

# **TOWN OF SMITHS FALLS**

## **PROPERTY STANDARDS BY-LAW NO. XXXX-2022**

**Being a By-law to prescribe standards for the maintenance and occupancy of property and to repeal By-law numbers 7766-2003, 8038-2007, 8123-2008, and 8723-2014**

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**Being a by-law to prescribe standards for the maintenance and occupancy of property and to repeal By-law numbers 7766-2003, 8038-2007, 8123-2008, and 8723-2014 .**

**WHEREAS** Council of the Corporation of the Town of Smiths Falls deems it desirable to establish standards for the maintenance and occupancy of properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties;

**AND WHEREAS** the Corporation of the Town of Smiths Falls has an Official Plan that includes provisions relating to property conditions.

**AND WHEREAS** section 15.1(3) of the Building Code Act, 1992 authorizes the Corporation of Town of Smiths Falls to pass a by-law prescribing standards for the maintenance and occupancy of property;

**AND WHEREAS** section 15.6(1) of the Building Code Act, 1992 provides for the establishment of a Property Standards Committee;

**AND WHEREAS** Part XII of the Municipal Act, 2001 and section 15.5 of the Building Code Act, 1992 authorize the Town of Smiths Falls to charge fees for services and activities carried out under this By-law;

**NOW THEREFORE**, the Council of the Corporation of the Town of Smiths Falls enacts as follows:

**SHORT TITLE**

1. This By-law may be referred to as the “Property Standards By-law” or the “Town of Smiths Falls Property Standards By-law”.

**DEFINITIONS AND INTERPRETATION**

2(1) In this By-law:

**“Accessory Building or Structure”** shall mean a detached subordinate building or structure not used for human habitation, located on the same lot with the main building, and used incidentally to the main building, and includes a private garage where such garage does not form a part of the main building and shall not be used for human habitation unless expressly permitted in the Zoning By-law

**“Adverse effect”** means one or more of,

- a) impairment of the quality of the natural environment for any use that can be made of it,
- b) injury or damage to property or to plant or animal life,
- c) harm or material discomfort to any person,
- d) an adverse effect on the health of any person,
- e) impairment of the safety of any person,
- f) rendering any property or plant or animal life unfit for human use,
- g) loss of enjoyment of normal use of property, and
- h) interference with the normal conduct of business;

“**Air**” means open air not enclosed in a building, structure, machine, chimney, stack or flue;

“**appliances**” include a fridge, stove, dishwasher, clothing washer, or dryer;

“**Attic**” means the portion of a building situated wholly or in part within the roof and which is not a half story.

“**Balustrade**” means a railing supported by a series of short posts forming an ornamental parapet to a balcony or terrace.

“**Basement**” means that portion of a building from a floor to the underside of a ceiling that is located partially or entirely below the adjacent finished ground level;

“**Bathroom**” means a room containing a bathtub or shower with or without a water closet and washbasin;

“**Building**” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

“**Building Code**” means the Ontario Building Code Act, 1992 and any regulations made under that Act, or its successor;

“**Certificate of Compliance**” means a certificate issued by an Officer if he/she is of the opinion that the property, for which the certificate has been requested, is in compliance with the standards established by this by-law;

“**Committee**” means the Property Standards Committee established under this By-law;

“**Contaminant**” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect;

“**Debris**” shall mean wreckage, ruins, litter and discarded garbage, refuse or trash, scattered remains of something destroyed and includes disused materials, appliances, devices, vehicles, parts and equipment of any kind whatsoever.

“**Director**” means the Director or Manager who supervises the Property Standards Officer and his or her designate or successor;

“**Dwelling**” shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle or tent.

“**Dwelling Unit**” shall mean a room or a combination of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, sleeping and sanitary facilities.

“**Farm Building**” means a building or part thereof which does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;

“**Fence**” shall mean any barrier or structure other than a building, erected at grade, which is constructed for the purpose of screening, safeguarding or encasing property or delineating property lines.

**“Garage”** shall mean an accessory building or part of a residential building located on a residential lot intended for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit, and shall include a carport.

**“Grade”** shall be the average elevation of proposed or finished ground adjoining a building at all exterior walls.

**“Ground Cover”** shall mean organic or non-organic material applied to prevent soil erosion in a yard.

**“Guard”** means a protective barrier installed around openings in floor areas or on the open sides of a stairway landing balcony mezzanine gallery 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 it.

**“Habitable Room”** shall mean a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a den, library or enclosed sun room but shall not include a porch, veranda, unfinished attic or unfinished basement.

**“Heritage Attribute”** means, in relation to real property, and to buildings and structures on real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:

- (i) in a by-law designating a property passed under section 29, Part IV of the Ontario Heritage Act and identified as a heritage attribute, reason for designation or otherwise;
- (ii) in a Minister’s order made under section 34.5, Part IV of the Ontario Heritage Act and identified as a heritage attribute or otherwise;
- (iii) in a by-law designating a heritage conservation district passed under section 41, Part V of the Ontario Heritage Act and identified as a heritage attribute or otherwise;

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

**“Maintenance”** shall mean the preservation and keeping in repair of a property.

**“Means of Egress”** shall mean a continuous, unobstructed path of travel provided for the exit of persons from any point in a building to an exterior open space protected from exposure to hazard in an emergency, and having access to an open public thoroughfare.

**“Municipal Act, 2001”** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

**“Non-Habitable Room”** shall mean any room in a building, other than a habitable room, and includes a bathroom, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for servicing or maintaining the building, and for access to and vertical travel between storeys of a building.

**“Occupant”** means any person or persons over the age of 18 years in possession of a property;

**“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property

**“Officer”** shall mean a Property Standards Officer or designate who has been appointed by Council for the purposes of administering and enforcing this By-Law.

**“Owner” includes,**

(a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and

(b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; (“propriétaire”)

**“Part IV heritage property”** means real property, including all buildings and structures thereon, which has been designated by the Town of Smiths Falls under section 29 of the Ontario Heritage Act, or which has been designated by the Minister under section 34.5 of the Ontario Heritage Act;

**“Part V heritage property”** means real property, including all buildings and structures thereon, located within a heritage conservation district, which has been designated by the Town of Smiths Falls under section 41 of the Ontario Heritage Act;

**“Pests”** means rodents, vermin, or insects;

**“Plant”** means any vegetation that is not a shrub, hedge, or tree;

**“Property”** means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected; and includes vacant property.

**“Property Standards Order”** means an order made under subsection 32 of this By-law;

**“Protective Device”** means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner;

**“Refuse”** means any article, thing, matter, substance or effluent that:

- (i) has been cast aside, discharged or abandoned;
- (ii) is discarded from its usual and intended use; or
- (iii) is used up, in whole or in part, or expended or worn out in whole or in part, and shall include domestic, construction or industrial waste, and provided further that waste does not cease to be refuse by reason that it may be commercially saleable or recyclable

**“Repair”** includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;

**“Residential Zone”** shall mean a residential zone as designated in the *Zoning By-Law* of the Town, and all amendments made thereto.

**“Retaining Wall”** means a wall that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where a change in ground elevation occurs;

**“Sanitary Sewage”** means liquid or water borne waste:

- (i) of industrial or commercial origin or institutional; or
- (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;

**“Sanitary Sewer”** means a sewer a sewer for the collection of water and water-carried wastes from residential, commercial industrial or institutional premises or any other source.

