



**Property Standards By-law**  
**By-law No. 2013-416**

A by-law of the City of Ottawa to provide for standards under which properties are maintained.

THIS CONSOLIDATION IS PROVIDED FOR OFFICE USE AND REFERENCE PURPOSES ONLY. EVERY EFFORT IS MADE TO ENSURE THE ACCURACY OF THIS CONSOLIDATION. IT IS NOT TO BE USED IN PLACE OF PHOTOCOPIES OF ORIGINAL BY-LAWS, NOR CAN IT BE USED FOR COURT PURPOSES. FOR LEGAL REQUIREMENTS, PLEASE REFER TO THE OFFICIAL BY-LAWS OF THE CITY OF OTTAWA.

Updated February 2016

Prepared by By-law & Regulatory Services

The Council of the City of Ottawa enacts as follows:

## DEFINITIONS

### 1.

In this by-law:

“accessory building” means a detached subordinate building that,

- a) is devoted exclusively to a use normally incidental to the main use of the property;
- b) is not used for human habitation;
- c) is on the same lot as the main building, and accessory building includes a farm building;

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

“basement” means a storey or storeys of a building located below the first storey;

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

“boarder” means a person occupying a boarding unit or a portion of a dwelling unit and shall include a lodger, but shall not include the travelling public;

“boarding house” means a building or a portion thereof containing one (1) or more boarding units which are provided to four (4) or more boarders for compensation and where a meal service is provided to the boarders for compensation and shall include a lodging house but, shall not include a hotel, motel and motor hotel;

“boarding unit” means one (1) room or several rooms connected together as a separate independent unit in the same structure for persons to sleep, which may include a bathroom but not kitchen facilities in the unit and shall include a lodging unit;

“building” means a structure occupying an area greater than ten (10) square metres (108 sq. ft.) 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; a structure occupying an area of ten (10) square metres (108 sq. ft.) or less that contains plumbing, including

BY-LAW NO. 2013-416

the plumbing appurtenant thereto; plumbing not located in a structure; a sewage system; or, structures designated in the Building Code;

“Building Code” means the regulations made under Section 34 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

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

“Chief Building Official” means the Chief Building Official of the City of Ottawa or authorized representative;

“Chief Property Standards Officer” means the person holding the position of Chief of By-law & Regulatory Services in the Emergency and Protective Services Department of the City of Ottawa, or authorized representative;

“cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average exterior finished grade;

“City” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

“commercial container” means a receptacle:

- a) used for the storage and collection of garbage, refuse and trade waste; and
- b) designed to permit it being emptied by a forklift packer vehicle;

“Committee” means the License and Property Standards Committee established pursuant to the provisions of this by-law;

“crawl space” means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1.8 m (5 ft. 11 in.) in height;

“dwelling” means a building or structure, or any part of it, occupied or capable of being occupied, in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair;

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

“exit” means that part of a means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area, to an open

BY-LAW NO. 2013-416

public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare;

“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” means any freestanding structure, screen, wall or barrier other than a building, erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a property, providing security or protection to property, and does not include a hedge;

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

“graffiti” means one or more letters, symbols, etchings, figures, inscriptions, stains howsoever made or otherwise affixed to a property or other markings that disfigure or deface a property but does not include a mural sign permitted in accordance with By-law No. 2005-439, the Permanent Signs on Private Property By-law;

“ground cover” means any suitable material applied to the ground to prevent the erosion of soil and includes concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

“guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, ramps, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it;

“habitable room” means any room in a dwelling unit or rooming unit lawfully used, or intended to be lawfully used, for living, sleeping, cooking or eating purposes;

“handrail” means the railing along the edge of stairs;

“heritage attribute” means, in relation to real property, and to the buildings on the 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:

- a) 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;

BY-LAW NO. 2013-416

- b) 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;
- c) 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; or
- d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes or otherwise;
- e) the elements, features or building components, including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk;

"hotel, motel and motor hotel" means floor areas, a floor area or part of a floor area containing 4 or more suites, which provide sleeping accommodation for the travelling public or for recreational purposes;

"in-situ container" means a receptacle that is:

- a) built in place;
- b) used for the storage of garbage, refuse and trade waste; and
- c) designed not to be emptied by a forklift packer vehicle;

"last known address" means the address which appears on the assessment rolls of the City;

"minimum level of illumination" means the minimum level of illumination measured at floor level;

"Medical Officer of Health" means the Medical Officer of Health for the City of Ottawa;

"multiple dwelling" means a building containing three (3) or more dwelling units;

"non-habitable room" means any room in a building or dwelling unit other than a habitable room, and includes:

- a) a bathroom, powder room, rest room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, garage;
- b) other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys;

“non-residential property” means property which is not intended to be or which is not capable of being occupied in whole or in part for the purpose of human habitation;

“normal farm practice” means a practice that,

- a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

“nuisance” means an injurious, offensive or objectionable condition;

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

“Officer” means the Chief Property Standards Officer of the City, or a Property Standards Officer of the City, duly appointed by a by-law of the City to administer and enforce the provisions of this by-law;

“open space land” means lands without buildings designated as significant wetlands south and east of the Canadian Shield, natural environment area, urban natural feature and rural natural feature in the City of Ottawa Official Plan, as adopted by City Council in May 2003, or vacant lands devoted to the practice of farming;

“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) the 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 maintenance and occupancy of property;

“Part IV Heritage Property” means real property, including all buildings and structures thereon, that has been designated by the City under section 29 or 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 that has been designated by the City under section 41 of the *Ontario Heritage Act*;

BY-LAW NO. 2013-416

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

“plumbing system” means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing;

“powder room” means a room, which includes a minimum of one (1) water closet and one (1) washbasin, which are connected to the plumbing system;

“property” means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether theretofore or hereafter erected, and includes vacant property, Part IV Heritage Properties and Part V Heritage Properties;

“receptacle” means a solid metal or plastic container for receiving garbage or refuse;

“refuse or debris” includes garbage of any kind and, without limiting the generality of the foregoing, includes rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, material from construction or demolition projects and old clothing;

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

“residential property” means property or part thereof, which is occupied or capable of being occupied in whole or in part for the purposes of human habitation, and includes a dwelling on a farm property;

“restroom” means a room in a non-residential property, which includes a minimum of one (1) water closet and one (1) washbasin, which are connected to the plumbing system;

“retaining wall” means a structure which supports and confines a mass of earth or water where there is a change in ground elevation;

“roomer” means a person occupying a rooming unit or a portion of a dwelling unit, but shall not include the travelling public;

BY-LAW NO. 2013-416

“rooming house” means a building or portion thereof containing one (1) or more rooming units, which are provided to four (4) or more roomers for compensation and shall not include a hotel, motel and motor hotel;

“rooming unit” means one (1) room or several rooms connected together as a separate independent unit in the same structure for persons to sleep, and which may include either kitchen or bathroom facilities in the unit, but not both;

“salvage” means saving and utilization of waste paper, scrap metal, vehicles, appliances or other materials;

“sanitary sewage” means liquid or water borne waste:

- a) of industrial or commercial origin; or
- b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;

“service room” means a room provided in a building to contain equipment associated with building services;

“sewage system” means the sanitary sewage system or storm sewage system of Ottawa, or a private sewage disposal system approved by the Chief Building Official of the City or the Chief Building Official of a board of health or a conservation authority which has entered into an agreement with the City pursuant to the provisions of the *Building Code Act*;

“sign” means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea;

“storage garage” means a building or part thereof intended for the storage or parking of ten (10) or more motor vehicles, and which contains no provision for the repair or servicing of such vehicles;

“storey” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it;

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

“storm sewer” means a sewer that conveys storm sewage;



“structure” includes but is not limited to play structures, sheds, gazebos and skateboard ramps;

“suite” means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, motor hotels, boarding houses, lodging houses or rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies;

“swimming pool” means a privately owned outdoor pool of water for swimming, bathing, wading, or reflecting which is capable of retaining a water depth equal to or greater than 60 cm (24 in.) at any point, but shall not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with and located on land devoted to the practice of farming;

“vacant building” means a building that is unoccupied, displays some visible signs of deterioration, is or should be boarded up, and does not include an agricultural building or a building already approved for demolition;

“vacant land” means lands, other than open space lands, with no buildings and not devoted to the practice of farming;

“vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

“vermin” means a mammal, bird or insect injurious to humans, game or crops including but not limited to foxes, rats, mice, moles, owls, weasels, ants, cockroaches, silverfish, fleas, bugs, bedbugs or lice;

“yard” means the land, other than publicly owned land, around and appurtenant to the building and used, intended or capable of being used in connection with the building.

## INTERPRETATION

### 2.

- 1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2) This by-law includes the Schedules annexed hereto, and the Schedules are hereby declared to form part of this by-law.

- 3) Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only.
- 4) In this by-law, the word “metre” shall be represented by the abbreviation “m”, the word “centimeter” shall be represented by the abbreviation “cm”, the word “feet” shall be represented by the abbreviation “ft.”, and the word “inches” shall be represented by the abbreviation “in.”.
- 5) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.
- 6) The by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, from carrying out a normal farm practice.

## PART I

### OBLIGATIONS AND REPAIR STANDARDS

#### 3.

- 1) The owner of property shall repair, maintain and keep the property in accordance with the standards and take immediate action to eliminate any unsafe conditions.
- 2) Every occupant of a dwelling unit, in that part of the dwelling unit that the occupant occupies or controls shall:
  - a) maintain all plumbing, cooking, refrigerating appliances and 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; and
  - c) maintain the dwelling unit in a clean and sanitary conditions.

#### 4.

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.

#### 5.

Without restricting the generality of section 4:

- 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.

