

THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE BY-LAW 2018-40

BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE MUNICIPALITY OF SOUTH BRUCE

WHEREAS s. 127 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*"), states that a local municipality may:

- (a) require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- (b) regulate when and how matters required under clause (a) shall be done;
- (c) prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and,
- (d) define "refuse" for the purpose of this section.

AND WHEREAS s. 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the "Act"), states that the Council of a municipality may pass a by-law to do the following things if an Official Plan that includes provisions relating to property conditions is in effect in the municipality or if the Council of the municipality has adopted a policy statement:

- 1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards.
- 2. Requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

AND WHEREAS the Council of The Corporation of the Municipality of South Bruce (the "Municipality") deems it desirable to enact a by-law to prescribe and enforce standards for the maintenance and occupancy of property within the Municipality;

NOW THEREFORE the Council of the Municipality, pursuant to its authority under s. 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23, enacts as follows:

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PART 1 DEFINITIONS

1.1 DEFINITIONS

In this by-law:

“Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“accessory building” means a subordinate building or structure, on the same lot as the main building or a part of the main building devoted exclusively to a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the property;

“basement” means a storey or storeys of a building located below the storey with its floor closest to grade which has a ceiling of more than 1.8 metres (6 feet) above grade;

“building” means:

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto;
- (c) plumbing not located in a structure;
- (d) a sewage system; or,
- (e) structures designated in the *Building Code*;

“*Building Code*” means Ontario Regulation 350/06, as amended or other regulations made under s. 34 of the Act;

“Certificate of Compliance” means a certificate issued by a Property Standards 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;

“Chief Building Official” or “CBO” means a chief building official appointed or constituted under section 3 or 4 of the Act or his or her designate;

“Council” means the Council of the Municipality;

“demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning;

“dwelling unit” means a room, or suite of rooms, operated as a single housekeeping unit in a building, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“floor area” means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey;

“grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“ground cover” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping;

“guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another;

“*Highway Traffic Act*” means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

“hoarding” means a fence erected on the ground to form a barrier between pedestrians and vacant property or building sites and includes overhead protective structures that are required for the protection of adjoining public areas;

“landlord” includes:

- (a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit; and,
- (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a).

“motor vehicle” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*;

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

“Municipal Law Enforcement Officer” means a person appointed by the Municipality under s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15;

“non-residential property” means property not occupied, in whole or in part, for the purpose of human habitation;

“occupant” means any person or persons over the age of eighteen (18) years occupying a property;

“owner” includes:

- (a) the registered owner of the property;
- (b) the person for the time being managing or receiving the rent of the property, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the property were let; and,
- (c) 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 as set out in this by-law;

“person” means an individual, corporation, unincorporated association or partnership;

“pests” means rodents, vermin or insects;

“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, outbuildings, fences and erections thereon, whether heretofore or hereafter erected as well as vacant land;

“Property Standards Officer” means a Municipal Law Enforcement Officer;

“recyclable material” includes, but is not limited to, the following material:

- (a) glass, including bottles and jars, but not broken glass, light bulbs, mirrors, plate glass or ceramics;
- (b) tin and aluminum cans;

- (c) plastic soft drink bottles;
- (d) newspapers; and,
- (e) corrugated cardboard.

“refuse” means any article or thing that:

- (a) has been cast aside, discarded or abandoned, whether of any value or not;
- (b) has been used up, in whole or in part, whether of any value or not; or,
- (c) has been expended or worn out, in whole or in part, whether of any value or not.

“rental unit” means a dwelling unit used, or intended to be used, as a residential rental property;

“repair” includes the provision of 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 rental property” includes a rental unit and the yards;

“sewage system” means the Municipalities sanitary sewer system or a private sewage disposal system approved by the relevant approval authority;

“sign” means:

- (a) an advertisement, identification, promotion, direction, decoration or information by means of printing on or attaching bills, letters, logos, or numerals to any building including the frame, canopy, surface or device on which the advertisement, identification, promotion, direction, decoration, or information is painted, placed or attached;
- (b) any structure used for the purpose of supporting a sign; and,
- (c) any marquees or posters.

“state of good repair” means:

- (a) in conformity with the Act and the *Building Code*;
- (b) structurally sound;
- (c) not broken, rusted, rotten or in a hazardous condition;
- (d) not unsightly to the extent that it would be deleterious to abutting property owners or to the neighbourhood;
- (e) in proper working order, if applicable; and,
- (f) adequately protected by weather-resistant material, if applicable.