**“Septic System”** means a tank, usually below ground, for containing sewage to be decomposed by anaerobic bacteria.

**“Sewage System”** means:

- (i) the Town’s system of storm sewers, sanitary sewers and combined sewers; or
- (ii) a private sewage disposal system approved by the Town’s Chief Building Official or other responsible authority;

**“Shrub”** means a low woody perennial plant usually having several major branches

**“Sign”** shall mean any surface upon which there is printed, projected or attached any announcement, declaration or insignia used for direction, information, identification, advertisement, business promotion or promotion of products, activity or services and includes a structure, whether fixed or portable.

**“Structure”** shall mean any permanent or temporary object constructed or erected which requires location on the ground or attachment to something located on the ground, which is not adapted for occupancy. For the purpose of this By-Law, structure shall include a tent, platform, staging, wall, retaining wall, antenna, shed, garbage bin, fence, sign and every other construction or erection that is not a building.

**“Storm Water”** means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation;

**“Town”** means the Corporation of the Town of Smiths Falls.

**“Utilities”** shall mean hydro, heat and water or any other essential service required for the operation or maintenance of a building.

**“Unsafe Condition”** means the physical state of property, structure, barrier and/or building(s), whether vacant or occupied, that in the opinion of the Property Standards Officer.

**“Vacant ”** shall mean a building or part of a building that is not used by an owner or is not occupied for a period of 90 days.

**“Vermin”** – shall mean small animals that harm damage property, that are difficult to control or are undesirable. For the purpose of this by-law, skunks, squirrels, chipmunks, opossums, raccoon’s, rats, mice, weasels, and rabbits are considered vermin.

**“Visual Barrier”** means a barrier that acts as a screen consisting of:

- (i) a wall or fence;
- (ii) a continuous planting of suitable and healthy trees or shrubs;
- (iii) an earth berm; or
- (iv) any combination of the above.

**“Waste”** includes refuse or garbage of any kind whatsoever and without limiting the generality of the foregoing; included kitchen and table waste of animal origin, clothing ashes, paper, cartons, crockery, tin plastics, cans, glass or glassware, brush, timber, lumber, cable waste, rocks, bricks, concrete, gravel, sand, soil, appliances, automotive and mechanical parts, furnaces, bedsprings, mattresses, furniture, boxes, barrels, water or fuel tanks, containers, either full or empty, for paint, oil, solvents, items containing asbestos insulation, fuel tanks, batteries, acids and other prohibited hazardous waste as defined by the Ministry of the Environment. Waste shall not include compostable materials, such as grass cuttings, leaves, garden refuse, kitchen and table waste or vegetable origin when enclosed in a container approved by the Property Standards Officer.

**“Waterfront Property”** means the area of water which is immediately capable of use from the land, together with the area of land adjacent to the water, which is necessary to allow use of the above area of water.

**“Yard”** shall mean any open, uncovered, unoccupied space appurtenant to a building on a residential non-residential, or vacant property used or capable of being used in connection with the property, and includes driveways, parking areas, walkways, gardens, playgrounds, swimming pool areas, unenclosed decks unenclosed porches, unenclosed carports and unenclosed garages.

- 2(2) Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Building Code; if the word is not in the Act or Building Code it shall mean as defined in the Webster’s dictionary.
- 2(3) Yard maintenance and all respective landscaping, naturalization and urban agriculture will be in accordance with By-law No. 7122-96, governed under Part XII of the Municipal Act, 2001.

### **SCOPE**

- 3(1) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- 3(2) The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures or debris and shall leave the property in a graded and levelled condition.
- 3(3) If there is a conflict between a provision in this by-law and a provision of any other Town by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public prevails.

### **GENERAL RESPONSIBILITIES**

#### **Responsibility of the Owner**

- 4(1) The owner of the property shall:
  - (a) Repair, maintain and keep clean the property in accordance with the standards and take immediate action to eliminate any unsafe condition; and
  - (b) Ensure that every supplied facility in or on the property is:
    - (i) Constructed, installed and maintained so that it will function safely and effectively;

- (ii) Kept in a satisfactory working condition; and
- (iii) Available for use by the occupants and other users of the property in accordance with the standards.

### **Responsibility of the Occupant**

- 4(2) Every occupant of a dwelling unit, in that part of the dwelling unit that the occupant occupies or controls shall:
- (a) Maintain all appliances and plumbing fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
  - (b) Keep all exits from the dwelling unit clean and unobstructed;
  - (c) Maintain the dwelling unit in a clean and sanitary condition;
  - (d) Maintain all sanitary facilities and every plumbing fixture in a sanitary facility in a clean and sanitary condition;
  - (e) Keep all exits from the property clear and unobstructed;
  - (f) Co-operate with the Town in complying with the requirements of this by-law;
  - (g) Limit the number of occupants to the maximum number permitted by this by-law; and
  - (h) Take immediate action to eliminate any unsafe condition.

### **REPAIR AND MAINTENANCE STANDARDS**

- 5(1) Buildings, structures, materials or equipment that have been damaged or show evidence of deterioration shall forthwith be repaired or replaced.
- 5(2) All parts of a building or structure shall be free from loose or improperly secured objects or materials.
- 5(3) All repairs to any property shall be made in a manner that is accepted as good workmanship in the respective building trades concerned and with materials that are suitable and sufficient for the purpose, and that are free from defects.
- (a) The requirement that repairs be made in a “manner that is accepted as good workmanship” includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials; and
  - (b) The requirement that repairs be made with materials that are “suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

### **Damaged Material**

- 5(4) In the event of damage by fire, explosion, wind, flood or other disaster, measures shall be taken promptly to make the damaged building compatible with its environment and intended use.



- 5(5) Once the scene is released by Police, Fire, and other authorities, then damaged or partially damaged materials shall be forthwith removed from the property and replaced with new materials so as to be consistent with adjoining undamaged surfaces and/or areas.

### **GENERAL STANDARDS FOR ALL PROPERTIES**

- 6(1) The sections, standards, obligations and requirements in Sections 4 through 28 inclusive apply to all properties, except as otherwise specified.
- 6(2) Every building shall be kept free of any condition which constitutes a health or safety hazard.
- 6(3) This By-law does not apply to matters which, in the opinion of the Director or Manager, are minor in nature.
- 6(4) Where, in the opinion of an officer, there has been no substantial progress on the construction or demolition of a building, structure or portion thereof for a period of more than one year, such building, structure, or portion thereof shall be:
- (a) Demolished in accordance with all applicable statutes, regulations and by-laws; or,
  - (b) Completed within a reasonable time as specified by the officer, in accordance with all applicable statutes, regulations and by-laws, including this By-law.

### **Mold**

- 6(5) Any accumulation of mold within indoor living and/or indoor storage areas of a building shall be immediately cleaned and removed by the occupant.
- 6(6) No person shall occupy, or permit the occupancy of a building, or portion thereof, where an extensive accumulation of mold exists which could pose a health concern to any person who occupies the building, or portion thereof.
- 6(7) Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which relate to the creation and growth of mold, shall be repaired or removed by the owner of the building.
- (a) Notwithstanding any other provision of this by-law, section 6(5) and 6(6) shall not apply if, in the opinion of an Officer, the presence of mold is minor in nature and relates to general maintenance and/or lifestyle.