## PART II

### RESIDENTIAL PROPERTY STANDARDS

#### YARDS

#### 6.

- 1) A yard shall be kept clean and free from,
  - a) refuse or debris;
  - b) refrigerators, freezers or similar appliances, whether operable or inoperable;
  - c) objects or conditions that may create a health or accident hazard; and
  - d) dilapidated, collapsed, unsafe or unsecured structures.
- 2) Despite the requirements of subsection (1), refrigerators, freezers or similar appliances may be stored or left on porches, decks or similar areas in rear or side yards, provided that the appliance is,
  - a) working;
  - b) not equipped with a self-locking device;
  - c) not equipped with a self-latching device;
  - d) secured with a locking device; and
  - e) locked at all times except when actually being used and supervised.
- 3) Heavy undergrowth shall be eliminated from the yard so as to be consistent with the surrounding environment.
- 4) A yard shall be cultivated or protected by ground cover which prevents the erosion of the soil.
- 5) A tree or other plant, or limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased,

BY-LAW NO. 2013-416

dying or dangerous portions of the tree or plant so as to prevent an unsafe condition or damage to any building subject to the provisions of By-law No. 2009-200, the Urban Tree Conservation By-law.

- 6) Lawns shall be kept trimmed and not be overgrown or in an unsightly condition out of character with the surrounding environment.
- 7) Subsection (6) shall not apply to yards which have been landscaped or maintained with materials such as:
  - a) trees, shrubs, ornamental grasses or flowers;
  - b) decorative stonework, walkways or screening;
  - c) any other horticultural or landscape architectural elements.
- 8) All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not,
  - a) adversely affect the safety of the public;
  - b) adversely affect the safety of vehicular or pedestrian traffic;
  - c) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is 1 m (3 ft. 3 in.) or less in height; or
  - d) wholly or partially conceal or interfere with the use of any hydrant or water valves.
- 9) No vehicle which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left in a yard.
- 10) Nothing in subsection (9) prevents the occupant of a residential property from repairing a vehicle which is the occupant's own vehicle provided that there is only one (1) vehicle being repaired and the vehicle is being actively repaired.
- 11) In respect to multiple dwellings and non-residential properties, every area of a yard which is used for vehicular traffic or parking including a loading area shall be:
  - a) kept free from dirt and refuse;
  - b) adequately lighted; and
  - c) maintained in good repair.
- 12) Lights used to illuminate any area used for vehicular and pedestrian traffic, or parking shall be arranged, installed or designed so as to deflect away from abutting residential properties.
- 13) Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighbouring environment, shall be removed.

BY-LAW NO. 2013-416

- 14) All compost shall be stored and kept on a property neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood or attract vermin or other animals to the property.
- 15) Every swimming pool shall be maintained,
  - a) in a clean and safe condition; and
  - b) free from leaks and faulty components and equipment.
- 16) Every purification system for a swimming pool shall be maintained so that water in the pool is properly filtered and purified so as not to present a health hazard.
- 17) Subsections (15) and (16) do not apply to swimming pools regulated under the *Public Pools Regulation* 565, R.R.O. 1990, made under the *Health Protection and Promotion Act*, R.S.O. 1990, Chap. H.7.
- 18) Domestic storage such as firewood, building materials, garden equipment and materials may be stored in a rear or side yard, provided that,
  - a) such storage does not exceed 15 percent of the yard area in which it is stored;
  - b) such storage shall be neatly piled and shall not constitute a hazard; and
  - c) such storage shall not be stored in the front yard between the front wall of the building and the street line.
- 19) Subsection (18)(c) does not apply to a property exceeding 7.5 acres in size or to the dwelling on a farm property.
- 20) Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property, provided that,
  - a) it is removed frequently and in its entirety from the property;
  - b) it will not cause risk to the health or safety of any persons; and
  - c) it is not stored in an unsightly manner.
- 21) Any furniture that is used outdoors shall be:
  - a) kept in a clean, neat and tidy condition; and
  - b) maintained in good repair.

## SEWAGE AND DRAINAGE

### 7.

- 1) Sanitary sewage or organic waste shall be discharged only through the building drain and building sewer into a sewage system.
- 2) Untreated or inadequately treated sanitary sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise.
- 3) Roof drainage or storm water, swimming pool or sump pump water discharge shall,
  - a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - b) not be discharged on walkways, stairs, or neighbouring property.
- 4) Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- 5) Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 m (4 ft) from the building when it is physically possible.
- 6) Subsection (5) does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.
- 7) Where eavestroughs, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- 8) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

## WALKS

### 8.

- 1) There shall be a surfaced walk leading from every principal entrance of the building or structure to the street, and a surfaced driveway in excess of 2.4 m (8 ft.) in width may form part of the walk system.
- 2) Subsection (1) shall not apply to a dwelling on a farm property and residential properties over 7.5 acres in size where only one dwelling unit is situated on the property.

## SAFE PASSAGE

### 9.

- 1) All surfaced paths, walkways, patios, steps, ramps, building entrances, driveways and parking areas shall be,
  - a) maintained in a hole-free condition and free of any settlements that might cause an accident or injury;
  - b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather; and
  - c) adequately illuminated at night so as to afford safe use.
- 2) Subject to subsection (3), for the purposes of paragraph (b) of subsection (1), snow or ice shall not be permitted to accumulate.
- 3) For the purposes of paragraph (b) of subsection (1), the requirement to keep patios free from snow does not apply unless the patio provides the only access to a residential property.
- 4) This section shall not apply to a dwelling on a farm property and residential properties over 7.5 acres in size where only one dwelling unit is situated on the property.

## FENCES AND OTHER ENCLOSURES

### 10.

- 1) Fences, retaining walls and other enclosures or structures around or on a residential property shall be kept,
  - a) in good repair;
  - b) free from accident hazards;
  - c) protected by paint, preservatives or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood;
  - d) so as not to present an unsightly appearance;
  - e) stable;
  - f) vertical, unless specifically designed to be other than vertical, as in the case of retaining walls; and
  - g) free of barbed wire.

- 2) Unsightly markings, stains or other defacements, including graffiti, on the exterior surfaces of fences, retaining walls or other enclosures or structures shall be removed and the surface shall be refinished when necessary.
- 3) Subsections (1) and (2) shall not apply to a dwelling on a farm property.

## ACCESSORY BUILDINGS AND OTHER STRUCTURES

### 11.

An accessory building or other structure shall be:

- a) constructed and maintained with suitable and uniform materials;
- b) kept in good repair and free from hazards; and
- c) protected by paint, preservatives or other weather-resistant materials.

## GARBAGE DISPOSAL

### 12.

- 1) Every dwelling and every dwelling unit within the dwelling shall be provided with sufficient receptacles to contain all garbage and refuse.
- 2) Every receptacle shall be an acceptable bag or other container that is,
  - a) constructed of a watertight material;
  - b) constructed to prevent the entry of rodents or other birds or animals;
  - c) provided with a tight fitting cover, which shall be kept closed at all times except when garbage or refuse is being placed therein; and
  - d) maintained in a clean and sanitary condition.
- 3) Bags containing garbage or refuse shall not be stored outdoors unless protected from damage.
- 4) In multiple dwellings, every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be,
  - a) washed and disinfected as often as is necessary to maintain a clean and odour free condition; and
  - b) maintained in good repair.



## BY-LAW NO. 2013-416

- 5) Every garbage disposal room and garbage storage area shall be readily accessible to all occupants for whom the facility is required to be provided, or in the alternative, be readily accessible by an operable garbage chute provided for this purpose.
- 6) 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) Every outdoor receptacle shall be located in the rear yard, when space can accommodate it, or otherwise in a side yard, but shall not be located in a front yard and shall not be adjacent to any combustible structure or placed within 3 metres (10 ft.) vertically or horizontally of any opening in a habitable room of the building or of any neighbouring building.
- 8) Despite subsection (7), an outdoor receptacle may be located in the front yard of a dwelling on a farm property and residential properties over 7.5 acres in size where only one dwelling unit is situated on the property or where authority has been granted under a site plan or other agreement.
- 9) Where commercial containers or in-situ containers are visible from a public street or lane, or the subject site abuts residential properties, the area where the containers are stored shall be enclosed on all sides by a wall or solid fence not less than 1.8 m (6 ft.), such wall or fence containing an adequate door or gate to allow for the removal of garbage or refuse.
- 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 City.

## VERMIN PREVENTION

### 13.

- 1) 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.
- 2) 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.

- 3) 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.

## **BASEMENT FLOORS**

### **14.**

- 1) Basements, cellars or crawl spaces which are not served by a stairway leading from the dwelling or from outside the dwelling may have a dirt floor provided it is covered with a moisture-proof covering.
- 2) Basements or cellars which are served by a stairway leading from the dwelling or from outside the dwelling shall have a concrete floor, and when required for drainage, a floor drain shall be located at the lowest point of the said floor and connected to a sewage system.
- 3) A concrete floor in a basement or cellar shall be maintained free from cracks, breaks or other defects so as not to create an accident hazard or to permit the entry of water.

## **FOUNDATIONS**

### **15.**

- 1) The foundation walls shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- 2) Every dwelling, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 3) All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- 4) Subsections (2) and (3) shall not apply to accessory buildings where the Building Code specifies that no foundation is required.

## STRUCTURAL SOUNDNESS

### 16.

- 1) Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it normally may be subject.
- 2) Materials or objects which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.
- 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.
- 4) 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.
- 5) 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*.

## EXTERIOR WALLS

### 17.

- 1) The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or vermin, and shall be so maintained by,
  - a) painting, restoring or repairing of the walls, coping or flashing; or
  - b) the waterproofing of joints and of the walls themselves.
- 2) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- 3) 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.
- 4) 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.

- 5) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.

## ROOF

### 18.

- 1) A roof and all of its components shall be weathertight so as to be free from leaks into the dwelling or loose, unsecured or unsafe objects or materials.
- 2) Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3) A soffit and fascia shall be kept in good repair and protected by paint, preservatives or other weather-resistant materials.
- 4) Dangerous accumulations of snow or ice shall be removed from the roof.
- 5) 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.
- 6) 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.

## DAMPNESS

### 19.

The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a cellar, basement or crawl space floor.

## DOORS, WINDOWS AND MAIL BOXES

### 20.

- 1) All exterior openings for doors or windows shall be fitted with doors or windows that are capable of being opened or closed easily, unless, in the case of windows, the windows were manufactured to be fixed.