“tenant” includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant’s heirs, assigns and personal representatives;

“urban area” means settlement areas within the municipality such as cities, towns, villages and hamlets:

“undesirable material” includes:

- (a) rubbish, garbage, brush, waste, litter and debris;
- (b) injurious insects, termites, rodents, vermin and other pests;

- (c) growth of weeds in excess of 15.24 cm (6”);
- (d) ground cover, hedges and bushes which overhang the sidewalk, impede pedestrian or vehicular traffic or cause a site obstruction;
- (e) dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which may create an unsafe condition;
- (f) wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers, except in an establishment licensed or authorized to conduct or operate a wrecking business;
- (g) stagnant water which provides a breeding place for mosquitoes or other health hazards;
- (h) machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition;
- (i) dilapidated or collapsed structures or erections;
- (j) all furniture used for exterior use that becomes dilapidated; or,
- (k) all furniture designed for interior use.

“yard” means land, other than publicly-owned land, around and appurtenant to the whole or any part of a building that is lawfully used, intended to be used or capable of being used in connection with the building;

“Zoning By-Law” means a by-law passed by Council under the provisions of s. 34 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended.

PART 2 APPLICATION AND INTERPRETATION

- 2.1 This by-law applies to all property in the Municipality.
- 2.2 The standards set out in this by-law, unless otherwise stated, shall be held to be the minimum standards for the promotion of public health, safety, comfort, convenience and general welfare and are not intended to derogate from the standards found in any other applicable municipal by-laws or federal or provincial legislation.
- 2.3 The owner of property which does not conform to the standards prescribed in this by-law shall repair and maintain the property to conform to the standards of this by-law or the property may be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

PART 3 PROHIBITION

- 3.1 No person shall use or occupy, or permit the use or occupancy of, any property that does not conform to the standards prescribed in this by-law.
- 3.2 No owner shall fail to maintain their property in conformity with the standards prescribed in this by-law.
- 3.3 No owner shall fail to comply with an Order issued under this by-law;

PART 4 GENERAL

- 4.1 AIR QUALITY

- 4.1.1 All buildings, or portions thereof, shall be kept free from accumulations of airborne contaminants that may pose a health concern to any person.
- 4.1.2 No person shall occupy, or permit the occupancy of, a building, or portion thereof, where a high concentration of airborne contaminants exist which may pose a health concern to any person who occupies the building, or portion thereof.
- 4.1.3 Notwithstanding any other section of this by-law, Section 4.1.1 and 4.1.2 shall not apply if, in the opinion of a Property Standards Officer, the presence of airborne contaminants is minor in nature and relates to general maintenance and/or lifestyle.
- 4.2 **MOULD**
- 4.2.1 Any extensive accumulation of mold shall be immediately cleaned and removed by the owner of a building.
- 4.2.2 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.
- 4.2.3 Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mold, shall be repaired or removed by the owner of the building.
- 4.2.4 Notwithstanding any other provision of this by-law, section 4.2.1 and 4.2.2 shall not apply if, in the opinion of a Property Standards Officer, the presence of mold is minor in nature and relates to general maintenance and/or lifestyle.

PART 5 ENVIRONMENT

- 5.1 **YARDS**
- 5.1.1 Yards shall be maintained free of any undesirable material.
- 5.2 **DRIVEWAYS, RAMPS, ETC.**
- 5.2.1 Driveways, ramps, parking areas, paths, outside stairs and landings shall:
- (a) provide a uniform surface for pedestrian or vehicle use;
 - (b) be made of non-organic ground cover; and
 - (c) be provided markings or islands to indicate parking spaces, ingress and egress routes and snow piling areas.
- 5.3 **UNSTABLE SOIL**
- 5.3.1 Exterior property areas shall be graded or provided with ground cover as appropriate to prevent unstable soil conditions or erosion and to prevent accumulations of dust or dirt from spreading to neighboring properties.
- 5.4 **LIGHTING**
- 5.4.1 Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.
- 5.4.2 All exterior lights shall not cause light to trespass onto adjacent properties or shine directly into a dwelling unit.

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

5.4.4 Lighting as required by the *Building Code* shall provide and be maintained to allow for an adequate level of lighting so that the use normally carried out in such areas can be undertaken safely.

5.5 CONDITIONS MAINTAINED

5.5.1 All approved site plan conditions including, but not limited to, drainage, ground cover, hedges, trees and landscaping shall be maintained.