### **Vermin Prevention**

- 6(8) A dwelling shall be kept free of vermin at all times, and methods used for exterminating shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P.11, as amended, and all regulations enacted pursuant thereto.
- (a) The owner of a building shall take the appropriate steps to remove all pests infestations using a licensed pest control agency in accordance with all applicable laws.
  - (b) The owner of a building that has used a pest control agency shall produce for the Property Standards Officer on demand, documented proof of steps taken to eliminate the violating pests.

- 6(9) Basement or cellar windows used or required for ventilation, and any other opening in a basement or cellar, including a floor drain, that may permit the entry of vermin shall be screened with wire mesh, metal grill or other durable material which will effectively exclude vermin.
- 6(10) An opening for natural or mechanical ventilation that may permit the entry of rodents, vermin or insects shall be screened with wire mesh, metal grill or other durable material which will effectively exclude vermin.
- 6(11) Openings and holes in a building, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains, that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed as appropriate.

### **GARBAGE STORAGE AND DISPOSAL**

- 7(1) Every dwelling and every dwelling unit within the dwelling shall be provided with sufficient receptacles to contain all garbage and refuse.
- 7(2) The owners of all multiple dwellings that do not have garbage disposal rooms shall provide a receptacle or receptacles of sufficient size to contain all garbage and refuse generated between collections by the occupants served, and such garbage and refuse shall not be loaded beyond the top of the receptacle.
- 7(3) Any waste storage area, any waste bin, and any waste chute shall be kept clean and in a sanitary condition free from obnoxious odours.
- 7(4) Garbage, rubbish and ashes shall be stored within a building, fenced area, or structure, or in the interior side yard or rear yard where it will be screened from the view of neighbours or passers-by until collected for disposal.
- 7(5) Garbage receptacles must be made of metal or plastic, watertight and capable of being tightly closed to prevent entry of rodents, birds or other animals, and maintained in a sanitary condition free of obnoxious odours.
- 7(6) Bags containing garbage or refuse shall not be stored outdoors unless protected from damage.

### **Compost and Recycling**

- 7(7) Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic drums, or other materials suitable for such a use.
- 7(8) Compost heaps shall not be located in any front yard. All composts must be 1 meters (3.28 Feet) from all lot lines.
- 7(9) Every composter or compost pile shall be maintained to deter animals.
- 7(10) Every container for organic waste and recyclable items shall be:
  - (a) Maintained in a clean, neat and tidy condition; and
  - (b) Emptied regularly in accordance with the waste collection schedule established by the Town.

## **OCCUPANCY STANDARDS**

- 8(1) No person shall use or occupy, permit the use or occupancy of, or rent any residential property that does not conform to the standards of this By-Law.
- 8(2) A non-habitable room shall not be used as a habitable room.
- 8(3) The maximum number of occupants in a dwelling unit shall not exceed one person per 9.3 square metres (100 square feet) of floor area in a habitable room.
- 8(4) For the purpose of computing the number of occupants, any child under one year of age shall be counted 'nil', and any child between one and twelve years of age shall be counted 'one-half'.
- 8(5) For the purpose of computing the habitable room space, the floor area under a ceiling that is less than 1.52 metres (4.99 feet) in height shall not be counted.
- 8(6) No kitchen, bathroom, laundry room, or hallway shall be used as a bedroom.
- 8(7) Every room used for sleeping purposes in a dwelling unit shall provide a minimum floor area of 5.58 square metres with no less than 3.72 square metres of floor area for each additional occupant, provided that for the purpose of this By-Law, two children under the age of twelve years may occupy the same floor area as one adult.

## **BUILDING EXTERIOR**

### **All Exteriors**

- 9(1) All exterior surfaces of a building, structure, fence or retaining wall, including a mobile structure or building, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a farm building may have unprotected wood surfaces.
- 9(2) All exterior surfaces of a building, structure, fence or retaining wall, including a mobile structure or building that have become marked by construction, demolition, smoke, water, vandalism, or other causes shall be restored or replaced.
- 9(3) An exterior wall, chimney, roof or other parts of a building, structure, fence or retaining wall, including a mobile structure or building, shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects and such material and objects shall be removed, repaired or replaced.

### **Exterior of a Building**

- 9(4) The exterior of a building shall be:
  - (a) Maintained to prevent the entry of vermin and birds; and
  - (b) When opened or replaced during the course of alterations or renovations, shall be insulated in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces.

### **Exterior Wall**

- 9(5) An exterior wall and its components and attachments shall be:

- (a) maintained to prevent their deterioration by painting, restoring or repairing the walls, coping or flashing or by waterproofing the wall itself;
  - (b) maintained free of vandalism or other damage, and deterioration.
- 9(6) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- 9(7) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.
- 9(8) Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, including graffiti, occurring on an exposed exterior surface and, where necessary, to restore the surface as nearly as possible to its original condition.
- 9(9) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.

### **Roof**

- 9(10) A roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained to properly perform their intended functions including but not limited to being in a weather-tight condition able to prevent the leakage of water into the building;
- 9(11) Shingles or other roof coverings which exhibit excessive deterioration shall be replaced as required.
- 9(12) All roof flashing, gutters, valleys, snow and ice guards, eaves troughs, and down-pipes shall be secured, free of rust, and maintained in a serviceable condition.
- 9(13) All soffit and fascia components of a building shall be secured and maintained in good repair, and properly painted or otherwise treated.
- 9(14) Dangerous accumulations of snow or ice shall be removed from the roof.
- 9(15) A roof shall be kept clean and free from,
- (a) Rubbish or other debris; and
  - (b) Objects or conditions that may create a health or accident hazard.
- 9(16) All chimneys, smoke or vent stacks, aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.

### **Overhanging Extensions**

- 9(17) Balconies, porches, canopies, marquees, awnings, screens, grills, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained properly and safely anchored, protected against deterioration, rust or decay, and free from rubbish and debris.

## **DOORS, WINDOWS, SECURITY AND MAILBOXES**

### **All Doors and Windows**

- 10(1) An exterior door, window, hatch or other opening and its frame shall be:
- (a) Maintained to properly perform their intended functions; and
  - (b) Repaired or replaced if damaged including but not limited to being rotted, missing weather-stripping, caulking or hardware or having broken glass.
- 10(2) A lock on a door, window, hatch or other opening that is designed to be unlocked with a key or combination shall be maintained so as to properly perform its intended function and repaired or replaced if damaged.

### **Doors**

- 10(3) An exterior door or an entrance door to a dwelling, dwelling unit or a building containing more than 3 dwelling units shall have hardware so as to be capable of being locked from the outside and locked or otherwise secured from the inside.

### **Windows**

- 10(4) An opening window shall have hardware so as to be capable of being locked or otherwise secured from the inside.
- 10(5) A window in a dwelling or a dwelling unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and such screens shall be maintained so as to properly perform their intended function. **Except if the window is an approved fire escape.**
- 10(6) (a) Upon the written request of an occupant of a dwelling unit in which children under the age of 10 years are occupants, the owner of the dwelling unit shall, provide and install a protective device on any window that:
- (i) has a moveable sash; and
  - (ii) is more than 1.8 m above the adjacent finished ground level.
- (b) The protective device under paragraph 11(6)(a) shall be installed and secured in such a manner as to prevent opening of a window to any amount greater than 100 mm.

### **Security & Mailboxes**

- 10(7) All security intercom equipment must be kept free of defects and in good working order.
- 10(8) Where mailboxes are supplied for the use of occupants, they shall be maintained in good condition and free from defects.