BY-LAW NO. 2013-416

- 2) Windows, exterior doors and basement or cellar hatchways shall be maintained in a weathertight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of vermin into the building.
- 3) Doors, doorframes, window frames, sashes, casings and weatherstripping that have been damaged or show evidence of decay or other deterioration shall be painted, repaired or replaced.
- 4) The following items shall be repaired or replaced:
  - a) missing glass;
  - b) broken glass;
  - c) missing door hardware;
  - d) defective door hardware;
  - e) missing window hardware;
  - f) defective window hardware.
- 5) Every entrance door in every dwelling unit shall have a locking device so as to be capable of being locked from both inside and outside the dwelling unit.
- 6) The entrance door in every rooming unit shall have a locking device so as to be capable of being locked from both inside and outside the rooming unit.
- 7) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit.
- 8) All windows in a dwelling unit shall be double glazed or provided with storm windows or other approved means of minimizing heat loss and infiltration, during the season in which heat is required.
- 9) All windows in a dwelling unit that are capable of being opened shall be provided with screens, and the screens shall be maintained in good repair so as to effectively prevent the entry of vermin.
- 10) In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and a security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.
- 11) Every door used as,
  - a) an entrance to and a means of egress from a multiple dwelling which is not open and available for use by the general public, and
  - b) an entrance to or means of egress from a storage garage which is not open and available for use by the general public, shall be kept closed and locked and shall

be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.

- 12) Where mailboxes or mail slots are provided in multiple dwellings, they shall be,
- a) maintained in good repair;
  - b) secured with a locking device; and
  - c) one shall be provided for each dwelling unit.

## STAIRS, PORCHES AND RAMPS

### 21.

- 1) All stairs or ramps, both interior and exterior, shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 2) Every porch, balcony and supporting structural member shall be maintained so as to be free of decay, deterioration or other defects by replacing, repairing or painting.
- 3) No exterior stairway, including a fully enclosed outside stairway but not including a fire escape, shall have,
  - a) an angle exceeding 45 degrees from the horizontal;
  - b) a tread less than 23.5 cm (9 ¼ in.) in depth;
  - c) a rise greater than 20 cm (7 7/8 in.); or
  - d) a run less than 21 cm (8 ¼ in.).

## ELEVATORS

### 22.

- 1) 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.
- 2) The provisions of subsection (1) do not apply to elevators in or in connection with private dwelling units used exclusively by the occupants thereof and their guests.
- 3) The walls, floors and ceilings of elevators shall be kept clean and free from dirt or defacements.

- 4) Mechanical ventilation, where provided, shall be maintained in operable condition in an elevator.
- 5) Elevator buttons and floor indicators inside and outside all elevators shall be maintained in good working order at all times.

## EGRESS

### 23.

- 1) Every dwelling unit shall have a direct egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the street or grade level.
- 2) There shall be a secondary means of egress for every dwelling unit located on each floor above the second floor, and for two (2) or more dwelling units or two (2) or more rooming units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.
- 3) For the purposes of subsection (2), a window may be used as a secondary means of egress in a unit provided that:
  - a) it can be easily opened from the inside without the use of tools;
  - b) it has an individual open portion that is a minimum width of 0.56 m (22 in.) and a minimum height of 1 m (3 ft. 3 in.); and
  - c) it has a sill no more than 1 m (3 ft. 3 in.) above the floor or permanent access.
- 4) A secondary means of egress may be required for a dwelling unit or rooming unit if, in the opinion of the Officer, there exists a hazardous condition.
- 5) A required means of egress shall not pass through an attached or built-in garage or an enclosed part of the dwelling unit.
- 6) All means of egress shall be,
  - a) maintained in good repair; and
  - b) free of objects or conditions which constitute an accident or hazard.

## GUARDS AND HANDRAILS

### 24.

- 1) A guard shall be installed and maintained in good repair on every surface to which access is provided, including but not limited to exterior landings, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, on each side which is not

## BY-LAW NO. 2013-416

protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 60 cm (23 5/8 in.);

- 2) A guard shall be installed and maintained in good repair on:
  - a) every exterior stair with more than 6 risers and every ramp on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 60 cm (23 5/8 in.);
  - b) openings through any guard shall be a size which will prevent the passage of a spherical object having a diameter of more than 10 cm (4 in.); and
  - c) a pedestrian or physically disabled ramp having a gradient steeper than 1 in 10 or with a rise of over 45 cm (1 ft. 6 in.).
- 3) A handrail shall be provided and be maintained in good repair and in a safe condition on:
  - a) at least one side of stairs less than 1.1 m (3 ft. 7 in.) in width;
  - b) two sides of stairs 1.1 m (3 ft. 7 in.) in width or greater; and
  - c) two sides of a curved stair used as an exit.
- 4) Despite subsection (3), handrails are not required for stairs within dwelling units having not more than two (2) risers, or for exterior stairs having not more than three (3) risers and serving not more than one (1) dwelling unit.
- 5) Despite subsection (3), only one (1) handrail is required on exterior stairs having more than three (3) risers provided such stairs serve not more than one (1) dwelling unit.

## WALLS AND CEILINGS

### 25.

- 1) Every wall and ceiling finish shall be,
  - a) maintained so as to be easily cleaned; and
  - b) free of holes, cracks, loose coverings, mould or other defects.
- 2) Where dwelling units are separated vertically, the dividing walls shall,
  - a) be continued in the basement from the top of the footings or the floor to the underside of the finished floor surface;
  - b) be continued in the attic from the top of the finished ceiling surface to the underside of the finished roof surface; and
  - c) be tightly sealed with caulking or similar non-combustible material.



- 3) Where dwelling units are separated horizontally, the separating ceiling shall be continued to the interior side of the exterior walls, and such ceilings shall consist of gypsum wallboard or material providing an equivalent fire resistant rating, and all cracks or openings shall be tightly sealed with caulking or similar non-combustible material.
- 4) Sufficient thermal insulation to prevent condensation shall be provided between heated spaces and unheated attic spaces.
- 5) Every exterior wall above ground or part of a habitable room of a residential building 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.
- 6) When walls and ceilings are repaired, they shall be surfaced with a finish compatible with the surrounding finishes.
- 7) Walls around a bathtub or shower shall be so maintained as to be water-resistant and readily cleaned.
- 8) When walls, ceilings and columns of a storage garage have been painted, the surface shall be repainted as necessary.

## FLOORS

### 26.

- 1) Every floor shall be,
  - a) acceptably level; and
  - b) maintained in good repair so as to be free of all loose, warped, protruding, broken or decayed flooring, or other hazardous conditions that may cause an accident or allow dirt or mould to accumulate.
- 2) For the purposes of subsection (1), "acceptably level" shall be defined as not more than 7.5 cm (3 in.) slope in 3 m (10 ft.) and not more than 2.5 cm (1 in.) in any 61 cm (2 ft.).
- 3) Where floors have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be repaired or replaced.
- 4) Any repair or replacement required by subsection (3) shall be such that the material used shall have a finish similar to that of the original covering.
- 5) Every bathroom, powder room and shower room shall have a floor of water-repellent material.

## CLEANLINESS

### 27.

- 1) Every floor, wall, ceiling, fixture and equipment in a dwelling shall be maintained in a clean and sanitary condition.
- 2) Every dwelling shall be kept free from rubbish, debris or any condition which constitutes an accident or health hazard.

## WATER

### 28.

- 1) Every dwelling shall be provided with an adequate supply of drinkable running water from a source approved by the Medical Officer of Health.
- 2) Every sink, washbasin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.
- 3) Hot water as required in subsection (2) 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.
- 4) Adequate running water shall be supplied to every water closet.

## PLUMBING

### 29.

- 1) All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects.
- 2) All water pipes and appurtenances thereto shall be protected from freezing.
- 3) All waste pipes shall be connected to the sewage system through water seal traps.

## KITCHEN, POWDER ROOM AND BATHROOM FACILITIES

### 30.

- 1) Every dwelling unit shall contain plumbing fixtures consisting of at least,
  - a) a water closet;
  - b) a kitchen sink;
  - c) a washbasin; and
  - d) a bathtub or shower.
- 2) Where a dwelling unit is used as a rooming house or boarding house, the occupants may share a single bathroom provided that,
  - a) a total of not more than five (5) persons occupy the dwelling unit;
  - b) for each additional five (5) persons or less, there shall be an additional water closet, and bathtub or shower; and
  - c) access to the bathroom can be gained without going through habitable rooms or through an open area which is not normally heated during the season in which heat is required.
- 3) Bathtubs or showers shall be caulked so as to form a continual seal impervious to water penetration.

## BATHROOM AND POWDER ROOM

### 31.

- 1) All bathrooms and powder rooms shall be located within and accessible from within the dwelling.
- 2) All bathrooms and powder rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.
- 3) A washbasin shall be located in the same room as the water closet and, where this is not possible, a washbasin shall be located in a room conveniently adjacent to the room containing the water closet.
- 4) Materials, items or components in a bathroom or powder room including but not limited to the vanity, vanity top, vanity drawers, vanity doors, missing vanity hardware, defective

vanity hardware, missing vanity door hardware or defective vanity door hardware shall be maintained in good repair or replaced.

## KITCHENS

### 32.

- 1) The splash back and counter top around the kitchen sink shall have an impervious surface.
- 2) Every kitchen shall have connected and operating gas or electrical supply for cooking and refrigeration purposes as approved by the appropriate authority.
- 3) Framing, finishes and cabinetry installed directly above the location of the range shall be not less than .75 m (2 ft. 6 in.) above the level of the electric or gas range burners or elements.
- 4) Combustible wall framing, finishes or cabinets within .45 m (1 ft. 6 in.) of the area where the range is to be located shall be protected above the level of the heating elements by material providing fire resistance not less than that of a .95 cm (3/8 in.) thickness of gypsum board.
- 5) Each kitchen in a dwelling unit shall have,
  - a) a work surface at least 1.2 m (4 ft.) long and 55 cm (22 in.) wide; and
  - b) kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a volume of at least 0.85 cu m (30 cu. ft.).
- 6) Where it is not physically possible within the existing design and structure of the dwelling unit to comply with the provisions of subsection (5), a smaller manufactured efficiency type unit is acceptable.
- 7) The following items in a kitchen shall be maintained in good repair or replaced:
  - a) cupboards;
  - b) cupboard doors;
  - c) missing cupboard door hardware;
  - d) defective cupboard door hardware;
  - e) drawers;
  - f) missing drawer hardware;
  - g) defective drawer hardware; and
  - h) counter tops.