5.5.2 A Property Standards Officer may accept alternatives in relation to the maintenance of approved site plan conditions, provided that the intent of the original conditions is maintained.

5.6 ACCESSORY BUILDINGS

5.6.1 Accessory buildings, other than farm out-buildings, shall be:

- (a) protected by paint, preservative or other weather-resistant material;
- (b) structurally sound and plumb, unless specifically designed to be other than vertical;
- (c) maintained in a state of good repair and free of accident hazards; and
- (d) so as not to present an unsightly appearance.

5.7 FENCES

5.7.1 All fences shall be:

- (a) reasonably uniform in height and appearance;
- (b) maintained in a state of good repair;
- (c) protected from deterioration by the application of paint or other suitable protective material of uniform colour and constructed using a material that is inherently resistant to such deterioration and compatible with surrounding finishes; and,
- (d) constructed using suitable materials and designed and erected in a workmanlike manner and maintained so as not to appear unsightly.

5.8 RETAINING WALLS

5.8.1 Retaining walls shall be maintained in a state of good repair.

5.8.2 Where a retaining wall excess of 0.6 m (2 feet) in height and forms part of, or is adjacent to, a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

5.9 OUTSIDE STORAGE OF REFUSE OR RECYCLABLE MATERIAL

5.9.1 Where refuse or recyclable material is stored for disposal outside of the enclosed walls of a building, the refuse or recyclable material shall:

- (a) be stored in a container suitable for such a purpose and in a manner, that does not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration or misuse of the storage facility; and,

- (b) except for single and semi-detached residential buildings, be blocked from view if it is stored less than 60 m (196 ft.) from a public highway, street, walkway, park or residential property so as not to be visible from such locations or as required under an approved site plan.

5.9.2 In addition to the conditions outlined in section 5.9.1, the storage of refuse or recyclable material by an owner shall be blocked from view and the aforesaid visual blockage shall:

- (a) extend from grade to a height of 0.3 m (1 ft.) above the height of the storage container(s);
- (b) consist of a continuous opaque visual barrier; and,
- (c) be maintained in a clean, sanitary and odor-controlled condition.

5.10 SIGN MAINTENANCE STANDARDS

5.10.1 A sign shall be:

- (a) maintained in a state of good repair and without any visible deterioration; and,
- (b) installed and maintained in a reasonably vertical plane, unless otherwise approved by the Municipality.

5.10.2 Any unused, not cared for or discarded signs shall be removed from the property or shall be stored within a building.

5.11 SWIMMING POOLS

5.11.1 All swimming pools, wading pools, ponds and any appurtenances thereto, including fences and gates, shall be maintained in a state of good repair.

5.11.2 Section 5.11.1 does not apply to storm water management ponds.

5.12 TEMPORARY STORAGE

5.12.1 Temporary storage of equipment or construction materials, resulting solely from the construction, demolition or alteration of a building or part thereof, may be stored on a property provided it is used or removed in its entirety within a reasonable period of time, as determined by a Property Standards Officer.

5.12.2 No fill shall be allowed to remain in an unleveled state on any property for longer than seven (7) days unless the property is:

- (a) a construction site for which a site alteration permit and/or a building permit is in effect;
- (b) a property being developed under a subdivision or registered site plan agreement with the Municipality; or,
- (c) property upon which material is being stored with the approval of the Municipality in connection with a public works contract.
- (d) being landscaped in a minor nature, remains weed free and work is finished in a timely manner.

5.12.3 No fill shall be left in an uncovered state, meaning not covered by sod, seed or agricultural crop, on any property for longer than thirty (30) days unless the property is:

- (a) a construction site for which a site alteration permit and/or building permit is in effect and must remain weed free;

- (b) being developed under a subdivision or registered site plan agreement with the Municipality and remain weed free; or,
- (c) being actively farmed.

5.13 FIREWOOD STORAGE IN URBAN AREAS

5.13.1 Firewood storage in urban areas may only be stored in a yard that is not adjacent to a Municipal road subject to the following conditions:

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

5.14 MOTOR VEHICLE STORAGE

5.14.1 No motor vehicle, other than a motor vehicle bearing a valid license plate sticker issued by the Ministry of Transportation and capable of being driven, shall be parked other than in a building, unless the parking of the unlicensed or inoperative motor vehicle is a permitted use under a Zoning By-Law for that zone.

