

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 5192-19**

**A BY-LAW FOR PRESCRIBING THE STANDARDS FOR THE  
MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE  
TOWN OF NIAGARA-ON-THE-LAKE AND TO REPEAL BY-LAW  
4779-14**

**WHEREAS** under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended, 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 Town of Niagara-on-the-Lake includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Town of Niagara-on-the-Lake is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S. O. 1992, c. 23, as amended;

**AND WHEREAS** Section 15.6(1) of the Building Code Act, S.O. 1992, c.23, as amended, requires that a by-law passed under Section 15.1(3) of the Building Code Act, S. O. 1992, c. 23, as amended, shall provide for the establishment of a Property Standards Committee;

**AND WHEREAS** Section 45(3) of the Planning Act R.S.O. 1990 c. P.13 provides that a council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provision of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so that empowered subsection (1) applies with necessary modifications.

**AND WHEREAS** Sections 35.3 and 45.1 of the *Ontario Heritage Act* allow for the creation of specific provisions for the conservation of "heritage attributes" for properties protection under Section 29 Part IV and Part V of the *Ontario Heritage Act*.

**AND WHEREAS** the Committee of Adjustment is empowered by By-law No. 4777-14 to make decisions on Property Standard Appeals.

**NOW THEREFORE** the Council of the Town of Niagara-on-the-Lake hereby enacts the following:

**1. PART I**

**1.0 DEFINITIONS**

- 1.01 Accessory Building means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 Apartment Building means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 Approved means acceptance by the Property Standards Officer.
- 1.04 Basement means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 1.05 Cellar means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.06 Committee means the Committee of Adjustment.

clothing, old or decayed lumber, construction or demolition refuse, tires and wrecked, dismantled, inoperative, unplated or unused vehicles.

- 1.08 Dwelling means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.09 Dwelling Unit means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.10 First Storey means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 1.11 Guard means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.12 Habitable Room means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.13 Heritage Attributes means in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest and as identified within the following:
  - i.) in a by-law designating a property passed under Section 29 Part IV of the *Ontario Heritage Act R.S.O. 1990, c.o.18 as amended*;
  - ii.) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act*;
  - iii.) in a Heritage Conservation District Plan passed under Part V, of the *Ontario Heritage Act*.
- 1.14 Heritage Permit means a permit issued by Council under Section 33, 34 or 42 of the *Ontario Heritage Act*, to alter, erect, demolish or remove a heritage attribute.
- 1.15 Heritage property means a Part IV *Ontario Heritage Act* Designated Property and a Part V *Ontario Heritage Act* Designated Property.
- 1.16 Maintenance, when referenced in the context of a Heritage Property, means routine, cyclical, non-destructive actions necessary to slow the deterioration of a historic place including but not limited to: periodic inspection; general property cleanup; general gardening and repair of landscape features; replacement of glass in broken windows; replacement of roof shingles in a same or similar colour; re-pointing of areas under 1.5 square metres; and/or any work defined as maintenance within a Part IV *Ontario Heritage Act* Designating By-law or Heritage Conservation District Plan and Guidelines adopted under Part V of *Ontario Heritage Act*.
- 1.17 Means of Egress means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.18 Multiple Dwelling means a building containing three or more dwelling units.

- 1.19 Non-Habitable Room means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- 1.20 Non-Residential Property means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.21 Owner means the same as defined in Section 15.1(1) of the Building Code Act, S.O. 1992, c.23, as amended.
- 1.22 "Part IV OHA Designated Property" means property, including all buildings and structures thereon, that has been designated under Section 29 Part IV or by the Minister under section 34.5 Part IV of the *Ontario Heritage Act*.
- 1.23 "Part V OHA Designated Property" means property, including all buildings and structures thereon, located within a heritage conservation district that has been designated under Part V of the *Ontario Heritage Act*.
- 1.24 Person means an individual, firm, corporation, association or partnership.
- 1.25 Residential Property means any property in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.26 Standards means the standards of the physical condition and of occupancy prescribed for property by this by-law.
- 1.27 Toilet Room means a room containing a water closet or a washbasin.
- 1.28 Yard means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property and includes vacant land.

## **2. PART II**

### **2.01 GENERAL STANDARDS FOR ALL PROPERTY**

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

### **2.02 YARDS**

Every yard, including vacant lots shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (3) long grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act;

- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) injurious insects, termites, rodents, vermin or other pests; and
- (6) dead, decayed, diseased or damaged trees or other natural growth.