- 8) Where appliances are provided, they must be maintained in good repair and in a safe condition.

## HEATING AND MECHANICAL SYSTEMS

### 33.

- 1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celsius (68 degrees Fahrenheit) in the centre of all habitable rooms, bathrooms and powder rooms.
- 2) The heating system required by subsection (1) shall be maintained in good working condition and be capable of heating the dwelling to the required temperature.
- 3) Auxiliary heaters shall not be used as a primary source of heat.
- 4) A room heater shall not be placed so as to impede the free movement of persons within the room where the heater is located.
- 5) Where a furnace or heating system is enclosed with walls, ceiling and door, it shall be provided with sufficient combustion air directly from the outside by ventilation duct;
- 6) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of fuel shall be,
  - a) provided and maintained in a convenient location, and
  - b) properly constructed so as to be free from accident hazards.
- 7) An adequate supply of fuel shall be available at all times.
- 8) Every fireplace, chimney, smoke pipe, flue, vent and similar construction shall be maintained so as to be free from defects and shall prevent gases and smoke from leaking into the dwelling unit.
- 9) Air conditioners shall be maintained in a safe mechanical and electrical condition.
- 10) Air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

## ELECTRICAL SERVICE

### 34.

- 1) Every dwelling unit shall be wired for electricity unless otherwise permitted by the Chief Building Official or the Electrical Safety Authority, whichever authority is applicable.

## BY-LAW NO. 2013-416

- 2) Lighting equipment shall be installed throughout the dwelling unit to provide illumination unless otherwise permitted by the Chief Building Official or the Electrical Safety Authority, whichever authority is applicable.
- 3) In a dwelling unit, three-way wall switches located at the head and foot of every stairway shall be provided to control not less than one (1) lighting outlet with a fixture for stairways with four (4) or more risers.
- 4) Every habitable room, except a kitchen, shall have,
  - a) at least two (2) electrical outlets for the first 11 m<sup>2</sup> (118 sq. ft.) or portion thereof of floor area; and
  - b) one (1) electrical outlet for each additional 9 m<sup>2</sup> (97 sq. ft.) or portion thereof of floor area.
- 5) Every kitchen shall have at least two (2) electrical duplex convenience outlets which shall be on separate grounded circuits.
- 6) Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.
- 7) An electrical light fixture shall be installed in every bathroom, powder room, laundry room, furnace room, kitchen, hall and in a stairway which is not otherwise lighted.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) All artificial lighting standards, fixtures and connections installed in yards shall be kept in a safe condition, good working order and in good repair.

## LIGHT

### 35.

- 1) In every dwelling unit,

## BY-LAW NO. 2013-416

- a) bedrooms shall have a window or windows, skylights or translucent panels which face directly to the outside with an unobstructed light transmitting area of not less than five percent (5%) of the area of such rooms;
  - b) other habitable rooms not located in a basement and excluding kitchens shall have a window or windows, skylights or translucent panels which face directly to the outside with an unobstructed light transmitting area of not less than ten percent (10%) of the floor area of such rooms; and
  - c) the glass area of a sash door may be considered as a portion of the required window area.
- 2) Whenever walls or other portions of structures are facing and located less than 91 cm (3 ft.) from a window, such a window shall not be,
    - a) deemed to face directly to the outside; and
    - b) included as contributing to the required minimum window area of the room.
  - 3) Whenever window wells are used, only that part of the window, which is above a forty-five (45) degree line projected downwards from the top of the window well, shall be used in calculating the required light transmitting area.
  - 4) Artificial light capable of maintaining the minimum level of illumination, as prescribed by the Building Code, shall be provided at all times.

## VENTILATION

### 36.

- 1) Every habitable room, except for a living room and a dining room, shall be provided with natural ventilation which shall,
  - a) consist of an opening or openings with a minimum aggregate unobstructed free flow area of  $0.28 \text{ m}^2$  (3 sq. ft.); and
  - b) be located in the exterior walls or through parts of skylights which are capable of being opened.
- 2) Despite subsection (1), an opening for natural ventilation is not required if mechanical ventilation is provided which changes the air once each hour.
- 3) Every room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylights which are capable of being opened, and all such openings shall have a minimum aggregate unobstructed free flow area of  $0.09 \text{ m}^2$  (1 sq. ft.).

## BY-LAW NO. 2013-416

- 4) An opening for natural ventilation as required in subsection (3) may be omitted where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.
- 5) Every enclosed attic or roof space shall be vented by openings to the exterior to provide at least 0.09 m<sup>2</sup> (1 sq. ft.) of unobstructed vent area for every 27.9 m<sup>2</sup> (300 sq. ft.) of attic or roof space.
- 6) The vents required by subsection (5) may be roof, eave or gable-end type or any combination thereof.
- 7) In multiple dwellings, every laundry room, garbage disposal room, boiler room and storage garage of the building shall be adequately ventilated.
- 8) Where a system of mechanical ventilation is used,
  - a) it shall be maintained in good working condition, regularly cleaned and kept in good repair; and
  - b) the ventilating duct which is on the exterior wall shall be located not less than 1.8 m (6 ft.) from any skylight, window, ventilator or other opening located in an adjacent building and shall be directed and operated in such a way as to not constitute a nuisance.
- 9) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

## BASEMENT, CELLAR OR UNHEATED CRAWL SPACE

### 37.

- 1) Every basement, cellar or unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than one per cent (1%) of the floor area for basements and 0.09 m<sup>2</sup> (1 sq. ft.) for every 46.5 m<sup>2</sup> (500 sq. ft.) of crawl space area.
- 2) Despite subsection (1), an opening for natural ventilation is not required if mechanical ventilation is provided which changes the air once each hour.

## OCCUPANCY STANDARDS

### 38.

- 1) No person shall use or permit the use of a non-habitable room in a dwelling unit for a habitable room purpose.



- 2) The maximum number of residents in a dwelling unit shall not exceed one (1) person per 9.3 m<sup>2</sup> (100 sq. ft.) of habitable room floor area.
- 3) For the purposes of subsection (2),
  - a) “child under twelve years of age” shall be deemed to be one-half (1/2) person;
  - b) “habitable room space” does not include the floor area under a ceiling which is less than the minimum heights set out in the Ontario Building Code; and
  - c) in the case where a finished ceiling is not applied to the underside of the joists, the bottom of the joists shall be deemed to be a ceiling.
- 4) No room in a dwelling unit shall be used for sleeping purposes unless it has a minimum width of 1.8 m (6 ft.) and a floor area of at least 5.5 m<sup>2</sup> (60 sq. ft.).
- 5) The minimum floor area of a room in a dwelling unit used by two (2) or more persons for sleeping shall be 3.7 m<sup>2</sup> (40 sq. ft.) for each person so using the room.
- 6) No room in a rooming house shall be used for sleeping purposes unless it has a minimum width of 2 m (6 ft. 7 in.) and a floor area of at least 7 m<sup>2</sup> (75 sq. ft.).
- 7) The minimum floor area of a room in a rooming house used by two (2) or more persons for sleeping shall be 4.6 m<sup>2</sup> (50 sq. ft.) for each person so using the room.
- 8) Every service room shall be separated by partitions having the fire resistance rating of at least one (1) hour.
- 9) Access to each habitable room shall be gained without passage through a furnace, boiler room or hazardous equipment room.

## STORAGE SPACE

### **39.**

Every dwelling unit shall be provided with space for the storage of linen and clothes, which space may include freestanding wardrobes or satisfactory hook racks.

## PART III

## NON-RESIDENTIAL PROPERTY STANDARDS

## YARDS

### **40.**

- 1) A yard shall be kept clean and free from,

BY-LAW NO. 2013-416

- a) refuse or debris;
  - b) refrigerators, freezers or similar appliances, whether operable or inoperable, and objects or conditions that may create a health or accident hazard; and
  - c) dilapidated, collapsed, unsafe or unsecured structures.
- 2) Despite the requirements of subsection (1), refrigerators, freezers or similar appliances may be stored or left on porches, decks or similar areas in rear or side yards, provided that the appliance is:
- a) in working order;
  - b) not equipped with a self-locking device;
  - c) not equipped with a self-latching device;
  - d) secured with a locking device; and
  - e) locked at all times except when actually being used and supervised.
- 3) Heavy undergrowth shall be eliminated from the yard so as to be consistent with the surrounding environment.
- 4) A yard shall be cultivated or protected by ground cover which prevents the erosion of the soil.
- 5) A tree or other plant, or limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant so as to prevent an unsafe condition or damage to any building subject to the provisions of By-law No. 2009-200, the Urban Tree Conservation By-law.
- 6) Lawns shall be kept trimmed and not be overgrown or in an unsightly condition out of character with the surrounding environment.
- 7) Subsection (6) shall not apply to yards which have been landscaped or maintained with materials such as:
- a) trees, shrubs, ornamental grasses or flowers;
  - b) decorative stonework, walkways or screening;
  - c) any other horticultural or landscape architectural elements.
- 8) All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not,
- a) adversely affect the safety of the public;
  - b) adversely affect the safety of vehicular or pedestrian traffic;

## BY-LAW NO. 2013-416

- c) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is 1 m (3 ft. 3 in.) or less in height; or
  - d) wholly or partially conceal or interfere with the use of any hydrant or water valves.
- 9) No vehicle which is in a wrecked, discarded, dismantled or inoperative condition shall be parked stored or left in the yard unless the storage of such vehicles is required for business purposes.
- 10) Every area of a yard which is used for vehicular traffic or parking including a loading area shall be,
- a) kept free from dirt and refuse;
  - b) adequately lighted; and
  - c) maintained in good repair.
- 11) Lights used to illuminate any area used for vehicular and pedestrian traffic or parking shall be arranged, installed or designed so as to deflect away from abutting residential properties.
- 12) Any furniture that is used outdoors shall be:
- a) kept in a clean, neat and tidy condition; and
  - b) maintained in good repair.

