acceptable to the occupant;
- (e) an adequate and safe supply of potable water is provided and maintained at all times;
- (f) an adequate supply of hot water with a temperature range from 60 to 78.3 Celsius (140 to 165 degrees Fahrenheit) is provided and maintained at all times;
- (g) toilet, washing and other sanitary facilities are provided and maintained in accordance with the Building and Plumbing Codes.; and
- (h) it is insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of walls, ceilings and floors as required by the Building Code or other repairs shall be effected which the Officer deems to be equivalent.

25. EGRESS

(1) Continuous unobstructed from interior

Every dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each dwelling unit contained therein to the exterior of the dwelling at or near street or grade level.

(2) Second means of egress where required

Except as provided in Section 25(3), every dwelling, containing dwelling units located other than on the ground floor or the first floor above the ground floor, shall provide a second means of egress from such dwelling units to the exterior of the dwelling at or near grade level.

(3) Second means of egress where not required

A second means of egress shall not be required from any dwelling unit having a separate or self-contained means of egress to the exterior of the dwelling at or near grade level.

(4) Enclosed through another unit prohibited

A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another dwelling unit.

26. MULTIPLE OCCUPANCY BUILDINGS

(1) Garages, walkways and access lanes

Light fixtures shall be installed and maintained to illuminate the steps, walkways, driveways and parking areas of a yard to afford safe passage.

(2) Storage Garages

All storage garages shall have lighting fixtures maintained in a good working condition, and

- (a) shall be illuminated by natural means where available, and by an adequate number of light fixtures, or the painting of walls, columns and ceilings white in colour, or any combination thereof so as to maintain an average level of illumination of at least fifty lux (4.6 foot candles);
- (b) shall have a level of illumination at any location on the floor of not less than eleven lux (1 foot candle);
- (c) shall have all ventilation systems maintained in a good working condition;
- (d) shall have all emergency exit routes and doors maintained in a good working condition and free from all obstructions;
- (e) shall have all exit signs provided and maintained in accordance with the requirements of the Ontario Building Code and Fire Code;
- (f) shall have all floor drains in good working condition and free from all obstructions.

(3) Refuse disposal

Multiple occupancy residential buildings shall provide sufficient rooms with containers and receptacles to safely contain all garbage, rubbish, ashes, waste and other refuse, which shall not be allowed to accumulate but which shall be removed or made available for removal in accordance with all applicable by-laws.

(4) Refuse facility designed and installation

The facilities required by section 26(3) shall be designed and installed as required by the Ontario Building Code.

27. VACANT PROPERTY

(1) Protection fire accident damage other danger

The owner of any vacant or unoccupied building shall protect such building 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.

(2) Protection standards

Without restricting the generality of Section 27(1), protection may include the boarding up with:

- (a) tight fitting plywood;
- (b) rigid, composite panels; or
- (c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to every doorway, window or wall opening that constitutes a means of access or hazard.

(3) Boarding installation maintenance

All such boarding shall be installed and maintained in good repair and, unless inherently resistant to deterioration, with a protective coating of paint or equivalent weather-resistant material.

(4) Utilities disconnection security

Where a building remains vacant or unoccupied for a period of more than 90 days, the owner shall ensure that all utilities serving the building, 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.

28. DEMOLITION

(1) Permit required posting

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

(2) Walls remaining structurally sound weather-tight

The owner of any building 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, weather-tight, in a safe condition and in conformity with the standards in the Building Code.

(3) Site cleared cleaned maintained

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.

29. ENFORCEMENT AND ADMINISTRATION

(1) Inspection of property

An Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under section 29(2) has been complied with.

(2) Contents of order

An Officer who finds that a property does not conform with any of the standards prescribed in this By-law may make an order:

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled 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 City 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.

(3) 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.

(4) Removal prohibited

Where any sign, notice, order or placard has been placed on any premises pursuant to this By-law, no person shall remove such sign, notice or placard from the premises without the authority of the Officer.

(5) 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 29(3) and, when the requirements of the order have been satisfied, the Clerk of the City 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.

(6) Property standards committee establishment

There shall be and hereby established, a Property Standards Committee of at least three (3) ratepayers of the City to be appointed for a three (3) year term.

(7) Filling of vacancies

The Council of the City shall forthwith fill any vacancy that occurs in the membership of the Committee.

(8) Compensation

The members of the Committee shall be paid such compensation as the Council may provide.

(9) Chair

The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair.

(10) Quorum

A majority of the members constitutes a quorum for transacting the Committee's business.

(11) Secretary

The members shall provide for a secretary for the Committee.

(12) Rules of procedure and oaths

The Committee may, subject to section 29(13), adopt its own rules of procedure and any member may administer oaths.

(13) Where committee required to give notice

The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

(14) Appeal of order

An owner or occupant who has been served with an order made under section 29(2) and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within 14 days after being served with the order.

(15) Confirmation of order

An order that is not appealed within the time referred to in section 29(14) shall be deemed to be confirmed.