5.14.2 No machinery, vehicle, boat, atv, snowmobile, trailer or part thereof which is in an unusable, wrecked, discarded, dismantled, partially dismantled or abandoned condition, shall be stored or allowed to remain on any property unless otherwise permitted by a Zoning By-Law.

5.15 HOARDING

5.15.1 All hoarding used on a property shall be maintained in a state of good repair, neatly painted or otherwise treated and kept free from posters, signs, notices, advertising material, words, pictures, drawings or other defacements and be constructed in sturdy manner in accordance with all requirements of the Ontario Ministry of Labour.

5.16 MISCELLANEOUS

5.16.1 Storm water run-off shall be drained from the grounds of a property, and any area below exterior grade, so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.

5.16.2 Unprotected wells, holes or cavities over one metre in depth shall be filled or safely covered.

PART 6 BUILDINGS

6.1 STRUCTURAL SYSTEM

6.1.1 A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds.

6.2 DOUBT AS TO STRUCTURAL CONDITION

6.2.1 If, in the opinion of a Property Standards Officer, there is doubt as to the structural condition of a building or structure or parts thereof, a Property Standards Officer may issue an Order that such a building or structure, or parts thereof, be examined by a professional engineer licensed to practice in Ontario, at the owner's sole expense, and that a written report, which may include drawings for any recommended remedial work, be provided to a Property Standards Officer.

6.3 ENGINEER'S REPORT ACCEPTANCE

6.3.1 A Property Standards Officer may accept the findings contained in the engineer's report pursuant to subsection 6.2, provided that the Property Standards Officer is satisfied that all deficiencies have been identified and appropriately dealt with by the report.

6.3.2 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 Property Standards Officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.

6.3.3 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.

6.4 FOUNDATIONS, WALLS, ETC.

6.4.1 The foundations, walls, columns, beams, floor and roof slabs of a building, including ancillary structures such as parking garages, shall be maintained in a state of good repair.

6.4.2 A foundation wall, basement, cellar or crawl space floor, slab on grade, exterior wall and roof shall be structurally sound, weather tight and damp-proofed and shall be maintained so as to protect against deterioration caused by the elements, fungus, mold, dry rot, rodents, vermin or insects.

6.4.3 The foundations, walls, columns, beams, floors, roof slabs and balconies of all buildings, including parking garages and accessory buildings, shall be maintained:

- (a) in a state of good repair;
- (b) free from decayed, damaged or weakened sills, beams, piers, posts or other supports;
- (c) in a manner so as to prevent the entry of moisture into the building;
- (d) in a manner so as to prevent settlement of the building.

and,

6.4.4 The exterior walls of all buildings shall be maintained in a state of good repair and in a manner to prevent deterioration caused by the elements or pests and free from:

- (a) cracked or broken masonry;
- (b) defective or deteriorated wood or metal siding or trim;
- (c) cracked broken or loose stucco; or,
- (d) loose or unsecured objects.

- 6.4.5 Where the masonry units forming an exterior wall, or part of an exterior wall, of any building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or is finished with other materials approved by a Property Standards Officer.
- 6.4.6 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in a state of good repair and the covering renewed when it becomes damaged or deteriorated.
- 6.4.7 Metal eaves troughs, rainwater pipes, flashings and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed or replaced when such application deteriorates or, becomes ineffective.
- 6.4.8 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other materials of equivalent strength, durability and fire endurance approved by a Property Standards Officer.
- 6.4.9 Balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be:
- (a) maintained in a state of good repair;
 - (b) free from refuse, undesirable material and recyclable material;
 - (c) properly and safely anchored;
 - (d) protected against deterioration and decay; and,
 - (e) free from broken or missing glass.
- 6.4.10 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be maintained in a state of good repair and weathertight.
- 6.4.11 An owner shall repair or replace defective, damaged or missing hardware or locking devices on a building.
- 6.4.12 Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects unless it can be shown, to the satisfaction of a Property Standards Officer, that the implementation of this section would adversely affect the normal operations in a non-residential property.
- 6.4.13 Dilapidated, collapsed or unfinished structures and all accumulations of refuse, undesirable material, recyclable material, wood or other objects on a property that create an unsafe or unsightly condition shall be removed by an owner.
- 6.4.14 Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces, and where necessary to restore the surface and adjacent areas to as near as possible their appearance before the staining or defacement occurred.
- 6.5 **AIR CONDITIONERS AND WATER COOLED EQUIPMENT**
- 6.5.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways.
- 6.5.2 Cooling water from water-cooled equipment shall be discharged directly to a proper drainage system which complies with all applicable governmental regulations.