## **VENTILATION**

- 11(1) Proper ventilation shall be provided and maintained within a building so as to prevent the accumulation of heat, dust, fumes, gases, vapours or other contaminants that may create a fire, explosion or health hazard.

- 11(2) Every attic, basement, cellar and unheated crawl space shall be adequately vented to the exterior and shall be designed and maintained to prevent the entry of rain, snow, vermin, or birds.

## **STRUCTURAL COMPONENTS**

### **Structures**

- 12(1) Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any load to which it normally may be subject.
- 12(2) Materials or objects which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.
- 12(3) The foundations, walls, columns, beams, floor and roof slabs of a building, including ancillary structures such as parking garages, shall be maintained in good repair.
- 12(4) For the purposes of this section, "structure" includes a fence, shed, permanent sign or other small building in addition to structures defined in the Building Code Act.

### **Doubt - Structural Condition - Engineer's Report**

- 12(5) If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a Professional Engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination be submitted to the Officer;

### **Report Acceptance**

- 12(6) The officer may accept the findings in the report pursuant to subsection 12(5) as the requirements for compliance with the required repairs provided the officer is satisfied all deficiencies have been identified and appropriately dealt with by the report.
- 12(7) Upon completion of all of the work required by the engineer's report, a further report prepared by the Professional Engineer shall be submitted to the Officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.
- 12(8) No structural element may be added, removed, repaired or modified in any manner until a required permit has been obtained from the Chief Building Official.

### **Foundations and Basements**

- 12(9) A foundation wall, basement cellars and crawl spaces and other supporting members of a building or structure shall be maintained in good repair and structurally sound as to properly perform their intended function.

### **Foundations**

- 12(10) The foundations and the foundation walls of a building or structure shall be structurally sound and maintained.

- 12(11) Foundations that have settled shall be adequately repaired to ensure that the stability of the superstructure is not compromised by the settlement.
- 12(12) All foundation footings shall be provided with adequate subsoil drainage to prevent the infiltration of moisture.
- 12(13) All cracks in concrete or masonry walls shall be properly grouted.

### **Basements**

- 12(14) A basement or crawl space shall be maintained in a watertight condition so as to prevent the leakage of water into the building.

## **STAIRWAYS, LANDINGS, BALCONIES, PORCHES**

### **Means of Access or Egress**

- 13(1) An exterior or interior stairway, landing, balcony, porch, ramp or other means of access or egress shall be maintained so as to be free of snow, ice buildup, holes, cracks and other defects which may constitute a possible safety hazard.
- 13(2) Storage of any kind is prohibited on any stairway, fire escape, ramp or any other mean of egress.

### **Stairs, Fire Escapes, Ramps, Landings, Balconies and Porches**

- 13(3) Stairs, fire escapes, ramps, balconies, and porches shall be maintained in good repair, free from snow, ice buildup, holes, cracks, loose materials and defects that may constitute possible hazards.
- 13(4) A balustrade 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 610 mm (24 inches). 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 and balconies. Guardrails balustrades and handrails shall be constructed and maintained rigid in nature.
- 13(5) No exterior stairway, including a fully enclosed outside stairway but not including a fire escape, shall have,
- (a) An angle not exceeding 45 degrees from the horizontal;
  - (b) A tread less than 23.5 cm (9 ¼ in) or more than 35.5 cm (14 in) in depth;
  - (c) A rise less than 12.4 cm (4 7/8 in) or greater than 20 cm (7 7/8 in); or
  - (d) A run less than 21 cm (8 ¼ in) or more than 35.5 cm (14 in).
- 13(6) The accumulation or storage of garbage, refuse, waste, appliances, or furniture which is not meant for outdoor use shall not be stored on any exterior stairway, balcony, verandah porch or ramp.

## **INTERIOR STRUCTURAL COMPONENTS, FLOORS, CEILINGS AND WALLS**

### **Structural Components**

14(1) In every building all structural components including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

### **Floors, Ceilings and Walls**

14(2) A floor, ceiling or wall shall be:

(a) kept free from water penetration and from dampness arising from the entrance of moisture through an exterior wall or roof or through a basement or crawl space;

14(3) A floor shall be smooth and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface.

14(4) Where a floor has been covered with a sheet or vinyl floor covering or other flooring that has become worn or torn so that it retains dirt, or may create an unsafe condition, the sheet or vinyl floor covering or other flooring, shall be repaired or replaced.

14(5) A bathroom, kitchen, laundry or shower room shall have a floor covering of water-resistant material.

14(6) Every wall and ceiling finish shall be,

(a) Maintained so as to be easily cleaned; and

(b) Free of holes, cracks, loose coverings, mold or other defects.

14(7) When walls and ceilings are repaired, they shall be surfaced with a finish compatible with the surrounding finishes.

14(8) Walls around a bathtub or shower shall be so maintained as to be water-resistant and readily cleaned.

14(9) When walls, ceilings and columns of a storage garage have been painted, the surface shall be repainted as necessary.

## **PLUMBING SYSTEMS**

### **Plumbing Systems and Fixtures**

15(1) The plumbing system and every plumbing fixture in a building shall be maintained so as to properly perform its intended function and be free from leaks and defects.

15(2) All water pipes and associated plumbing fixtures shall be protected from freezing.

15(3) The sanitary facilities of all buildings shall be connected to the Town's sewer collection system or, where this is unavailable, it shall be connected to a proper septic system acceptable to the District Health Unit.



## **Hot and Cold Water**

- 15(4) Every dwelling shall be provided with an adequate supply of potable running water.
- 15(5) Every sink, washbasin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.
- 15(6) Hot water as required in subsection 15(5) shall be supplied at a temperature of not less than 45 degrees Celsius (113 degrees Fahrenheit) and not more than 49 degrees Celsius (120 degrees Fahrenheit) in a quantity of at least 165 litres (36 gallons) for 15 minutes with a minimum recovery rate for the temperature of 45 litres (10 gallons) per hour.
- 15(7) Adequate running water shall be supplied to every water closet.

## **Dwellings and Dwelling Units**

- 15(8) Every dwelling unit shall be provided with a supply of potable running water supplied from the Town's water distribution system or, where this is unavailable, from an approved source by the District Health Unit.
- 15(9) A Dwelling unit shall contain at least the following working plumbing fixtures:
- (a) a kitchen sink
  - (b) a toilet
  - (c) a hand washing basin; and
  - (d) a bathtub or shower

## **Dwelling Egress**

- 15(10) Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to the exterior of the building at grade level.
- 15(11) Every residence containing more than one dwelling unit shall have at least two (2) exits, both of which may be common and one of which may be an exterior stair or fire escape. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at ground level and under the immediate control of the occupants.

## **KITCHENS AND BATH OR SHOWER ROOMS AND TOILET ROOMS**

### **Kitchen**

- 16(1) The following items in a kitchen shall be maintained in good repair or replaced:
- (a) Cupboards, cupboard doors, and cupboard door hardware;
  - (b) Cupboard drawer cabinets, cupboard drawers, and cupboard drawer hardware; and,
  - (c) Counter tops.
- 16(2) Where appliances are provided, they must be maintained in good repair and in a safe condition.