### **2.03 SURFACE CONDITIONS**

Surface conditions of yards shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering basements;
- (4) not exhibit an unsightly appearance;
- (5) be kept free of garbage and refuse;
- (6) be kept free of deep ruts and holes;
- (7) provide for safe passage under normal use and weather conditions, day or night; and
- (8) not create a nuisance to other property.

### **2.04 SEWAGE AND DRAINAGE**

- (1) Sewage shall be discharged into the sewage system.
- (2) Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- (3) Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

### **2.05 PARKING AREAS, WALKS AND DRIVEWAYS**

- (1) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, compacted stone or gravel, interlocking brick or stone or other generally accepted hard surfacing material, and shall be kept in good repair and free of dirt and litter.
- (2) Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

### **2.06 ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

- (1) Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- (2) Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structures are enhanced by the lack of such material.
- (3) Fences or barriers, of any nature or type, shall not be constructed of new, used or discarded tires.

### **2.07 GARBAGE DISPOSAL**

- (1) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

- (2) All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Regional garbage collection by-law where applicable.
- (3) Garbage storage areas shall be screened from public view.

## **2.08 COMPOST HEAPS**

- (1) The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial, plastic, enclosed container designed for composting.

## **2. PART II(a) – General Standards for Heritage Properties**

### **2(a)1 MINIMUM STANDARDS**

Despite any other provision of this By-law or the Building Code Act, 1992, no Heritage Property shall be altered except for Maintenance pursuant to this by-law or pursuant to approval requirements under the *Ontario Heritage Act*.

In addition to the minimum standards for Maintenance and occupancy of property under this by-law, the owner of a Heritage Property shall:

- i. Maintain the heritage property and the components of the heritage property that hold up, support or protect the Heritage Attributes in a manner that will ensure their conservation.
- ii. Conserve a property's Heritage Attributes in accordance with heritage conservation best practice documents, such as the *Standards and Guidelines for the Conservation of Historic Places in Canada* or *Well-Preserved: The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation*.
- iii. Repair a Heritage Attribute of a Heritage Property where it can be repaired, rather than replace the Heritage Attribute. Any work shall be undertaken as follows:
  - a. In a manner that minimizes damage to the Heritage Attribute; and,
  - b. In a manner that maintains the design, colour, texture, grain, or other distinctive feature(s) of the Heritage Attribute.
- iv. Where a Heritage Attribute is too severely deteriorated to repair, and where sufficient physical evidence exists, replace the Heritage Attribute using the same material as the original, where available, in keeping with the design, colour, texture, grain, and any other distinctive features of the original to the satisfaction of Heritage Staff. Where there is insufficient physical evidence, the form, material and detailing of the replacement shall be reviewed and approved by Town Council in consultation with its Municipal Heritage Committee.
- v. Document, prior to removal of any existing material, through photographs, to-scale drawings, and/or any means identified by the Town, to the satisfaction of Town Heritage Staff. All documentation shall be submitted in digital form to Town Staff.

### **2(a) 2. CLEARING AND LEVELLING OF HERITAGE PROPERTIES**

- No Heritage Attribute or Heritage Property shall be altered or cleared except where a Heritage Permit has been issued in accordance with the *Ontario Heritage Act*. This includes Heritage Attributes of a cultural heritage landscape and vegetation when identified as a Heritage Attribute.

- No order made under section 15.2 of the Building Code Act in respect to Heritage Property shall state that the site is to be cleared of all buildings or structures and left in a graded and levelled condition unless the works are part of an approval for a Heritage Permit issued by Council following consultation with its Municipal Heritage Committee.