6.6 ROOF STRUCTURES

- 6.6.1 All roofs including, but not limited to, chimneys, stacks, masts, lightning arrestors or antennae shall be maintained in a state of good repair.
- 6.6.2 No roof drainage shall be discharged on an entranceway, walkway or stair or discharged directly onto a neighboring property, or onto any road allowance or in such a manner that it will penetrate or damage a building or structure.

6.7 STAIRS, HANDRAILS AND GUARDS

- 6.7.1 All stairs, porches, decks, landings, treads, risers or other similar structures shall have guards or handrails which shall be maintained in a state of good repair and shall be capable of supporting all loads to which they might reasonably be subjected.
- 6.7.2 All guards and handrails shall be installed and maintained in accordance with the *Building Code* so as to afford reasonable protection against accident or injury to any person in or on a property.

6.8 FLOORS

- 6.8.1 Floors and floor coverings in all buildings shall be maintained in a state of good repair, and free from all warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects.
- 6.8.2 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner so as to afford the fire protective properties required by all relevant government regulations. The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

6.9 HEATING, VENTILATION AND MECHANICAL

- 6.9.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained in a state of good repair and shall comply with all applicable governmental regulations
- 6.9.2 Where a heating system, heating equipment or any auxiliary heating unit burns solid or liquid fuel, a receptacle for such fuel shall be provided and maintained in a state of good repair and in a location so as to be free from fire or accident hazards.
- 6.9.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in a state of good repair and in accordance with the requirements of all applicable governmental regulations.
- 6.9.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
- 6.9.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:
- (a) installed and maintained so as to prevent the escape of smoke or gasses into the building;
 - (b) clear of obstructions;
 - (c) free from open joints;
 - (d) free from broken and loose masonry;

(e) maintained in a state of good repair; and,

(f) plumb.

6.9.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in a state of good repair, properly secured and free from fire, health and accident hazards.

6.9.7 Mechanical ventilating equipment and the supports for such equipment shall be maintained in a state of good repair and in a safe mechanical condition.

6.10 SEWAGE DISCHARGE

6.10.1 Sewage shall be discharged into a sewage system.

6.11 PARKING GARAGES

6.11.1 Parking garages shall be maintained so as to prevent the accumulation of toxic fumes or the escape of toxic fumes into a building containing dwelling units.

PART 7

SUPPLEMENTARY STANDARDS FOR VACANT PROPERTY

7.1 GENERAL

7.1.1 The following additional standards shall apply to vacant property:

(a) The owner shall protect the property against the risk of fire, accident or other danger.

(b) The owner shall effectively prevent the entrance of any unauthorized persons.

(c) All materials used for boarding up vacant property shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building.

(d) Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property, unless the aforementioned utilities are necessary for the safety or security of the building.

7.2 SUPPLEMENTARY STANDARDS FOR UNFINISHED BUILDINGS OR STRUCTURES

7.2.1 All buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable amount of time, and where applicable in accordance with all relevant legislation and by-laws.

PART 8

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

8.1 GENERAL

8.1.1 The following additional standards shall apply to non-residential property:

- (a) Every owner or occupant of a non-residential property shall maintain the property:
 - (i) in a sanitary and safe condition free from litter, refuse and debris, and shall provide containers for the disposal of such litter or refuse;
 - (ii) free from objects or conditions which are health, fire or accident hazards; and,
 - (iii) free from rodents, vermin and injurious insects.

8.1.2 In a multi-tenant building, no owner or occupant or anyone acting on behalf of an owner or occupant, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities to a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

8.1.3 A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel, oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance.

8.2 MEANS OF EGRESS

8.2.1 All means of egress for a non-residential property shall be maintained free from all obstructions or impediments and provided with clean, clear, unobstructed and readily visible exit signs for every exit.

8.3 INTERIOR WALLS, CEILINGS AND FLOORS

8.3.1 Interior walls, floors and ceilings of a non-residential property shall be maintained:

- (a) free from health, fire and accident hazards;
 - (b) in a state of good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
 - (c) in a clean and sanitary condition which is reasonable considering the use or operation;
- and,
- (d) free from cracked and broken glass in door panels, glass screens and windows.

8.3.2 Cracked broken glass in door panels, glass screens and windows as outlined in section 8.3.1(d) shall be replaced with glass or other material approved by a Property Standards Officer.