## SEWAGE AND DRAINAGE

### 41.

- 1) Sanitary sewage or organic waste shall be discharged only through the building drain and building sewer into a sewage system.
- 2) Rain water from a roof area of 46.5 m<sup>2</sup> (500 sq. ft.) or more shall be conveyed to a storm sewer, and if such a storm sewer is not available, the rain water shall be disposed of in such a manner as not to create a nuisance.
- 3) Roof drainage or surface water shall,
  - a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - b) not be discharged on walkways, stairs, or neighbouring property.
- 4) Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.

- 5) Catch basins shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.

## SAFE PASSAGE

### 42.

- 1) All surfaced paths, walkways, patios, steps, ramps, building entrances, driveways and parking areas shall be,
  - a) maintained in a hole-free condition and free of any settlements that might cause an accident or injury;
  - b) maintained in a condition so as to afford safe passage by pedestrians and motor vehicles in inclement weather; and
  - c) adequately illuminated at night so as to afford safe use.
- 2) For the purposes of paragraph (b) of subsection (1), snow or ice shall not be permitted to accumulate.

## ACCESSORY BUILDINGS AND OTHER STRUCTURES

### 43.

- 1) An accessory building or other structure shall be:
  - a) constructed and maintained with suitable and uniform materials;
  - b) kept in good repair and free from hazards; and
  - c) protected by paint, preservatives or other weather-resistant materials.
- 2) Paragraphs (a) and (c) of subsection (1) shall not apply to farm buildings.
- 3) In the case of farm buildings, "kept in good repair" shall mean maintained for the purpose for which the farm building is intended.

## FENCES AND OTHER ENCLOSURES

### 44.

- 1) Fences, retaining walls and other enclosures or structures around or on non-residential property shall be kept,
  - a) in good repair;
  - b) free from accident hazards;

## BY-LAW NO. 2013-416

- c) protected by paint, preservatives or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood; and
  - d) so as not to present an unsightly appearance.
- 2) Unsightly markings, stains or other defacements, including graffiti, on the exterior surfaces of fences, retaining walls or other enclosures or structures shall be removed and the surface shall be refinished when necessary.
- 3) A fence shall be installed,
  - a) around the parking area of drive-in eating establishments, except at the private approaches; and
  - b) where conditions exist on non-residential property where litter is blown onto adjoining property.
- 4) The fence required by paragraph (b) of subsection (3) shall be constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.
- 5) Where a business requires outdoor storage for any purpose, the area shall be defined and enclosed with a fence, which has a maximum height of 3 m (9.8 ft.).
- 6) All outdoor salvage yards shall be obscured from surrounding property by screening, which shall be of uniform construction and a minimum height of 1.8 m (6 ft.) and a maximum height of 3 m (9.8 ft.).

## SIGNS

### 45.

- 1) All signs and any fastening or supporting components shall be maintained in good repair, and any sign which is excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting components, be removed or put into a good state of repair.
- 2) Signs and any fastening or supporting components that are not used for the purpose intended, not cared for or discarded shall be removed from the property.

## GARBAGE DISPOSAL

### 46.

- 1) Every building and place of business shall be provided with sufficient receptacles to contain all garbage, refuse and trade waste.

BY-LAW NO. 2013-416

- 2) Despite subsection (1), where a building is providing sufficient receptacles, each place of business is not required to provide individual receptacles.
- 3) Receptacles shall be covered at all times and shall be located in the rear yard, when space can accommodate it, or otherwise in a side yard, but shall not be located in a front yard.
- 4) Despite subsection (3), an outdoor receptacle may be located in the front yard of a building where authority has been granted under a site plan or other agreement.
- 5) The property owner and every occupant operating within a place of business shall demonstrate, to the satisfaction of the Chief Property Standards Officer, that sufficient garbage and refuse storage facilities are provided for each business.
- 6) Where sufficient facilities are not provided as required by subsection (5), the owner and occupant shall,
  - a) provide additional receptacles; or
  - b) provide for an increased frequency of pick-up.
- 7) Where a place of business provides an in-situ container for garbage and refuse, it shall be constructed of,
  - a) metal with tight-fitting lids;
  - b) wood lined with metal with tight-fitting lids; or
  - c) other acceptable rodent-proof material.
- 8) Where commercial containers or in-situ containers are visible from a public street or lane, or the subject site abuts residential properties, the area where the containers are stored shall be enclosed on all sides by a wall or solid fence not less than 1.8 m (6 ft.), such wall or fence containing an adequate door or gate to allow for the removal of garbage or refuse.
- 9) Every place of business shall drain and pre-contain all organic or liquid garbage and refuse in plastic bags or other acceptable watertight containers prior to placement in a receptacle.
- 10) A garbage disposal room, garbage storage area, container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition, and shall be maintained in good repair.
- 6) 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 City.

## VERMIN PREVENTION

### 47.

- 1) The property 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.
- 2) 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.

## BASEMENT FLOORS

### 48.

- 1) Basements, cellars or crawl spaces which are not served by a stairway leading from the building or from outside the building may have a dirt floor provided it is covered with a moisture-proof covering.
- 2) Basements or cellars which are served by a stairway leading from the building or from outside the building shall have a concrete floor, and when required for drainage, a floor drain shall be located at the lowest point of the said floor and connected to a sewage system.
- 3) A concrete floor in a basement or cellar shall be maintained free from cracks, breaks or other defects so as not to create an accident hazard or to permit the entry of water.

## FOUNDATIONS

### 49.

- 1) The foundation walls shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- 2) Every building, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 3) All footings, foundation walls, piers and slabs-on-grade shall be of masonry or other suitable material.

- 4) Subsections (2) and (3) shall not apply to accessory buildings where the Building Code specifies that no foundation is required.

## STRUCTURAL SOUNDNESS

### 50.

- 1) Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it normally may be subject.
- 2) Materials or objects which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.
- 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.
- 4) 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.
- 5) 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*.

## EXTERIOR WALLS

### 51.

- 1) The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by,
  - a) painting, restoring or repairing of the walls, coping or flashing; or
  - b) the waterproofing of joints and of the walls themselves.
- 2) The visible surface of all exterior walls shall consist of materials commonly used or designed as building components.
- 3) 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.



- 4) 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.
- 5) All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.
- 6) All canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be,
  - a) maintained in good repair;
  - b) properly anchored; and
  - c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

## ROOF

### **52.**

- 1) A roof and all of its components shall be weathertight so as to be free from leaks or loose, unsecured or unsafe objects or materials.
- 2) Dangerous accumulations of snow or ice shall be removed from the roof.

## DAMPNESS

### **53.**

The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a cellar, basement or crawl space floor.

## DOORS AND WINDOWS

### **54.**

- 1) All exterior openings for doors or windows shall be fitted with doors or windows that are capable of being opened or closed easily, unless, in the case of windows, the windows were manufactured to be fixed.

- 2) Windows, exterior doors and basement or cellar hatchways shall be maintained in a weathertight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of vermin into the building.
- 3) Doors, doorframes, window frames, sashes, casings and weatherstripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- 4) The following items shall be repaired or replaced:
  - a) missing glass;
  - b) broken glass;
  - c) missing door hardware;
  - d) defective door hardware;
  - e) missing window hardware; and
  - f) defective window hardware.
- 5) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.

## STAIRS, PORCHES AND RAMPS

### 55.

- 1) All stairs or ramps, both interior and exterior, shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 2) Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.
- 3) No exterior stairway, including a fully enclosed outside stairway but not including a fire escape, shall have,
  - a) an angle exceeding 45 degrees from the horizontal;
  - b) a tread less than 23.5 cm (9 ¼ in.) in depth;
  - c) a rise greater than 20 cm (7 7/8 in.); or
  - d) a run less than 21 cm (8 ¼ in.).

## GUARDS AND HANDRAILS

### 56.

- 1) A guard shall be installed and maintained in good repair on every surface to which access is provided, including but not limited to exterior landings, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 60 cm (23 5/8 in.);
- 2) A guard shall be installed and maintained in good repair on:
  - a) every exterior stair with more than 6 risers and every ramp on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds 60 cm (23 5/8 in.);
  - b) openings through any guard shall be a size which will prevent the passage of a spherical object having a diameter of more than 10 cm (4 in.); and
  - c) a pedestrian or physically disabled ramp having a gradient steeper than 1 in 10 or with a rise of over 45 cm (1 ft. 6 in.).
- 3) A handrail shall be provided and be maintained in good repair and in a safe condition on:
  - a) at least one side of stairs less than 1.1 m (3 ft. 7 in.) in width;
  - b) two sides of stairs 1.1 m (3 ft. 7 in.) in width or greater; and
  - c) two sides of a curved stair used as an exit.
- 4) This section does not apply to ramps established for vehicles.

## WALLS AND CEILINGS

### 57.

- 1) Every wall and ceiling finish shall be,
  - a) maintained so as to be easily cleaned; and
  - b) free of holes, cracks, loose coverings, mould or other defects.
- 2) Where occupancies are separated vertically, the dividing walls shall,
  - a) be continued in the basement from the top of the footings or the floor to the underside of the finished floor surface;
  - b) be continued in the attic from the top of the finished ceiling surface to the underside of the finished roof surface; and

- c) be tightly sealed with caulking or similar non-combustible material.
- 3) Where the dwelling unit and non-residential occupancy are separated horizontally, the separating ceiling shall be continued to the interior side of the exterior walls, and such ceilings shall consist of gypsum wallboard or material providing an equivalent fire resistant rating, and all cracks or openings shall be tightly sealed with caulking or similar non-combustible material.
- 4) When walls and ceilings are repaired, they shall be surfaced with a finish compatible with the surrounding finishes.
- 5) Walls around a bathtub or shower shall be so maintained as to be water-resistant and readily cleaned.
- 6) When walls, ceilings and columns of a storage garage have been painted, the surface shall be repainted as necessary.