2(a) 3. VACANT OR DAMAGED HERITAGE PROPERTIES

- i. Where a Heritage Property remains vacant for a period of 90 days or is vacant as a result of damage, the owner shall protect the Heritage attributes and elements supporting the Heritage Attributes against any existing risks, or further risks, of fire, storm, neglect, intentional damage or damage by other causes.
- ii. The owner shall ensure that appropriate utilities serving any building or structure are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes caused by environmental conditions. If the utilities are damaged, a plan must be put in place, subject to Town approval, for their reconnection as soon as possible.
- iii. Where a Heritage Property remains vacant for a period of 90 days or as the result of damage, the owner shall undertake the following:
  - a. Lock all doors and windows and ensure on-going maintenance;
  - b. Close all basement hatches, openings, walkways and windows;
  - c. Remove ladders, tools, equipment and other materials that might be used to gain interior access;
  - d. Remove rubbish, garbage, parts of vehicles and other equipment, discarded furniture, appliances, machinery and debris from inside buildings and structures and from around the property;
  - e. All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters, and by removing or cladding towers that may be used to access the Heritage Property;
  - f. Chain-off driveways and all other direct means of vehicular access to the property, while still permitting authorized vehicular and emergency vehicular access when necessary; chains should be no greater than 10mm (3/8 inch) in diameter and of a grade 30 or comparable;
  - g. Temporary metal security fencing may be required around the perimeter of a Vacant Heritage Property to the satisfaction of Heritage Staff, only after obtaining any necessary Heritage Permits.
  - h. Post "No Trespassing" signs on all exterior elevations, including all points of access to the property, and on gates and property fencing to the satisfaction of Heritage Staff, only after obtaining any necessary Heritage Permits.
- iv. The exterior of the building shall be maintained to prevent moisture penetration and damage from the elements.
- v. Where a building or structure on a Heritage Property is vacant, the Owner shall effectively prevent the entrance of all animals or unauthorized persons by closing and securing openings to the building with boarding:
  - a. that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
    - i. in a manner that minimizes visual impact;
    - ii. all boards shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.
  - iii. that is fastened securely in a manner that minimizes damage to the Heritage attributes and is reversible.
  - iv. Doors, windows and other openings of the building or structure shall be securely boarded up with a 12.7mm (0.5 in.) weatherproofed sheet plywood secured with nails or screws at least 50 millimetres (2 inches) in length and be installed at appropriate intervals on centre or a metal plate at least 6 millimetres thick. If the aforementioned measures prove

insufficient to secure openings, additional augmentation measures shall be required, consisting of the installation of steel mesh enclosures or steel panels over all boarded ground floor openings.

- vi. No window, door or other opening on a Heritage Property shall be secured by brick or masonry units held in place by mortar unless required by a Property Standards Officer.

**2(a) 4. EMERGENCY REPAIRS**

- i.) Any emergency works will be undertaken in accordance with the Town's *Ontario Heritage Act* delegated authority by-law. If such a by-law is not in force and effect, all emergency works will be subject to the approval of the Chief Building Official and in coordination with Heritage Staff where possible.

**2(a) 5. CONFLICT WITH OTHER PARTS OF THIS BY-LAW**

- i.) If there is a conflict between this section and any other provision in this By-law or any other Town by-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail to the satisfaction of the Chief Building Official.

**3. PART III - RESIDENTIAL STANDARDS**

**3.01 GENERAL CONDITIONS**

- (1) Every owner, tenant or occupant, of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with Regional by-laws.
- (2) Every owner, tenant or occupant, of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- (3) Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

**3.02 PEST PREVENTION**

- (1) Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- (2) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

**3.03 STRUCTURAL SOUNDNESS**

- (1) Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- (2) Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

**3.04 FOUNDATIONS**

- (1) Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent

settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.

- (2) Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers, which extend below the frost line, or to solid rock.

### **3.05 EXTERIOR WALLS**

- (1) Exterior walls of a dwelling and their components, including soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (2) Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **3.06 WINDOWS AND DOORS**

- (1) Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on doors it shall also be maintained in good repair. All windows capable of being opened shall be screened and maintained in good repair.
- (2) In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- (3) Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- (4) In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- (5) Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the

window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

### **3.07 ROOFS**

- (1) Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- (2) The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.



- (3) Where eavestroughing or roof gutters are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

### **3.08 WALLS, CEILINGS AND FLOORS**

- (1) Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- (2) Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- (3) Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

### **3.09 STAIRS, PORCHES AND BALCONIES**

- (1) Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

### **3.10 GUARDRAILS**

- (1) A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

### **3.11 KITCHENS**

- (1) Every dwelling shall contain a kitchen area equipped with:
  - (i) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - (ii) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
  - (iii) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft.) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
  - (iv) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

### **3.12 TOILET AND BATHROOM FACILITIES**

- (1) Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- (2) Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

- (3) Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

### **3.13 PLUMBING**

- (1) Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees F).
- (2) Every dwelling unit shall be provided with an adequate supply of potable running-water from a source approved by the Medical Officer of Health.
- (3) All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- (4) All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- (5) Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

### **3.14 ELECTRICAL SERVICE**

- (1) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- (2) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- (3) Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- (4) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- (5) Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

### **3.15 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- (1) Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F.) in the occupied dwelling units. The heating system shall be maintained in good working order.