### **Bath or Shower Rooms, Toilet Rooms and Laundry Facilities**

- 16(3) The floor and the walls to a minimum height of 0.9 m above the floor or bathtub of every bath or shower room and toilet room shall be water-resistant and readily cleaned.
- 16(4) Every bath or shower room and toilet room shall:
- (a) Be located within and accessible from the interior of the building;
  - (b) Be fully enclosed, having a door capable of being closed so as to provide privacy for the occupant;
  - (c) Have a permanent lighting installed; and
  - (d) Be maintained so as to properly perform its intended function.
  - (e) Be provided with one source of natural or mechanical ventilation.
- 16(5) A hand wash basin shall be located in the same room as each toilet or in an adjoining bath or shower room, provided that no sink in a kitchen shall be considered a hand wash basin for the purposes of this subsection.
- 16(6) No toilet or urinal shall be located within a habitable room except a bath or shower room, toilet room or other habitable room not used frequently or for extended periods for living, eating or sleeping.
- 16(7) All laundry rooms shall be kept clean and free from health, fire or accident hazards.
- 16(8) All laundry appliances must be properly connected and dryers vented to the exterior of the building.
- 16(9) Laundry rooms shall be maintained in a clean and sanitary condition, and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.
- 16(10) Floors, walls and ceilings in bathrooms and laundry rooms shall be of material that is impervious to water and easily cleaned and sanitized.

### **HEATING, MECHANICAL SYSTEMS & FIRE PREVENTION**

- 17(1) Every dwelling unit shall have a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 20° C measured at 1.5 m above floor level and 1 m from exterior walls in all habitable rooms not including a habitable room not used frequently or for extended periods for living, eating or sleeping.
- 17(2) Heating systems, hot water systems, ventilation / air conditioning systems and other mechanical systems shall be maintained and operated in good working order and in a safe condition.
- 17(3) Combustible material shall be kept a minimum of 91.45 cm (3 feet) from any furnaces, stoves and fireplaces.

- 17(4) Except in the event of an emergency, auxiliary heaters shall not be used as the primary source of heat within a building. Auxiliary heaters shall not be located so as to present a fire or safety hazard or to impede the free movement of persons within the building or room where the heater is located, and must be directly plugged into the wall.
- 17(5) Every fuel burning appliance shall be properly connected, exhausted and vented to the exterior to ensure its safe operation.
- 17(6) A space that contains a heating unit shall have natural or mechanical means of providing the required combustion air.
- 17(7) Containment for the storage of the fuel shall be properly constructed and maintained in a convenient location so as to be free from hazards.

### **Chimneys, Flues and Vent Pipes**

- 17(8) Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:
  - (a) In good repair, securely anchored and plumb;
  - (b) Installed and maintained so as to prevent the escape of smoke or gases into the building;
  - (c) Free from loose or broken masonry;
  - (d) Free from open joints;
  - (e) Clear of obstructions.
- 17(9) Chimneys that are no longer in use shall continue to be maintained to the standards prescribed in Section 17(8) until such time as they are removed and the roof opening properly sealed.
- 17(10) Fuel burning appliances or equipment used in a building shall be properly vented to the outside air according to industry standards.

### **Fire Prevention Equipment**

- 17(11) All fire prevention equipment, including sprinkler systems, fire hydrants, enunciator panels, fire hoses and nozzles, smoke detectors, fire alarms and fire extinguishers shall be maintained in good working order and free of impediments so as to effectively perform their intended function.

## **ELECTRICAL SERVICES & ELEVATORS**

### **Electrical Service & Outlets**

- 18(1) Every building and dwelling unit shall be wired for electricity and shall be connected to an operating electric supply system.
- 18(2) Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis where, in the opinion of the Officer, a hazardous condition exists.
- 18(3) The electrical wiring and all electrical fixtures located or used in a dwelling unit shall be installed and maintained in good working order and in conformity with the regulations of the Electrical Safety Authority.

- 18(4) An adequate supply of electric power shall be available at all times in all parts of every occupied dwelling unit except where the lease makes the tenant responsible for the supply of electricity and where the supplier has discontinued the service because of arrears in payment.
- 18(5) All artificial lighting standards, fixtures and connections installed in yards shall be kept in a safe condition, good working order and in good repair.

### **Elevators**

- 18(6) Subject to any orders issued by an inspector under the Technical Standards and Safety Act, 2000, as amended, elevators, where provided, shall be maintained,
- (a) In good working order and good repair; and
  - (b) In a safe condition.
- 18(7) The walls, floors and ceilings of elevators shall be kept clean and free from dirt or defacements.
- 18(8) Mechanical ventilation, where provided, shall be maintained in operable condition in an elevator.
- 18(9) Elevator buttons and floor indicators inside and outside all elevators shall be maintained in good working order at all times.

## **LIGHTING & SIGNS**

### **Lights**

- 19(1) A stairway, exterior exit and entrance doorway, bath or shower room, toilet room, kitchen, corridor, basement, laundry room and utility room in a building shall have permanent lighting installed, and shall be maintained so as to properly perform its intended function.
- 19(2) A hallway, stairway, common area and underground parking area shall be illuminated so as to provide safe passage.
- 19(3) Lighting, including flood lighting, required as a condition of site development or redevelopment, shall be maintained so as to properly perform its intended function.
- 19(4) Subject to subsection 19(5), outdoor lighting shall be placed and maintained, or have a visual barrier placed and maintained, so as to prevent or block direct illumination of the interior of a dwelling or dwelling unit on adjoining property regardless of whether such dwelling or dwelling unit has or may have shades, drapes or other interior window coverings.
- 19(5) Subsection 19(4) does not:
- (a) apply to lighting located by a road authority;
  - (b) apply to property owned or occupied by a municipal, provincial or federal government or authority;
  - (c) require lighting used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time when the use is actually occurring, but may require the re-direction re-location or the placing of a visual barrier to comply with subsection 19(4);

- (d) lighting used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for those purposes.

### **Signs**

- 19(6) Signs and any fastening or supporting member that are damaged, broken or excessively weathered or faded, or that have a worn, peeling or cracked finish shall be removed or refinished and put in good state of repair so that the signs are free from defects or faded lettering.
- 19(7) Exterior signs that are unused, uncared for or discarded shall be removed forthwith from the property, or shall be stored within a building on the property.

### **ACCESSORY BUILDINGS & GANTRIES/TOWERS/MASTS/ANTENNAE**

- 20(1) Accessory buildings and all other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 20(2) Accessory buildings and all other structures shall be maintained in a safe, hazard-free condition, free from clutter or the accumulation of rubbish and debris.
- 20(3) All exterior exposed surfaces of accessory buildings or structures not inherently resistant to deterioration shall be maintained so as to provide adequate protection from weather, vermin or birds.
- 20(4) Accessory buildings and all other structures shall be kept so as not to present an unsightly appearance.

### **Gantries, Towers, Masts and Antennae**

- 20(5) Gantries, towers, masts and antennae and structures of similar character shall be maintained in good repair and in a structurally sound condition so as not to become unsafe or hazardous.

### **SWIMMING POOLS, RECREATIONAL FACILITIES**

#### **Swimming Pools**

- 21(1) Swimming pools, wading pools and ponds and any accessories thereto shall be maintained in good repair, free from leaks, and free from health and safety hazards.
- 21(2) Swimming pools, wading pools and ponds shall be kept clean of stagnant water and any such areas that are unkempt or unused shall be drained of all water found therein.
- 21(3) Plumbing fixtures and hydraulic lines servicing swimming pools shall be in good working condition.
- 21(4) No person shall excavate for or cause or permit excavation for any privately owned outdoor pool, or erect or cause or permit the erection of any privately owned outdoor pool without first obtaining a Swimming Pool Enclosure Permit from the Town.