## FLOORS

### 58.

- 1) Every floor shall be,
  - a) acceptably level; and
  - b) maintained in good repair so as to be free of all loose, warped, protruding, broken or decayed flooring, or other hazardous conditions that may cause an accident or allow dirt or mould to accumulate.
- 2) For the purposes of subsection (1), "acceptably level" shall be defined as not more than 7.5 cm (3 in.) slope in 3 m (10 ft.) and not more than 2.5 cm (1 in.) in any 61 cm (2 ft.).
- 3) Where floors have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be repaired or replaced.
- 4) Any repair or replacement required by subsection (3) shall be such that the material used shall have a finish similar to that of the original covering.
- 5) Every restroom shall have a floor of water-repellent material.

## CLEANLINESS

### 59.

- 1) Every floor, wall, ceiling, fixture and equipment in a building shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.
- 2) Every building shall be kept free from rubbish, debris or any condition which constitutes an accident or health hazard.

## EGRESS

### 60.

- 1) There shall be provided two (2) means of egress from every floor area, where in the opinion of an officer the existing exits are inadequate for the safety of every person in the building.
- 2) All means of egress shall be,
  - a) maintained in good repair; and
  - b) free of objects or conditions which constitute an accident hazard.

## HEATING AND MECHANICAL SYSTEMS

### 61.

- 1) Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in such space or rooms to maintain a temperature of not less than 20 degrees Celsius (68 degrees Fahrenheit) during normal working hours.
- 2) The heating system required by subsection (1) shall be maintained in good working condition and be capable of heating the building to the required temperature.
- 3) Auxiliary heaters shall not be used as a primary source of heat.
- 4) A room heater shall not be placed so as to impede the free movement of persons within the room where the heater is located.
- 5) Where a furnace or heating system is enclosed with walls, ceiling and door, it shall be provided with sufficient combustion air directly from the outside by ventilation duct.

## BY-LAW NO. 2013-416

- 6) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of fuel shall be,
  - a) provided and maintained in a convenient location; and
  - b) properly constructed so as to be free from accident hazards.
- 7) An adequate supply of fuel shall be available at all times.
- 8) Every fireplace, chimney, smoke pipe, flue, vent and similar construction shall be maintained so as to be free from defects and shall prevent gases and smoke from leaking into the building.
- 9) Air conditioners shall be maintained in a safe mechanical and electrical condition.
- 10) Air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

## PLUMBING

### 62.

- 1) All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects.
- 2) All water pipes and appurtenances thereto shall be protected from freezing.
- 3) All waste pipes shall be connected to the sewage system through water seal traps.

## RESTROOM FACILITIES

### 63.

- 1) Buildings where people work shall have a minimum of one (1) water closet and one (1) washbasin supplied with an adequate supply of hot and cold running water located in an enclosed room and accessible from within the building.
- 2) All restrooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.
- 3) All restrooms shall be kept clean and neat at all times.
- 4) The restroom walls and ceiling shall be provided with a smooth surface, and where paint is used as the surface coating, it shall be maintained and painted as is necessary for cleanliness.

- 5) Materials, items or components in a restroom that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 6) Each restroom shall be provided with toilet paper, soap and individual towels or other means of drying.

## ELECTRICAL SERVICE

### 64.

- 1) Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.
- 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.
- 3) The electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of the Electrical Safety Authority.
- 4) All artificial lighting standards, fixtures and connections installed in yards shall be kept in a safe condition and in good working order.

## LIGHT

### 65.

- 1) Artificial light capable of maintaining the minimum level of illumination, as prescribed by the Building Code, shall be provided at all times.
- 2) Every storage garage shall be adequately lighted in accordance with the requirements of the Building Code at all times.

## VENTILATION

### 66.

- 1) Every room where people work in a non-residential property shall be provided with natural ventilation which shall,
  - a) consist of an opening or openings with a minimum aggregate unobstructed free flow area of 0.28 m<sup>2</sup> (3 sq. ft.); and
  - b) be located in the exterior walls or through parts of skylights which are capable of being opened.

- 2) Despite subsection (1), an opening for natural ventilation is not required if mechanical ventilation is provided which changes the air once each hour.
- 3) Every room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylights which are capable of being opened, and all such openings shall have a minimum aggregate unobstructed free flow area of 0.09 m<sup>2</sup> (1 sq. ft.).
- 4) An opening for natural ventilation as required in subsection (3) may be omitted where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.
- 5) Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall be located not less than 1.8 m (6 ft.) from a window located in an adjoining building.
- 6) The exterior exhaust ventilation ducts for commercial kitchens or restaurant kitchens shall be located not less than 3 m (10 ft.) from any skylight, window, ventilator, doorway or other opening located in an adjoining building and shall be directed in such a way as not to constitute a nuisance.

## BASEMENT, CELLAR OR UNHEATED CRAWL SPACE

### 67.

- 1) Every basement, cellar or unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings, the area of which shall not be less than one per cent (1%) of the floor area for basements and 0.09 m<sup>2</sup> (1 sq. ft.) for every 46.5 m<sup>2</sup> (500 sq. ft.) of crawl space area.
- 2) Despite subsection (1), an opening for natural ventilation is not required if mechanical ventilation is provided which changes the air once each hour.

## PART IV

### VACANT BUILDINGS AND VACANT LANDS

### 68.

Vacant land shall be kept clean and free from:

- a) refuse or debris; or
- b) objects or conditions that may create a health or accident hazard.



**69.**

Where a vacant building or a structure appurtenant to vacant buildings have been demolished, the land must be leveled and graded, and, if deemed necessary by the Chief Property Standards Officer based on the history of by-law infractions, factors relevant to public health and safety, and the public interest, enclosed in an appropriate manner to restrict access.

**70.**

Heavy undergrowth and long grass shall be eliminated from vacant land so as to be consistent with the surrounding environment.

**71.**

Hedges and bushes shall be maintained so as to be consistent with the surrounding environment.

## RESIDENTIAL VACANT BUILDINGS AND VACANT LANDS

### YARDS AND VACANT LANDS

**72.**

- 1) A yard appurtenant to a vacant building shall be kept clean and free from
  - a) refuse or debris;
  - b) refrigerators, freezers or similar appliances, whether operable or inoperable;
  - c) objects or conditions that may create a health or accident hazard; and
  - d) dilapidated, collapsed, unsafe or unsecured structures.
- 2) Vacant land shall be kept clean and free from:
  - a) refuse or debris;
  - b) refrigerators, freezers or similar appliances, whether operable or inoperable;
  - c) objects or conditions that may create a health or accident hazard; and
  - d) dilapidated, collapsed, unsafe or unsecured structures.

BY-LAW NO. 2013-416

- 3) Heavy undergrowth shall be eliminated from the yard appurtenant to a vacant building and from vacant land so as to be consistent with the surrounding environment.
- 4) A yard appurtenant to a vacant building, and vacant land, shall be cultivated or protected by ground cover which prevents the erosion of the soil.
- 5) A tree or other plant appurtenant to a vacant building or located on vacant land, or any limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant so as to prevent an unsafe condition or damage to any building subject to the provisions of By-law No. 2009-200, the Urban Tree Conservation By-law.
- 6) Lawns appurtenant to a vacant building or located on vacant land shall be kept trimmed and not be overgrown or in an unsightly condition out of character with the surrounding environment.
- 7) Subsection (6) shall not apply to yards which have been landscaped or maintained with materials such as:
  - a) trees, shrubs, ornamental grasses or flowers;
  - b) decorative stonework, walkways or screening;
  - c) any other horticultural or landscape architectural elements.
- 8) All hedges, shrubs, trees or other plants located appurtenant to a vacant building or on vacant land shall be planted and maintained in a manner that does not,
  - a) adversely affect the safety of the public;
  - b) adversely affect the safety of vehicular or pedestrian traffic;
  - c) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is 1 m (3 ft. 3 in.) or less in height; or
  - d) wholly or partially conceal or interfere with the use of any hydrant or water valves.
- 9) No vehicle which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left:
  - a) in a yard or other land appurtenant to a vacant building; or
  - b) on vacant land.
- 10) Accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, or are deleterious to the neighbouring environment, shall be removed from a yard or other property appurtenant to a vacant building, or from vacant land.

BY-LAW NO. 2013-416

- 11) All compost located on land appurtenant to a vacant building or on vacant land shall be stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood or attract vermin or other animals to the property.
- 12) Every swimming pool located on vacant land or appurtenant to a vacant building shall be maintained,
  - a) in a clean and safe condition; and
  - b) free from leaks and faulty components and equipment.
- 13) Every purification system for a swimming pool located on vacant land or appurtenant to a vacant building shall be maintained so that water in the pool is properly filtered and purified so as not to present a health hazard.
- 14) Subsections (12) and (13) do not apply to swimming pools regulated under the *Public Pools Regulation* 565, R.R.O. 1990, made under the *Health Protection and Promotion Act*, R.S.O. 1990, Chap. H.7.
- 15) Domestic storage such as firewood, building materials, garden equipment and materials may be stored in a rear or side yard appurtenant to a vacant building or on vacant land, provided that,
  - a) such storage does not exceed 15 percent of the yard area in which it is stored;
  - b) such storage shall be neatly piled and shall not constitute a hazard; and
  - c) such storage shall not be stored in the front yard between the front wall of the building and the street line.
- 16) Subsection (15)(c) does not apply to a property exceeding 7.5 acres in size or to the dwelling on a farm property.
- 17) Despite the requirements of this section, temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property, provided that,
  - a) it is removed frequently and in its entirety from the property;
  - b) it will not cause risk to the health or safety of any persons; and
  - c) it is not stored in an unsightly manner.
- 18) Any furniture that is used outdoors around or appurtenant to a vacant building, or on vacant land, shall be:
  - a) kept in a clean, neat and tidy condition; and
  - b) maintained in good repair.

