

The Corporation of the City of North Bay

By-law 2022-27

Being a By-law to Provide Property Standards and Vital Services for the Maintenance of the Physical Condition and Occupancy of Property within the City of North Bay and to repeal By-law 1999-06

WHEREAS the Corporation of the City of North Bay deems it desirable to enact the following By-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards; and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Official Plan for the City of North Bay includes provisions relating to conditions of maintenance and occupancy of properties;

AND WHEREAS section 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS sections 15.2 and 15.8 of the *Building Code Act, 1992* provide inspection and enforcement authorities for a by-law made under section 15.1 of the Act;

AND WHEREAS section 15.4 of the *Building Code Act, 1992* provides authority for a municipality to cause repairs or demolition of a property where an order made under section 15.2(2) of the Act is not complied with and the order has been deemed confirmed or confirmed or modified by a property standards committee or judge of the Superior Court of Justice, and further provides that the municipality shall have a lien on the land for the amount of the repair or demolition, which shall have priority lien status under the *Municipal Act, 2001*;

AND WHEREAS the offence and penalty provisions for contraventions are as set out in section 36 of the *Building Code Act, 1992*;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- a) for services and activities provided or done by or on behalf of it; and
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

AND WHEREAS the Council of The Corporation of the City of North Bay passed Resolution 2022-____ at its Regular Meeting held on the ____ day of _____, 2022 with respect to the regulation of property standards in the City of North Bay.

Now Therefore Be It Resolved That the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

1.1.1 This By-law may be referred to as “The Property Standards By-law”.

1.2 Reference Aids

- 1.2.1 The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

1.3 Severability

- 1.3.1 If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.4 Compliance with Legislation

- 1.4.1 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the City of North Bay and, without limiting the generality of the foregoing, this includes the *Municipal Act, 2001*.

1.5 Conflict

- 1.5.1 If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

1.6 Delegation

- 1.6.1 The administration of this By-law is hereby delegated to the Chief Building Official or their designate.

1.7 Definitions

“Accessory Building” means a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same property therewith.

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

“Approved”, as applied to grade, material, device or method of construction, means approved by the Property Standards Officer under the provisions of this By-law; approved by the Building Inspector under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code, or approved by other authority designated by law to give approval to the matter in question.

“Balustrade” means a row of balusters or spindles surmounted by a railing.

“Basement” means a storey or storeys of a building located below the storey with its floor closest to grade.

“Building” means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for shelter or accommodation of persons, animals or goods.

“Building Code” means O. Reg. 332/12 made under section 34 of the Act.

“City” means The Corporation of the City of North Bay or the area within the geographical limits of the City of North Bay, as the context requires.

“City Clerk” means the Clerk of The Corporation of the City of North Bay.

“Council” means the Council of The Corporation of the City of North Bay.

“Chief Building Official or CBO” means a chief building official appointed by Council under section 3 of the Act or their designate.

“Committee” means a Property Standards Committee established under this By-law referred to in Section 15.6 of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, to hear appeals of Property Standards Orders issued under this By-law.

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

“Dwelling” means a building or part thereof, used or designed to be occupied as a residence and containing one or more dwelling units.

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

“Fire Code” means O. Reg. 213/07 made under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

“Graffiti” means one or more letters, symbols or marks, howsoever made, that disfigure or deface a property or object, but does not include a sign pursuant to the City’s sign by-laws or a mural which has been authorized by the City.

“Ground Cover” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.

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

“Habitable Room” means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food but shall not include non-habitable space.

“Landlord” includes:

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

“Non-Residential Property” means a property not occupied, in whole or in part, for the purpose of human habitation.

“Occupant” means any person over the age of eighteen (18) years occupying a property.

“Officer” means a Property Standards Officer appointed by The Corporation of the City of North Bay to administer and enforce this By-law.

“Order” means an order made by an Officer under this By-law, pursuant to Section 15.2(2) of the *Building Code Act*, 1992;

“Owner” includes:

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

- c) a lessee or occupant of a property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property as set out in this By-law.

“Person” includes an individual, firm, corporation, association, or partnership.

“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, as well as vacant property.

“Refuse” means any article or thing that:

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

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

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

“Residential Rental Property” includes a rental unit and the yards.