#### **Recreational Facilities**

- 21(5) Recreational areas, rooms and other facilities for the indoor or outdoor use of the occupants of a building shall be kept neat, clean and free of clutter or rubbish.

- 21(6) Playground equipment and structures shall be repaired as necessary to maintain them in a safe condition and in good working order.

### **WALKWAYS, PARKING AREAS, DRIVEWAYS AND GARAGES**

- 22(1) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking brick or other solid material and shall be kept in good repair, free of potholes, uneven sections, snow, ice, dirt, debris or litter.
- 22(2) All areas used for pedestrian traffic shall be maintained at all times so as to provide safe passage under normal use and weather conditions.
- 22(3) Proper drainage shall be provided in all parking areas, driveways and walkways to prevent the pooling of water on the site and the run off of water onto adjacent lands.
- 22(4) All lighting used to illuminate a parking area, driveway, walkway or the exterior of a building shall be maintained in a safe, structurally sound condition and in working order. All fixtures shall be installed so as to deflect the light away from adjacent properties.
- 22(5) Where speed bumps have been installed in driveways and parking areas, they shall be distinctively marked so as to be clearly visible to approaching traffic.
- 22(6) Where walkways, driveways, and parking lots abut town sidewalks or curbs the grade shall be flush to the existing infrastructure (ie sidewalks, curbs, and road edge).
- 22(7) All walkways that require a step or grade change shall be a minimum of 1.5 metres (4.92 Feet) from the backside of the sidewalk, and or 3 metres (9.84 Feet) from the street or curb.
- 22(8) Crushed stone surfaces shall be maintained free of dust and spillover onto sidewalks or grass surfaces.

### **Garages**

- 22(9) A garage shall be so maintained as to prevent gas fumes and carbon monoxide from entering a dwelling or a dwelling unit.
- 22(10) All areas of a garage shall be kept clean and free from clutter or the accumulation of rubbish and debris or conditions that might create a fire, health or accident hazard.
- 22(11) Garages shall be provided with a clear and unobstructed exit.
- 22(12) All parking garages shall be kept clear of any machinery, vehicles, boats, trailers or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition.
- 22(13) If in the opinion of an Officer there is a doubt as to the structural adequacy or condition of a parking garage or appurtenance, the Officer may order that an examination and written report be prepared by a professional engineer licensed in Ontario.

### **Snow Removal**

- 22(14) On private property, all walkways, exterior parking areas, laneways, and access routes to and from buildings shall at all times be kept free from accumulations of ice and/or snow that create a hazard.

## **STORM WATER, SEWAGE AND DRAINAGE**

- 23(1) Except for established ponds and drainage works approved by the Town, ponding which creates a health, safety, or accident hazard or creates a nuisance shall be eradicated by grading, filling or otherwise draining the land.
- 23(2) Every property containing a building with a basement or cellar shall be graded and drained so as to prevent the entry of water into the basement or cellar.
- 23(3) Sanitary sewage or waste water of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system.
- 23(4) Water collected from the driveway or any other surface shall not be drained to the sanitary sewer system unless otherwise approved by the Town.
- 23(5) Downpipes and discharge lines from sump pumps shall be provided and maintained so as to discharge water run-off away from the building, and to prevent flooding and erosion or creation of a safety hazard on neighbouring properties.
- 23(6) Direction or redirection of water from a roof, structure or alteration to property grades/terrain onto an abutting property, which causes flooding, erosion, ponding, pooling or safety hazard, is prohibited.
- 23(7) Catch basins on private property shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.
- 23(8) No person shall permit any lands under their control to become unhealthy, unsanitary or dangerous owing to inadequate or improper drainage, the same shall be upon demand and to the satisfaction of the Town be adequately and properly drained by the owner or occupier thereof, and for the purposes of this section the Town may order any private drain be altered, re-laid or repaired.
- 23(9) If a property is regulated by Subdivision Agreement, Development Agreement, or Site Plan Agreements, Sections 23 of this by-law shall not apply.

## **EXCAVATION**

- 24(1) No person shall within the boundaries of the Town shall permit any lands under their control to become unhealthy, unsanitary or dangerous owing to any excavation.
- 24(2) No person shall make, permit to be made or have upon lands under their control any temporary excavation near or adjacent to any street within the Town without pre-approval from the Town. Erecting a good and sufficient protection fence, railing or barrier completely around such excavation, and maintain the same so long as in the opinion of officer may be necessary for the protection and safety of the public, provided however that any such temporary excavation shall not be permitted to remain for a period of longer that forty-five (45) days.
- 24(3) No person shall have upon any lands any pit which may be dangerous to any person entering upon the said lands unless the same is, in the opinion of the officer, effectively protected by a fence, barrier or railing and such person shall, upon demand and to the satisfaction of the officer, fill any excavation or erect such protective fence, barrier or railing.

## **FENCES, BARRIERS AND RETAINING WALLS**

- 25(1) A fence, barrier, including a visual barrier, or retaining wall shall be maintained so as to properly perform its intended function.
- 25(2) Fences, barriers and retaining walls shall be maintained and;
- (a) Safe and structurally sound;
  - (b) In good condition, protected by the application of paint or some other suitable protective coating of uniform colour, or constructed of a material that is resistant to deterioration.
  - (c) Free of painted slogans, graffiti or other any other defacements.

## **GENERAL STANDARDS FOR ALL DESIGNATED HERITAGE PROPERTIES**

- 26(1) In addition to the standards, obligations and requirements that apply to all property under sections 4 through 28 both inclusive apply to all properties, all heritage attributes of Part IV heritage properties, including both interior and exterior heritage attributes, and all heritage attributes of Part V heritage properties shall be:
- (a) maintained so as to prevent deterioration; and
  - (b) repaired of any damage.
- 26(2) Subject to any applicable provisions of the Ontario Heritage Act:
- (a) where subsection 26(1) can be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall not be replaced and the repair shall be undertaken in a manner that minimizes damage to the heritage attribute;
  - b) Where subsection 26(1) cannot be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall be replaced with material of the same type as the original material and in keeping with the design, style, texture and any other distinctive feature as the original material or in such a manner as to replicate the design, style, texture and any other distinctive feature of the original material.”
- 26(3) In addition to the standards, obligations and requirements that apply to all property under sections 6 through 30 both inclusive apply to all properties, a part of a Part IV heritage property or a Part V heritage property, including but not limited to a roof, wall, floor, retaining wall or foundation, that supports or protects a heritage attribute and without which the heritage attribute may be at risk of deteriorating or being damaged shall be structurally sound and maintained so as to properly perform its intended function.
- 26(4) Paragraph 26(3) shall be complied with in a manner that minimizes damage to the heritage attribute.
- 26(5) Where a building on a Part IV heritage property or a Part V heritage property is vacant or damaged by accident, storm, fire, neglect or otherwise, the owner shall protect the building such buildings from the entry of unauthorized persons by closing and securing openings to the building with the prescribed measures in specified in subsection 27(3)(a).



- 26(6) Despite any other provision of this By-law or the Building Code Act, 1992, where a designated heritage property is vacant, the owner shall ensure that appropriate utilities serving the property are connected, as required, in order to provide, maintain, and to monitor proper heat and ventilation to prevent damage to the character defining elements caused by environmental conditions.