## SEWAGE AND DRAINAGE

### 73.

- 1) Roof drainage or storm water, swimming pool or sump pump water discharge on land appurtenant to a vacant building, or on vacant land, shall,
  - a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - b) not be discharged on walkways, stairs, or neighbouring property.
- 2) Subsurface drainage on land appurtenant to a vacant building or on vacant land shall be installed where there is recurring excessive ponding caused by surface water.
- 3) Where eavestroughs and downspouts are installed in relation to a vacant building, the roof drainage shall be discharged onto the ground at least 1.2 m (4 ft.) from the building when it is physically possible.
- 4) Subsection (3) does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.
- 5) Where eavestroughs, roof gutters and downspouts are installed in relation to a vacant building, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- 6) Catch basins located on land appurtenant to a vacant building or on vacant land shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.
- 7) Where heat is not provided and if the outside temperature is likely to reach freezing, water systems shall be drained in a vacant building.

## FENCES

### 74.

- 1) Fences, retaining walls and other enclosures or structures around or on land appurtenant to vacant building or on vacant land shall be kept,
  - a) in good repair;
  - b) free from accident hazards;
  - c) protected by paint, preservatives or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood;
  - d) so as not to present an unsightly appearance;

- e) stable;
  - f) vertical, unless specifically designed to be other than vertical, as in the case of retaining walls; and
  - g) free of barbed wire.
- 2) Unsightly markings, stains or other defacements, including graffiti, on the exterior surfaces of fences, retaining walls or other enclosures or structures appurtenant to a vacant building or on vacant land shall be removed and the surface shall be refinished when necessary.

## ACCESSORY BUILDINGS AND OTHER STRUCTURES

### 75.

- 1) An accessory building or other structure that is appurtenant to a vacant building or on vacant land shall be,
- a) constructed and maintained with suitable and uniform materials;
  - b) kept in good repair and free from hazards; and,
  - c) protected by paint, preservatives or other weather-resistant materials.

## FOUNDATIONS

### 76.

- 1) The foundation walls of a vacant building shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- 2) Every vacant building, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 3) All footings, foundation walls, piers, slabs-on-grade of a vacant building shall be of masonry or other suitable material.
- 4) Subsections (2) and (3) shall not apply to accessory buildings where the Building Code specifies that no foundation is required.

## STRUCTURAL SOUNDNESS

### 77.

- 1) Every part of a vacant building or structure that is appurtenant to a vacant building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it normally may be subject.
- 2) Materials or objects in relation to a vacant building which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.
- 3) The foundations, walls, columns, beams, floor and roof slabs of a vacant building, including ancillary structures such as parking garages, shall be maintained in good repair.
- 4) If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a vacant building or structure appurtenant to a vacant building 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.
- 5) 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*.

## EXTERIOR WALLS

### 78.

- 1) The exterior walls of a vacant building and their components shall be maintained so as to prevent their deterioration due to weather or vermin, and shall be so
  - a) maintained by, painting, restoring or repairing of the walls, coping or flashing; or
  - b) the waterproofing of joints and of the walls themselves.
- 2) The visible surface of all exterior walls of a vacant building shall consist of materials commonly used or designed as building components.
- 3) Patching and repairs to exterior walls of a vacant building 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.
- 4) Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, including graffiti, occurring on an exposed exterior surface of a vacant

building and, where necessary, to restore the surface as nearly as possible to its original condition.

- 5) All exterior surfaces of a vacant building shall be of materials which by themselves or when treated provide adequate protection from the weather.

## ROOF

### 79.

- 1) A roof of a vacant building and all of its components shall be weathertight so as to be free from leaks into the dwelling or loose, unsecured or unsafe objects or materials.
- 2) Roofing materials or components of vacant buildings which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3) A soffit and fascia of a vacant building shall be kept in good repair and protected by paint, preservatives or other weather-resistant materials.
- 4) Dangerous accumulations of snow or ice shall be removed from the roof of a vacant building.
- 5) A roof of a vacant building 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.
- 6) All chimneys, smoke or vent stacks, aerials, satellite dishes, lightning arrestors and other similar structures of a vacant building and their supporting members shall be maintained in a safe condition and in good repair.

## STAIRS, PORCHES AND RAMPS

### 80.

- 1) All stairs or ramps on the exterior of a vacant building shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 2) Every porch, balcony and supporting structural member of a vacant building shall be maintained so as to be free of decay, deterioration or other defects by replacing, repairing or painting.

# NON-RESIDENTIAL VACANT BUILDINGS AND VACANT LANDS

## YARDS AND VACANT LAND

### 81.

- 1) A yard appurtenant to a vacant building and vacant land shall be kept clean and free from,
  - a) refuse or debris;
  - b) refrigerators, freezers or similar appliances, whether operable or inoperable; and
  - c) objects or conditions that may create a health or accident hazard; and,
  - d) dilapidated, collapsed, unsafe or unsecured structures.
- 2) Despite the requirements of subsection (1), refrigerators, freezers or similar appliances may be stored or left on porches, decks or similar areas in rear or side yards, provided that the appliance is,
  - a) in working order;
  - b) not equipped with a self-locking device;
  - c) not equipped with a self-latching device;
  - d) secured with a locking device; and
  - e) locked at all times except when actually being used and supervised.
- 3) Heavy undergrowth shall be eliminated from the yard appurtenant to a vacant building, and on vacant land, so as to be consistent with the surrounding environment.
- 4) A yard appurtenant to a vacant building shall be cultivated or protected by ground cover which prevents the erosion of the soil.
- 5) A tree or other plant located on property appurtenant to a vacant building, or located on vacant land, or limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant so as to prevent an unsafe condition or damage to any building subject to the provisions of By-law No. 2009-200, the Urban Tree Conservation By-law.
- 6) Lawns appurtenant to a vacant building, or on vacant land, shall be kept trimmed and not be overgrown or in an unsightly condition out of character with the surrounding environment.



- 7) Subsection (6) shall not apply to yards which have been landscaped or maintained with materials such as:
  - a) trees, shrubs, ornamental grasses or flowers;
  - b) decorative stonework, walkways or screening;
  - c) any other horticultural or landscape architectural elements.
- 8) All hedges, shrubs, trees or other plants appurtenant to a vacant building, or on vacant land shall be planted and maintained in a manner that does not,
  - a) adversely affect the safety of the public;
  - b) adversely affect the safety of vehicular or pedestrian traffic;
  - c) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is 1 m (3 ft. 3 in.) or less in height; or
  - d) wholly or partially conceal or interfere with the use of any hydrant or water valves.
- 9) No vehicle that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a yard appurtenant to a vacant building or on vacant land unless the storage of such vehicle is required for business purposes.
- 10) Any furniture that is used outdoors on land appurtenant to a vacant building, or on vacant land, shall be:
  - a) kept in a clean, neat and tidy condition; and
  - b) maintained in good repair.

## SEWAGE AND DRAINAGE

### 82.

- 1) Rain water from a roof area of 46.5 m<sup>2</sup> (500 sq. ft.) or more of a vacant building shall be conveyed to a storm sewer, and if such a storm sewer is not available, the rain water shall be disposed of in such a manner as not to create a nuisance.
- 2) Roof drainage or surface water, in relation to a vacant building or vacant land, shall,
  - a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - b) not be discharged on walkways, stairs, or neighbouring property.
- 3) Subsurface drainage in relation to a vacant building or vacant land shall be installed where there is recurring excessive ponding caused by surface water.

- 4) Catch basins on land appurtenant to a vacant building or on vacant land shall be kept in good repair and free of debris and obstructions which would prevent them from functioning properly.
- 5) Where heat is not provided in a vacant building and if the outside temperature is likely to reach freezing, water systems shall be drained.

## ACCESSORY BUILDINGS AND OTHER STRUCTURES

### 83.

- 1) An accessory building or other structure on land appurtenant to a vacant building or on vacant land shall be:
  - a) constructed and maintained with suitable and uniform materials
  - b) kept in good repair and free from hazards; and
  - c) protected by paint, preservatives or other weather-resistant materials.
- 2) Paragraphs (a) and (c) of subsection (1) shall not apply to farm buildings.
- 3) In the case of farm buildings, "kept in good repair" shall mean maintained for the purpose for which the farm building is intended.

## FENCES

### 84.

- 1) Fences, retaining walls and other enclosures or structures around or on non-residential property adjacent to a vacant building or on vacant land shall be kept,
  - a) in good repair;
  - b) free from accident hazards;
  - c) protected by paint, preservatives or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood; and
  - d) so as not to present an unsightly appearance.
- 2) Unsightly markings, stains or other defacements, including graffiti, on the exterior surfaces of fences, retaining walls or other enclosures or structures on land appurtenant to a vacant building or on vacant land shall be removed and the surface shall be refinished when necessary.

## SIGNS

### 85.

- 1) All signs appurtenant to a vacant building or on vacant land and any fastening or supporting components shall be maintained in good repair, and any sign that is excessively weathered or faded, or upon which the paint has excessively peeled or cracked, shall, with its supporting components, be removed or put into a good state of repair.
- 2) Signs appurtenant to a vacant building or on vacant land and any fastening or supporting components that are not used for the purpose intended, not cared for or discarded shall be removed from the property.

## FOUNDATIONS

### 86.

- 1) The foundation walls of a vacant building shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls.
- 2) Every vacant building, unless the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 3) All footings, foundation walls, piers, slabs-on-grade of a vacant building shall be of masonry or other suitable material.
- 4) Subsections (2) and (3) shall not apply to accessory buildings where the Building Code specifies that no foundation is required.

## STRUCTURAL SOUNDNESS

### 87.

- 1) Every part of a vacant building, or structure appurtenant to a vacant building, or any structure located on vacant land shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it normally may be subject.
- 2) Materials or objects on the exterior of a vacant building which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.