8.3.3 Plaster repairs made to the walls and ceilings of non-residential properties shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

8.3.4 Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition. Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in a state of good repair to ensure the proper operation and integrity of the door.

8.3.5 Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.

- 8.3.6 All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the sewage system shall:
- (a) be maintained in a state of good repair; and,
 - (b) be free from leaks and defects.
- 8.3.7 All water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

PART 9 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1 GENERAL

9.1.1 The following additional standards shall apply to any residential rental property:

- (a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:
 - (i) safe;
 - (ii) clean;
 - (iii) in a state of good repair; and,
 - (iv) fit for habitation.
- (b) The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of the tenants.

9.1.2 All repairs and maintenance of property required by the standards prescribed in this part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.

9.1.3 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.

9.2 LIGHT AND VENTILATION

9.2.1 An opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function and the landlord shall:

- (a) ensure that the doors, windows and skylights are weather tight;
- (b) refit, replace, renew, caulk and weather-strip any damaged, decaying defective or missing doors, windows, frames, sashes, casings, hatchways or screens;
- (c) fit the door, window or skylight with locking devices;
- (d) replace any broken or missing glass; and,
- (e) replace any defective missing hardware.

9.2.2 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be:

- (a) maintained in a state of good repair by the landlord and weather tight;
- (b) free from rotted or defective members;
- (c) free from defective or missing hardware;
- (d) free from torn, damaged or, where supplied, missing screens;
- (e) free from defective or missing weather-stripping or caulking;
- (f) free from defective storm or screen doors; and,
- (g) free from broken or missing glass.

9.2.3 A window or natural ventilation is not required in a kitchen or washroom if electrical lighting and mechanical means of ventilation is provided.

9.2.4 A window is not required in habitable space, other than a bedroom or dining room, if there is an opening in a dividing wall to an adjoining room and the adjoining room has a minimum of 5 percent window area of the combined floor areas, and if the required ventilation is provided.

9.2.5 All bedrooms, living rooms and dining rooms shall have a window or a door which contains a window that faces directly to the outside of the building.

9.2.6 All habitable space shall have natural or mechanical means of ventilation.

9.2.7 At the request of a tenant, each window in a rental unit that is located above the storey that has its floor closest to grade and that has its ceiling more than 1.8 metres above grade, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult tenant in an emergency without the use of tools.

9.2.8 Artificial lighting shall be provided and maintained by the landlord in all habitable space and interior common areas of a residential rental property to permit safe use and passage, in accordance with the *Building Code*.

9.2.9 All means of egress for a residential rental property shall be maintained free from all obstructions or impediments and provided with clean, clear, unobstructed to every exit.

9.3 INTERIOR WALLS

9.3.1 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained by the landlord in a safe and sanitary condition, in a state of good repair free from holes, mold, loose and broken boards, torn, damaged, decayed, leaks, deteriorating or missing materials.

9.3.2 All interior walls must be painted or finished in a manner similar to other interior walls in the building.

9.4 FUEL SUPPLY

9.4.1 Unless required to be provided by the tenant, a landlord shall ensure a continuous and adequate supply of fuel, service or utility which provides light, heat, refrigeration, water or cooking facilities for a rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repair or replacement of the fuel service or utility.

9.5 HEATING, VENTILATION, MECHANICAL

- 9.5.1 Heating, ventilating and mechanical systems, including stoves, heating appliances, fireplaces, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained by the landlord and capable of being operated.
- 9.5.2 A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.
- 9.5.3 Every residential rental property shall have heating facilities capable of being maintained at 21° Celsius.
- 9.5.4 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.
- 9.5.5 Only heating appliances approved for use by a recognized standard testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 9.6 **ELECTRICAL**
- 9.6.1 A supply of electrical power, wiring and receptacles acceptable to the Electrical Safety Authority shall be provided and properly maintained by the landlord to all habitable space and interior common areas in a residential rental property.
- 9.6.2 If the landlord supplies a meter for electricity for the purpose of billing the tenants individually, it shall be properly maintained by the landlord and kept accessible to tenants.
- 9.6.3 A kitchen shall be supplied with electrical power and shall have outlets suitable for a refrigerator and a cooking appliance.
- 9.7 **SAFETY AND SECURITY**
- 9.7.1 Every residential rental property shall have a safe, continuous and unobstructed passage from every part of the interior to an exterior open space at street or grade level.
- 9.7.2 All windows and exterior doors which are intended to be opened and which are accessible from outside a rental unit or a residential rental property shall have hardware that makes them capable of being secured.
- 9.7.3 At least one entrance door in a rental unit shall be capable of being both secured from inside and locked from the outside of the rental unit.
- 9.7.4 Where provided, a vestibule door locking release and the rental unit-to-vestibule communication system shall be properly maintained by the landlord.
- 9.7.5 Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with a door equipped with a security device which prevents access to persons other than the landlord and tenants.
- 9.7.6 A mail delivery slot and other openings for deliveries that directly enter into a rental unit shall:
- (a) be located and maintained to prevent access to the lock on the entry door or any adjacent window; or,
 - (b) be sealed, if other facilities for delivery have been made.
- 9.7.7 Mail boxes provided by the landlord shall be properly maintained and be capable of being secured.
- 9.8 **INDOOR STORAGE OF REFUSE OR RECYCLABLE MATERIAL**