### **VACANT AND/OR DAMAGED BUILDINGS**

- 27(1) In addition to complying with all other applicable provisions of this By-law, the owner of building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall comply with this section.
- 27(2) Where any building is vacant or is damaged by accident, storm, fire, neglect or otherwise, the owner shall protect such building against damage arising from the entry of unauthorized persons by closing and securing openings to the building.
- 27(3) For the purposes of subsection 27(2), doors, windows, hatches and other openings through are required to be maintained, as to properly perform their intended function and secured from unauthorized entry, or shall be closed and secured with:
- (a) wood sheathing of at least 12.7 mm plywood which is weather resistant, 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 and in accordance with the following;
    - i) windows opening shall be painted matted black to resemble window glass;
    - ii) door openings shall be painted a colour that matches the colour of the original door or approved colour by the Town's By-law Enforcement Officer;
    - iii) opening other than a window or door openings shall be treated so that the colour matches the colour of the surrounding exterior of the building;
    - iv) fastened securely with screws at least 50 mm in length and installed at appropriate intervals on centre.
  - (b) metal sheathing which is weather resistant, completely covers the opening, where possible, is installed within the reveal of the exterior cladding, and is securely fastened to the building; or
  - (c) brick or concrete block and mortar which completely covers the opening, and is securely fastened to the building.
- 27(4) The options available in 27(3) shall be considered progressively more secure with (c) being the most secure, and the minimum standard imposed by subsection 27(3) shall be considered not to include the use of a less secure options which has, more than once, failed to exclude unauthorized entry.
- 27(5) At any time where there are circumstances to support a more secure option, including an option that is more secure than those listed in subsection 27(3), the owner shall supply such more secure option as may be required by a Property Standards Order.

- 27(6) The exterior walls, roof and other surfaces of a building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall be maintained so as to properly perform their intended function.
- 7(7) Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services disconnected except those services that are required for the security and maintenance of the property.
- 27(8) Vacant buildings shall be kept cleared of garbage, rubbish, debris and shall be maintained to prevent fire, health or accident hazards.
- 27(9) Where a vacant or damaged building that is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings that have not been remedied to the satisfaction of the Property Standards Officer shall be removed from the property and the land or waterfront property shall be left in a graded level condition.

### **DEMOLITION**

- 28 (1) 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 a demolition permit has been obtained from the Town; the demolition permit must be posted in a visible location on the demolition site.
- 28(2) 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, and in a safe condition.
- 28(3) 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.

### **ADMINISTRATION AND ENFORCEMENT**

- 29(1) Where an officer has determined that a complaint has been filed for a malicious or vexatious reason or as part of an ongoing pattern of harassment and does not involve a matter of serious health or safety the officer may after conferring and confirming with the Director or Manager cease the investigation and close the file with no further action taken. The officer shall then advise the complainant of this in writing.

#### **Director and Officers**

- 29(2) The Director or manager is assigned the responsibility of administering and enforcing this By-law and the applicable provisions of the Building Code and may assign duties to such persons as necessary to carry out administration and enforcement of this By-law and the applicable provisions of the Building Code.
- 29(3) Persons appointed or assigned the responsibility of administering or enforcing this By-law and the applicable provisions of the Building Code are officers, and have the authority to carry out such responsibilities.
- 29(4) No person shall obstruct or attempt to obstruct an Officer or a person acting under the Officer's instructions, in the exercise of his duties.

## **PROPERTY STANDARDS ORDER**

- 30(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, he or she may issue an order and such order shall be served on the owner of the property and may be served on such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- 30(2) The order referred to in subsection 32(1) shall:
- (a) State the municipal address or the legal description of the property;
  - (b) Give reasonable particulars of the repairs to be made or state that the property is to be cleared of all buildings, structures or debris and left in a graded and levelled condition;
  - (c) Indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense;
  - (d) Indicate the final date for giving notice of appeal from the order; and
  - (e) Be served or caused to be served:
    - (i) by personal service; or
    - (ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
- 30(3) For the purposes of paragraph 30(2)(e)(ii), "last known address" of the owner includes but is not limited to the address provided to the Town for the payment of property taxes for the property or the address for service on the title document for the property.

## **APPEAL OF A PROPERTY STANDARDS ORDER**

- 31(1) An owner or occupant who has been served with a property standards order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal, including grounds for the appeal and the applicable fee as set out in the as set out in Schedule "A" as pursuant to the User Fees and Charges By-law, by registered mail to the secretary of the Committee within 14 days after being served with the order.
- 31(2) A Property Standards Order that is not appealed within the time referred to in subsection 31(1) is deemed to be confirmed.
- 31(3) 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 Property Standards 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 this By-law are maintained.

- 31(4) The Town or an owner or occupant or person affected by a decision under subsection 31(3) may appeal to a Judge of the Superior Court of Justice, who has the same powers and functions as the Committee, by notifying the Town Clerk in writing and by applying to the Superior Court of Justice for an appointment within 14 calendar days after the Committee has sent a copy of the decision.
- 31(5) A Property Standards Order that is deemed to be confirmed or modified by the Committee or Judge, 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.

### **COMPLIANCE**

- 32(1) An owner or occupant of a property shall:
- (a) comply with all standards prescribed in this By-law;
  - (b) comply with a Property Standards Order or any other order made under this By-law;
  - (c) ensure that compliance with this By-law is carried out in a manner that avoids dangerous conditions to the owner, occupants or visitors to the property or that adequate warning is given where such dangerous conditions are unavoidable.

### **Offences and Fines**

- 32(2) A person who fails to comply with a Property Standards Order which is final and binding, any other order, a direction or a requirement made under this By-law is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for any subsequent offence.
- 32(3) If a corporation is convicted of failing to comply with a Property Standards Order which is final and binding, any other order, a direction or a requirement made under this By-law, the maximum penalty that may be imposed on the corporation is \$100,000 for a first offence and \$200,000 for any subsequent offence.

### **Power of Town to Repair or Demolish**

- 32(4) If the owner or occupant of a property fails to comply with a final and binding Property Standards Order, the Town may cause the property to be repaired or demolished in accordance with such order.
- 32(5) The Town 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 municipality in the reasonable exercise of its powers under subsection 32(4).
- 32(6) Upon completion of the work necessary for compliance with the Property Standards Order under subsection 32(4), the Town shall have a lien on the property for the amount spent on the repair or demolition and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001 which, amongst other things, means the amount may be added to the tax roll for the property and collected in the same manner as property taxes, plus administrative fees.

### **Certificate of Compliance**

- 32(7) 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.

- 32(8) An Officer shall issue a certificate of compliance to an owner who requests such a certificate and who pays the fee set out in Schedule "A" as pursuant to the User Fees and Charges By-law after inspecting the property, only if the Officer is of the opinion that the property is in compliance with this by-law.

### **Registration of Property Standards Order**

- 32(9) A final and binding Property Standards Order may be registered in the Land Registry Office on title to the property to which it applies and, upon such registration, any person acquiring any interest in the property 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.
- 32(10) Where a final and binding Property Standards Order is registered on title at the Land Registry Office, the owner is responsible to pay the fee set out in Schedule "A" as pursuant to the User Fees and Charges By-law.
- 32(11) Where an officer determines there is compliance under this By-law with a Property Standards Order issued and registered on the title to a property, the Manager or Director on behalf of the Town Clerk shall forthwith register in the Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- 32(12) An owner or occupant may apply for a discharge of a Property Standards Order issued and registered on title to a property by submitting a completed application form and paying the applicable fee as set out in Schedule "A" as pursuant to the User Fees and Charges By-law, and where, upon inspection of the property by an officer, compliance with the order is found, the discharge shall be registered by the Director on behalf of the Town Clerk.