- 3) The foundations, walls, columns, beams, floor and roof slabs of a vacant building, including ancillary structures such as parking garages, shall be maintained in good repair.
- 4) If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a vacant building, or of a structure appurtenant to a vacant building or on vacant land 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.
- 5) 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*.

## EXTERIOR WALLS

### 88.

- 1) The exterior walls of a vacant building and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by,
  - a) painting, restoring or repairing of the walls, coping or flashing; or
  - b) the waterproofing of joints and of the walls themselves.
- 2) The visible surface of all exterior walls of a vacant building shall consist of materials commonly used or designed as building components.
- 3) Patching and repairs to exterior walls of a vacant building 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.
- 4) Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, including graffiti, occurring on an exposed exterior surface of a vacant building and, where necessary, to restore the surface as nearly as possible to its original condition.
- 5) All exterior surfaces of a vacant building shall be of materials which by themselves or when treated provide adequate protection from the weather.
- 6) All canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions of a vacant building shall be,
  - a) maintained in good repair;
  - b) properly anchored; and

- c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

## ROOF

### 89.

- 1) A roof of a vacant building and all of its components shall be weathertight so as to be free from leaks or loose, unsecured or unsafe objects or materials.
- 2) Dangerous accumulations of snow or ice shall be removed from the roof of a vacant building.

## STAIRS, PORCHES AND RAMPS

### 90.

- 1) All stairs or ramps on the exterior of a vacant building shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 2) Every porch, balcony and supporting structural member of a vacant building shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

## PART V OPEN SPACE LAND

### 91.

Open space land shall be kept free from objects or conditions that may create a health or accident hazard.

## PART VI

# STANDARDS FOR PART IV AND PART V HERITAGE PROPERTIES

## MINIMUM STANDARDS

### 92.

- 1) In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this by-law, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall:
  - a) maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure;
  - b) maintain the property and the components of the property that hold up, support or protect the heritage attributes in a manner that will ensure the protection and preservation of the heritage attributes.

## REPAIR OF HERITAGE ATTRIBUTES

- 2) Despite any other provision of this by-law, where a heritage attribute of a Part IV Heritage Property or a Part V Heritage Property can be repaired, the heritage attribute shall not be replaced and shall be repaired:
  - a) in a manner that minimizes damage to the heritage values and attributes of the property;
  - b) in a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
  - c) using the same types of material as the original material being repaired and in keeping with the design, colour, texture, grain and any other distinctive features of the original material; and
  - d) where the same types of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

## REPLACEMENT OF HERITAGE ATTRIBUTES

- 3) Despite any other provision of this by-law and subject to the *Ontario Heritage Act* and the *Building Code Act, 1992*, where a heritage attribute of a Part IV Heritage Property or a Part V Heritage Property cannot be repaired, the heritage attribute shall be replaced
  - a) using the same types of material as the original;
  - b) where the same types of material as the original material are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and
  - c) in a manner that replicates the design, colour, texture, grain and other distinctive features

## **VACANT AND DAMAGED HERITAGE PROPERTIES**

- 4) The owner of a vacant Part IV Heritage Property or a Part V Heritage Property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it of all animals and unauthorized persons and by closing and securing openings to the building with boarding:
  - a) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
  - b) that is fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible; and
  - c) in a manner that minimizes visual impact.
- 5) Despite Sections 1 to 4 inclusive, no window, door or other opening on a Part IV Heritage Property or Part V Heritage Property shall be secured by brick or masonry units held in place by mortar.
- 6) Despite Section 4, where heat is no longer being provided in the building, the water systems shall be drained immediately and adequate ventilation shall be provided.

## PART VIII ADMINISTRATION AND ENFORCEMENT

### CHIEF PROPERTY STANDARDS OFFICER

#### **93.**

The City may appoint a Chief Property Standards Officer and Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

### ENFORCEMENT

#### **94.**

Except as provided herein, the administration and enforcement of this by-law shall be pursuant to the provisions of the *Building Code Act*.

### NOTICE OF VIOLATION

#### **95.**

- 1) An Officer who finds that a property does not conform with any of the standards prescribed in this by-law may, where the officer considers it appropriate in the circumstances to seek informal compliance, at any time prior to the issuance of an order, make a notice of violation, in a form and manner similar to an order,
  - a) stating the municipal address or the legal description of the property;
  - b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
  - c) indicating the time for complying with the terms and conditions of the notice;
  - d) setting a date before which the Officer must be contacted to set a meeting to review the requirements and terms of the notice with the Officer, and indicating that failure to contact the Officer to set the meeting would be deemed to be a refusal to meet.
- 2) The notice shall be served on the owner of the property and such other persons affected by it as the Officer determines, and a copy of the notice may be posted on the property.



- 3) At any time, the Officer may,
  - a) rescind the notice of violation;
  - b) extend the time for compliance with the notice of violation;
  - c) modify the requirements of the notice of violation; or
  - d) abandon the notice of violation and seek resolution by way of an order.
- 4) A notice of violation is not enforceable.
- 5) A notice of violation may be introduced in evidence in like manner as an order.

## SERVICE

### 96.

Service of a notice or order required by the Act or this by-law shall be served in accordance with section 27 of the *Building Code Act*.

## APPEAL OF ORDER TO COMMITTEE

### 97.

An owner or occupant who has been served with an order made under the *Building Code Act* and who is not satisfied with the terms or conditions of the order may appeal to the License and Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the License and Property Standards Committee within fourteen (14) days after being served with the order and paying the processing fee described in Schedule "A".

## LICENSE AND PROPERTY STANDARDS COMMITTEE

### 98.

- 1) A License and Property Standards Committee is hereby established.
- 2) The Committee shall be composed of three (3) persons appointed in accordance with City Council approved procedure for the appointment to Boards, Committees and Authorities.
- 3) The term of office for the members of the Committee shall be for three (3) years with one term expiring annually so that the first appointments shall be for one, two and three years.

## BY-LAW NO. 2013-416

- 4) City Council may establish an honorarium to be paid to members of the Committee.
- 5) All members shall serve beyond their terms of office as required until reappointed or replaced by City Council.
- 6) The Committee shall,
  - a) elect a chairperson from its members; and
  - b) make provisions for a secretary of the Committee, said secretary being an employee of the City other than an Officer.
- 7) When the chairperson is absent through illness or otherwise, the Committee may appoint another member as acting chairperson.
- 8) Two (2) members of the Committee shall constitute a quorum.
- 9) Any member of the Committee may administer oaths.
- 10) A member of the Council of the City or an employee of the City or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.
- 11) The secretary 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, and section 253 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, applies to the minutes and records.

## HEARING

### 99.

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.

**100.**

- 1) The Committee shall hold the hearing referred to in Section 99 at the date, place and time set out in the notice.
- 2) The Committee may adopt its own rules of procedure.
- 3) The applicant may appear with or without counsel at the hearing, to present the appeal.
- 4) The City may be represented at the hearing by the City Solicitor or duly authorized assistant who is entitled to reply to the appeal presented on behalf of the applicant.

**DECISION OF THE COMMITTEE**

**101.**

- 1) The Committee may,
  - a) confirm, modify or rescind the order to demolish or repair; or
  - b) extend the time for complying with the order.
- 2) The Committee shall give its decision in writing.
- 3) 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 96.

**CERTIFICATE OF COMPLIANCE**

**102.**

- 1) 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.
- 2) 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" to this by-law if, after inspecting the property, the Officer is of the opinion that the property is in compliance with this by-law.

## OFFENCES AND PENALTIES

### 103.

- 1) A person who fails to comply with an order, direction or requirement made under the *Building Code Act* is guilty of an offence.
- 2) A person who is convicted of an offence is liable to a fine pursuant to the *Building Code Act* of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.
- 3) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.

## TRANSITION

### 104.

- 1) An order made pursuant to By-law No. 2005-207, the Property Standards By-law is continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- 2) All proceedings taken pursuant to By-law No. 2005-207, the Property Standards By-law shall be taken up and continued under and in conformity with the provisions of this by-law so far as consistently may be possible.
- 3) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law No. 2005-207, the Property Standards By-law, the procedure established by this by-law shall be followed so far as it can be adopted.
- 4) The members of the Property Standards Committee as it exists on the effective date of this by-law shall continue in office until successors are appointed in accordance with the provisions of this by-law and the City policy entitled "Appointment Policy - City Members of City Advisory Committees, Boards and Task Forces and External Boards, Commissions and Authorities".

## REPEALS

### 105.

By-law No. 2005-207, the Property Standards By-law, is repealed.

## SHORT TITLE

### **106.**

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

## EFFECTIVE DATE

### **107.**

This by-law shall come into force and effect on the 1<sup>st</sup> of January, 2014.

ENACTED AND PASSED this 11<sup>th</sup> day of December, 2013.

CITY CLERK | MAYOR

## Schedule “A” Fee Schedule

- 1) Property Standards Committee Appeal Processing Fee \$200.00
- 2) Compliance Report:

Category	Number of Inspected Units per Building	Fee
Residential Property, Multiple Commercial, Industrial Buildings	1-2 units	\$50.00 per unit
	More than 2, not more than 5 units	\$40.00 per unit
	More than 5, not more than 15 units	\$200.00 plus \$150.00 per unit above the 5 <sup>th</sup> unit
	More than 15, not more than 25 units	\$300.00 plus \$10.00 per unit above the 15 <sup>th</sup> unit
	More than 25 units	\$400.00 plus \$5.00 per unit above the 25 <sup>th</sup> unit
Free Standing Industrial, Commercial Buildings (Single Occupancy)		\$50.00 per 98 square metres (1000 square feet), \$200.00 minimum
Vacant and Derelict Property		\$100.00

- 3) Re-inspection fee:
  - a) For the first hour or part thereof per property \$100.00
  - b) For each subsequent hour or part thereof per property \$50.00

BY-LAW NO. 2013-416

A by-law of the City of Ottawa to provide for standards under which properties are maintained.

Enacted by City Council at its meeting of December 11, 2013.

EB/CIH

CITY COUNCIL AUTHORITY

September 25, 2013

CPSC Report 26, Item 6