(16) Powers of committee on appeal

If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order and may,

- (a) confirm, modify or rescind the order to demolish or repair;
- (b) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the By-law and of the Official Plan are maintained.

(17) Appeal to Ontario Court

The City in which the property is situate or any owner or occupant or person affected by a decision under section 29(16) may appeal to a judge of the Ontario Superior Court of Justice by notifying the Clerk of the City in writing and by applying to the Ontario Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision.

(18) Appointment

A judge of the Ontario 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.

(19) Judge's powers

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

(20) Effect of decisions

An order that is deemed to be confirmed under section 29(15) or that is confirmed or modified by the Committee under section 29(16) or a judge under section 29(19), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order

(21) Power of City

If an order of an Officer is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge, the City may cause the property to be repaired or demolished accordingly.

(22) Warrantless entry

For the purpose of section 29(21), employees or agents of the City may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

(23) No liability

A municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under section 29(15).

(24) Municipal lien

The City shall have a lien on the land for the amount spent on the repair or demolition under section 29(15) and the amount shall be deemed to be municipal real property taxes and may be

added by the Clerk of the City to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

(25) Certificate of compliance

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

(26) Request for certificate

An Officer shall issue a certificate to an owner who requests one and who pays the fee set by the Council of the City in which the property is located.

(27) Fee for certificate

A Council of a City may set a fee for the issuance of a certificate.

(28) Emergency order

If upon inspection of a property the Officer is satisfied that there is non-conformity with the standards in a by-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity requiring remedial repairs or other work to be carried out immediately to terminate the danger.

(29) Service of emergency order

The order shall be served on the owner of the property and such other persons affected thereby as the Officer determines and a copy shall be posted on the property.

(30) Emergency powers

After making an order under section 29(28), the Officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the City may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant.

(31) No liability

A municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under section 29(30).

(32) Service

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 section 29(29) as soon as 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 City and providing details of the amount expended in taking the measures.

(33) Service of statement

If the order was served before the measures were taken, the Officer shall serve a copy of the statement mentioned in section 29(32) in accordance with section 29(29) as soon as practicable after the measures have been taken.

(34) Application to court

As soon as practicable after the requirements of section 29(32) or 29(33) have been complied with, the Officer shall apply to a judge of the Ontario Superior Court of Justice for an order confirming the order made under section 29(15) and the judge shall hold a hearing for that purpose.

(35) Powers of judge

The judge in disposing of an application under section 29(34) 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.

(36) Order final

The disposition under section 29(35) is final.

(37) Municipal lien

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 of the City to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

(38) Inspection powers of Officer

For the purposes of an inspection under this By-law, an Officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

(39) Samples

The Officer shall divide the sample taken under section 29(38)(e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.

(40) Same

If an Officer takes a sample under clause 29(38)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

(41) Receipt

An Officer shall provide a receipt for any document or thing removed under section 29(38)(e) and shall promptly return them after the copies or extracts are made.

(42) Evidence

Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals.

(43) Entry to dwellings

An inspector or Officer shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant;
- (b) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
- (c) the entry is necessary to terminate a danger under section 29(28) or 29(45);
- (d) the requirements of section 29(24) are met and the entry is necessary to remove a building or to remove an unsafe condition under or to repair or demolish under section 29(13).

(44) Notice

Within a reasonable time before entering the room or place for a purpose described in clause 29(43)(d), the inspector or Officer shall serve the occupier with notice of his or her intention to enter it.

(45) Issue fee payable

Where an inspection of a property has taken place following a complaint, the Officer may, or on the request of an owner shall, issue to the owner a Certificate of Compliance if, the Officer is satisfied the matter complained of has been remedied in order to comply with the standards of this By-law, and where it is issued at the request of the owner, the fee payable therefor by the owner to the City shall be in an amount as prescribed by Council from time to time.

30. PENALTY PROVISIONS

(1) Contravention offence

Every person who contravenes any provision of this By-law is guilty of an offence.

(2) Fine for contravention owner

An owner is liable, upon conviction, to a fine or not more than Twenty Five Thousand Dollars (\$25,000) for a first offence and to a fine of not more than Fifty Thousand Dollars (\$50,000) for a subsequent offence.

(3) Fine for contravention corporation

Notwithstanding Section 37(2), a corporation is liable, upon conviction to a fine of not more than Fifty Thousand Dollars (\$50,000) for a first offence and to a fine of not more than One Hundred Thousand Dollars (\$100,000) for a subsequent offence.

31. SEVERABILITY

(1) Severability

It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

32. REPEAL

(1) By-laws – previous

By-law 94-16 and any other by-law or portion of by-law, to the extent that it is inconsistent with the provisions of this by-law, are hereby repealed.

(2) Effective Date

This By-Law shall come into force and take effect on the day of the passing hereof.

PASSED this 27th day of May, 2002.

SIGNED L.WOOLSTENCROFT
MAYOR

SIGNED F.DOBBS
CLERK