9.8.1 Every residential rental property shall have suitable containers or compactors provided by the landlord for refuse or recyclable material and shall be stored and regularly disposed of so as not to cause a risk to the health or safety of any person. The containers shall be maintained by the landlord in a clean and sanitary condition, accessible to tenants and shall not obstruct an emergency route, driveway or walkway.

9.9 OUTDOOR STORAGE OF REFUSE OR RECYCLABLE MATERIAL

9.9.1 Where refuse or recyclable material is permitted by an owner to be stored for disposal outside of the enclosed walls of a building, the refuse or recyclable material shall:

- (a) be stored in a container suitable for such a purpose and in a manner that does not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration or misuse of the storage facility; and,
- (b) be blocked from view if it is stored less than 60m (196 ft.) from a public highway, street, walkway, park or residential property so as not to be visible from such locations or as required under an approved site plan.

9.9.2 In addition to the conditions outlined in section 9.9.1, the storage of refuse or recyclable material permitted by an owner shall be blocked from view and the aforesaid visual blockage shall:

- (a) extend from grade to a height of 0.3 m (1ft) above the height of the storage containers(s);
- (b) consist of continuous opaque visual barrier; and
- (c) be maintained in a clean, sanitary or odor controlled condition.

9.10 PEST PREVENTION

9.10.1 Every residential rental property shall be kept free of rodents, vermin and insects at all times, and methods used for exterminating rodents and insects shall be in accordance with any applicable legislation.

9.10.2 Openings and holes in a building containing rental units, 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.

9.11 MISCELLANEOUS

9.11.1 Every rental unit shall contain at least the following:

- (a) a toilet;
- (b) a kitchen sink
- (c) a washbasin; and,
- (d) a bathtub or shower or a combination thereof.

9.11.2 A washroom in a rental unit shall be an enclosed space and shall have:

- (a) a water-resistant floor;
- (b) water resistant walls in a tub surround and a shower;
- (c) a door which can be secured from the inside and can be opened from the outside in an emergency;

and,

(c) an artificial light fixture which is maintained.

- 9.11.3 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing or consuming or storing food.
- 9.11.4 Hot water shall be provided to a sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43° Celsius and not more than 49° Celsius.
- 9.11.5 An adequate and safe supply of potable water shall be provided at all times.
- 9.11.6 A residential rental property shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of the walls, ceiling and floor.
- 9.11.7 Piped plumbing and drainage systems and appurtenances in a residential rental property shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.
- 9.11.8 All appliances such as refrigerators or cooking stoves supplied by the landlord shall be maintained in a state of good repair and good working order by the landlord.
- 9.11.9 Locker and storage rooms shall be kept free of dampness, mold or mildew by the landlord.
- 9.11.10 Elevators intended for use by the tenant shall be properly maintained by the landlord in accordance with the regulations under *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, as amended, and kept in operation except for such reasonable time as may be required to repair or replace them.

PART 10 DEMOLITION

10.1 DEMOLITION

- 10.1.1 Where a building, accessory building or other structure is being demolished, every reasonable precaution shall be taken to protect adjoining property and members of the public, which may include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.
- 10.1.2 Where a building, accessory building, fence or other structure on a property is demolished, the site shall be cleared of all undesirable material, brush, recyclable material and unsightly storage and left in a graded and levelled condition within thirty (30) days.