### **EMERGENCY POWERS**

- 33(1) Notwithstanding any other provisions in this By-law, if upon inspection of a property, the officer is satisfied that there is non-conformity with the standards prescribed in the By-law to such an extent as to pose an immediate danger to health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring immediate remedial repairs or other work to be carried out forthwith to terminate the danger.
- 33(2) After making an order under section 33(1), the officer may, either before or after the order is served, take or cause to be taken any measures considered necessary to terminate the danger and for this purpose the Town has the right, through its employees or agents, to enter upon the property at any reasonable time.
- 33(3) The officer, Town, or anyone acting on behalf of the Town is not liable to compensate the owner, occupant, or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under section 33(1).

### **RIGHTS TO ENTER AND TO INSPECT**

- 34(1) An officer acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a property without a warrant for the purpose of inspecting the property to determine:
- (a) Whether the property conforms with the standards prescribed in this By-law, or

- (b) Whether a Property Standards Order has been complied with.
- 34(2) Despite subsections 34(1), an officer shall not enter or remain in any room or place actually used as a dwelling unless:
- (a) The consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;
  - (b) A warrant issued under the Building Code is obtained;
  - (c) The delay necessary to obtain the consent of the occupant or a warrant would result in immediate danger to the health or safety of any person;
  - (d) The entry is necessary to terminate a danger under subsection 15.7(3) of the Building Code; or
  - (e) The entry is necessary to repair or demolish under subsection 34(4) and, within a reasonable time before entering the room or place to be repaired or demolished, the officer serves the occupant with notice of his or her intention to enter it.
- 34(3) For the purposes of an inspection under subsection 34(1), 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.
- 34(4) Any cost incurred by the Town in exercising its authority to inspect under paragraph 34(3) including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.
- 34(5) An employee or agent of the Town may enter property at any reasonable time without a warrant for the purposes of causing the property to be repaired or demolished pursuant to section 34(4) in accordance with a final and binding Property Standards Order.

### **PROPERTY STANDARDS COMMITTEE**

- 35(1) A Committee to be known as the Property Standards Committee of the Town of Smiths Falls is established.

- 35(2) The Committee shall consist of 5 residents of, or property owners in the Town, to be appointed by Council with a 4-year term which coincides with Term of Council, or such shorter term as may be determined by Council.
- 35(3) Despite subsection 35(2), a member of the Committee shall hold office until his or her successor has been appointed.
- 35(4) Town Council shall forthwith fill any vacancy that occurs in the membership Committee.
- 35(5) A member of the Town Council or a Town employee or of a local board thereof is not eligible to be a member of the Committee.
- 35(6) 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*.
- 35(7) The members shall provide for a secretary for the Committee, said Secretary being an employee of the Town.
- 35(8) The Secretary shall keep on file minutes and records of applications and the decisions thereon and all other official business of the Committee.
- 35(9) A majority of members shall constitute a quorum for transacting the Committee's business.
- 35(10) The duties and responsibilities of the Property Standards Committee shall be as dictated in the *Building Code Act*.

### **SEVERANCE AND CONFLICT**

- 36(1) If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, such provision or provisions are deemed to be severable and it is the intention of Council that the remainder of the By-law shall continue to be in force.
- 36(2) Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

### **ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED**

- 37(1) Any order issued, proceeding being conducted or other action being carried out under By-law No 7766-2003 shall be deemed to continue under this By-law, and any reference to By-law No. 7766-2003 in such order, proceeding or other action shall be deemed to refer to this By-law.

### **Hearing**

- 37(2) The secretary of the Committee, in receipt of the notice of appeal, shall
- a) Determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and

- b) Give notice in writing, via registered mail, of the date, place and time of the hearing referred to in paragraph (a) to:
  - i. the appellant;
  - ii. the Officer who issued the order; and
- c) Any other interested persons who the Committee considers should receive the notice.

37(3) The Committee shall hold the hearing referred to in Section 37(2) at the date, place and time set out in the notice.

37(4) The Committee may adopt its own rules of procedure.

37(5) The applicant may appear with or without counsel at the hearing, to present the appeal.

37(6) The Town may be represented at the hearing by the Town Solicitor or duly authorized assistant who is entitled to reply to the appeal presented on behalf of the applicant.

### **Decision of the Committee**

37(7) The Committee may,

- a) Confirm, modify or rescind the order to demolish or repair; or
- b) Extend the time for complying with the order.

37(8) The Committee shall give its decision in writing.

37(9) The secretary of the Committee shall notify,

- a) The appellant;
- b) The Officer who issued the order; and
- c) Any other person who appeared at the hearing of the appeal of the decision, by causing a copy to be served personally or by registered mail in accordance with the provisions of section 27 of the *Building Code Act*.



**REPEAL AND COMING INTO FORCE**

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

THAT By-laws 7766-2003, 8038-2007 and 8123-2008, 8723-2014 are hereby rescinded.

THAT the provisions of this By-law shall come into force and take effect upon the passing thereof.

Read a first and second time this \_\_\_ day of \_\_\_\_, 2022

Read a third time and passed this \_\_\_ day of \_\_\_\_, 2022

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Clerk**

DRAFT

# Schedule "A" Fee Schedule

Service Fee	Approved Fee
Re-Inspection (Per visit)	\$80.00
Admin Fee during Site cleanups/remedial work	\$40.00 Per Hour (2 Hour Min.)
Order to Comply	\$200.00
Compliance Report	\$35
Appeal an Order to Property Standards Committee	\$150.00
Title Search	\$115.00
Register & Discharge an order from Title.	\$660.00

DRAFT



SMITHS FALLS

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**NOTICE OF APPEAL  
TO PROPERTY STANDARDS COMMITTEE  
PURSUANT TO SECTION 15.3 OF THE ONTARIO BUILDING CODE ACT**

To: Secretary/Property Standards Committee  
Town of Smiths Falls  
Box 695, 77 Beckwith St N,  
Smiths Falls, ON K7A 4T6

File# \_\_\_\_\_

RE: Order to Remedy Violation of Property Standards at:

<b>ORDER NUMBER:</b>	<b>DATE ORDER ISSUED:</b>	<b>ROLL NUMBER:</b>
<b>ADDRESS TO WHICH ORDER APPLIES:</b>		<b>LEGAL DESCRIPTION:</b>

**TAKE NOTICE** of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned.

<b>OWNER/AGENT:</b>	<b>PHONE NUMBER:</b>
<b>STREET:</b>	<b>E-MAIL ADDRESS:</b>
<b>CITY &amp; PROVINCE:</b>	<b>POSTAL CODE:</b>

**Reason(s) for appeal & why existing provisions cannot be adhered to:**


**Appeal to Property Standards Committee**

“An owner or occupant who has been served with an order made under subsection 15.2 (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.”  
**Building Code Act, So.1992. Chapter 23 Section 15.3(1)**

**Note: Pursuant to Schedule “A” non-refundable fee of \$150.00 must accompany this application.**

Dated at Smiths Falls this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Signature of Appellant or Agent or Solicitor



“The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.”

**Ontario Building Code Act, 1992 S.O. 1992, CHAPTER 23 Section 15.3 (4)**

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