- (2) All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- (3) Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- (4) Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling, which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- (5) All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- (6) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- (7) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

### **3.16 EGRESS**

- (1) Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- (2) Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm, (42 x 22 inches) with a sill height of not more than 914mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

### **3.17 NATURAL LIGHT**

- (1) Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

### **3.18 VENTILATION**

- (1) Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.
- (2) All system of mechanical ventilation shall be maintain in good working order.
- (3) All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

### **3.19 ELEVATING DEVICES**

- (1) Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

### **3.20 DISCONNECTED UTILITIES**

- (1) Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

### **3.21 OCCUPANCY STANDARDS**

- (1) The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.
- (2) No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.
- (3) Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
  - (a) each habitable room shall comply with all the requirements set out in this by-law;
  - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
  - (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
  - (d) access to each habitable room shall be gained without passage through a service room.

### **3.22 FIRE ESCAPES, ALARMS AND DETECTORS**

- (1) In every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms where intervening doors are closed, shall be installed by the owner between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:
  - (a) equipped with visual or audio indication that they are in operating condition;

- (b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

#### **4.0 PART IV**

##### **4.01 VACANT LANDS AND BUILDINGS**

- (1) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

##### **4.02 VACANT LANDS**

- (1) Vacant land shall be maintained to the standards as described in Part II, Article 2.02, of this by-law.
- (2) Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

##### **4.03 VACANT BUILDINGS**

- (1) Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- (2) The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

#### **5.0 PART V**

##### **5.01 NON-RESIDENTIAL PROPERTY STANDARDS**

- (1) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

##### **5.02 YARDS**

- (1) The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this By-law.
- (2) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

##### **5.03 PARKING AREAS, AND DRIVEWAYS**

- (1) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel or interlocking brick or stone or other generally accepted hard surfacing material and shall be kept in good repair and  
  
free of dirt and litter. Notwithstanding the foregoing, in non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.

- (2) All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

#### **5.04 STRUCTURAL SOUNDNESS**

- (1) Every part of a building or structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- (2) Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

#### **5.05 EXTERIOR WALLS**

- (1) Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (2) Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

#### **5.06 GUARDRAILS**

- (1) A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24 in.) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. (Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

#### **5.07 LIGHTING**

- (1) All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as maybe required by the Occupational Health and Safety Act for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

### **6.0 PART VI**

**6.01** This by-law shall apply to all property within the limits of the municipality.

**6.02** The imperial measurements contained in this by-law are given for reference only.

#### **6.03 OFFICERS**

- (1) The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law.

#### **6.04 COMMITTEE OF ADJUSTMENT**

- (1) Property Standards Order appeals shall be processed in accordance with Section 45 of the Planning Act with necessary modifications and the following exceptions:

- i) Notice of hearing shall be given to every owner of abutting land by personal service or prepaid personal mail or electronically, where permitted.
  - ii) Decisions on property standard order appeals may be appealed to the Superior Court of Justice.
- (2) Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, SO, 1992, C.23 as amended, shall submit a Notice of Appeal in the time frame and manner as prescribed in Section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by the required fee.
- (3) The Committee shall act in accordance with to the Terms of Reference as approved by Council.

#### **6.05 COMPLIANCE**

- (1) Every person requiring the discharge of an order registered in the Land Registry Office shall pay a fee as described in Schedule "A" attached.
- (2) Every person requiring a certificate of compliance shall pay a fee as described in Schedule "A" attached.
- (3) The owner of any property which does not conform to the standards as set out in this By-law shall repair and maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a leveled and graded condition.

#### **6.06 PENALTY**

- (1) Any person who fails to comply with an Order that is final and binding is guilty of an offence under section 36(1) of the Building Code Act, S.O. 1992, c.23, as amended, and is liable to a penalty or penalties as set out in section 36 of that Act.

#### **6.07 VALIDITY**

- (1) If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- (2) Where a provision of this by-law conflicts with the provision of another By-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

#### **6.08 TRANSITIONAL RULES**

- (1) After the date of the passing this by-law, By-law No. 3298-98, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

#### **6.09 TITLE**

- (1) This by-law may be referred to as "The Property Standards By-law".

7. That By-law 4779-14 be repealed in its' entirety.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 11TH DAY OF NOVEMBER 2019.**

  
LORD MAYOR BETTY DISERO

  
TOWN CLERK PETER TODD