PART 11 DAMAGE BY FIRE, STORM OR OTHER CAUSES

11.1 DAMAGE BY FIRE, STORM OR OTHER CAUSES

- 11.1.1 Subject to the provisions of Part 10 of this by-law, if a building or structure is damaged by fire, a storm or by another cause:
- (a) immediate steps shall be taken to prevent or remove a condition which might endanger persons in, on or near the property, building or structure which may include hoarding;
- (b) the aforesaid building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out; and,

- (c) the aforesaid building or structure shall be demolished or repaired.

PART 12 ENFORCEMENT

12.1 POWERS OF ENTRY

12.1.1 A Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:

- (a) whether the property conforms with the standards prescribed in this by-law; or, whether an Order made under the Act has been complied with.
- (a) whether an Order made under the Act has been complied with.

12.1.2 For the purposes of an inspection, and in accordance with s. 15.8 of the Act, a Property Standards 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.

12.1.3 The Municipality may charge the owner of a property a fee or charge pursuant to the Municipality's Fees and Charges By-Law to conduct an inspection, including increased fees for multiple inspections.

12.2 ORDERS

12.2.1 A Property Standards Officer who finds that a property does not conform to any of the standards prescribed in this by-law may make an order:

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

12.2.2 An Order shall be served on the owner of the property and such other persons affected by it, as the Property Standards Officer determines, and a copy of the Order may be posted on the property.

12.2.3 An Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served and, when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

12.3 APPEALS

12.3.1 An owner or occupant who has been served with an Order may appeal the Order to the Committee (hereinafter defined) by sending a notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after being served with the Order along with the applicable fee.

12.3.2 An Order that is not appealed within the time referred to in section 12.3.1 shall be deemed to be confirmed.

12.3.3 The Committee shall hear the appeal.

12.3.4 On an appeal, the Committee has all the powers and functions of the Property Standards Officer who made the Order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

- (a) confirm, modify or rescind the Order to demolish or repair; or,
- (b) extend the time for complying with the order.

12.4 FAILURE TO COMPLY WITH AN ORDER

12.4.1 If an Order is not complied with, the Municipality may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be.

12.4.2 For the purpose of section 12.4.1 of this by-law, employees or agents of the Municipality may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the property.

12.4.3 The Municipality 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 section 12.4.2 of this by-law.

12.4.4 The Municipality shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolition under section 12.4.1 of this by-law and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001*.

12.5 CERTIFICATE OF COMPLIANCE

12.5.1 A Property Standards Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established by this by-law, may issue a Certificate of Compliance to an owner who requests one and who pays the applicable fee.

12.6 ENFORCEMENT

12.6.1 This by-law may be enforced by a Property Standards Officer.

12.7 OFFENCES AND PENALTIES

- 12.7.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and pursuant to section 429 of the *Municipal Act* and all contraventions of this by-law are designated as continuing offences.
- 12.7.2 Every corporation who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence
- 12.7.3 In addition to the fine amounts set out in sections 12.7.2 and 12.7.3, for each day or part of a day that an offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00)

PART 13 PROPERTY STANDARDS COMMITTEE

13.1 PROPERTY STANDARDS COMMITTEE

- 13.1.1 A Committee is hereby established to hear appeals of Orders, in accordance with s. 15.3 of the Act (the "Committee").
- 13.1.2 The Committee shall be composed of such persons, not fewer than three (3), as Council considers advisable.
- 13.1.3 The members of the Committee shall hold office for four (4) years concurrent with the term of Council. When a vacancy occurs in the membership of the Committee, Council shall forthwith fill the vacancy.
- 13.1.4 The members of the Committee shall be paid such compensation as the Council may provide.
- 13.1.5 The members of the Committee 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.
- 13.1.6 A majority of the members of the Committee constitutes a quorum for transacting the Committee's business.
- 13.1.7 The members of the Committee shall provide for a Secretary for the Committee.
- 13.1.8 The Secretary of the Committee shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.
- 13.1.9 The Committee may adopt its own rules of procedure and any member of the Committee may administer oaths.
- 13.1.10 The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

PART 14 EFFECT

14.1 SEVERABILITY

- 14.1.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

14.2 SHORT TITLE

14.2.1 This by-law may be referred to as the “Property Standards By-Law”.

14.3 COMING INTO FORCE

14.3.1 This by-law shall come into force on the date of its passage by Council

14.3.2 By-law #2011-27 is hereby repealed.

THAT THIS BY LAW BE ENACTED, SIGNED AND SEALED THIS 12th DAY OF JUNE 2018.

MAYOR – Robert Buckle

CAO/CLERK – Leanne Martin

SEAL.