“Sewage” means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or runoff.

“State of Good Repair” means:

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

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

“Undesirable Material” includes:

- a) rubbish, garbage, brush, waste, litter and debris;
- b) injurious insects, termites, rodents, vermin and other pests;
- c) growth of grass or weeds in excess of 8”;
- d) ground cover, hedges, and bushes which overhang the sidewalk, impede pedestrian or vehicular traffic or cause a site obstruction;

- e) dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which create an unsafe condition;
- f) wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers, except in an establishment licensed or authorized to conduct or operate a wrecking business;
- g) stagnant water which provides a breeding place for mosquitos or other health hazards;
- h) machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an adverse condition;
- i) dilapidated or collapsed structures or erections;
- j) furniture used for exterior use that becomes dilapidated;
- k) furniture designed for indoor use; and
- l) animal or human excrement.

“Unsafe Condition” means any condition that could be hazardous to the health and safety of persons in the normal use of the premises, or persons whose access to the premises has not been reasonably prevented.

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

“Zoning By-law” means the Corporation of the City of North Bay Zoning By-Law No. 2015-30 being a By-law to regulate the use of land, and the character, location and use of the buildings and structures in the City of North Bay.

Part 2 – Regulations

2.1 Applicability – All Property

2.1.1 This By-law applies to all property in the City.

- a) Property located in the following zone, as designated in the Zoning By-law, shall be exempt from the provisions of Section 2.1 of this By-law:
 - i. agricultural zones; and
 - ii. environmental protection zones.

2.2 Owners – Shall Repair and Maintain

2.2.1 The owner of a property which does not conform to the standards prescribed in this By-law shall repair and maintain the property to conform to the standards of this By-law or the City may cause the property to be repaired or demolished accordingly.

2.3 Repairs – Manner Acceptable

2.3.1 All repairs and maintenance of property required by the standards prescribed in this By-law shall be carried out in a manner and with the materials that are accepted as good workmanship in the trades concerned.

- 2.3.2 For the purposes of this section, and without limiting the generality of this section, “carried out in a manner and with the materials that are accepted as good workmanship in the trades concerned” includes:
- a) carried out with materials suitable and sufficient for that purpose and free from defects;
 - b) carried out in a manner consistent with recognized industry best practices; and,
 - c) where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licensed person in the trade concerned.

Part 3 – Prohibition

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

Part 4 - General

4.1 Air Quality

- 4.1.1 Interior spaces within a building or structure shall be kept free from accumulation of air borne contaminants that may pose a health concern to any person.
- 4.1.2 No person shall occupy or permit another person to occupy or have regular access to an interior space within a building or structure where a high concentration of air borne contaminants exist which may pose a health concern to any person who occupies the building, or portion thereof.
- 4.1.3 Sections 4.1.1 and 4.1.2 shall not apply if, in the opinion of an Officer, the presence of airborne contaminants is minor in nature or relates to general maintenance and/or lifestyle.

4.2 Mould

- 4.2.1 Any accumulation of mould shall be immediately cleaned and removed.
- 4.2.2 No person shall occupy, or permit the occupancy of, a building, or portion thereof, where an extensive accumulation of mould exists which could pose a health concern to any person who occupies the building, or portion thereof.
- 4.2.3 Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed.
- 4.2.4 Section 4.2.2 shall not apply if, in the opinion of the Officer, the presence of mould is minor in nature or relates to general maintenance and/or lifestyle.

4.3 Unsafe Conditions

- 4.3.1 Without limiting any other provision of this By-law, any condition on or within a property which may pose or constitute an undue or unreasonable danger, hazard or risk to the health and safety of any person, place or thing shall be abated or removed by the owner or occupant thereof.

Part 5 – Environment

5.1 Exterior – Maintained – Neat and Tidy

5.1.1 Exterior property areas shall be maintained in a neat and tidy condition.

5.2 Neat and Tidy Includes

5.2.1 Without restricting the generality of subsection 5.1, “maintained in a neat and tidy condition” includes removal of any undesirable material.

5.3 Driveways, Ramps etc.

5.3.1 Driveways, ramps, parking areas, paths, outside stairs and landings shall:

- a) provide a uniform surface for pedestrian or vehicle use;
- b) be made of non-organic ground cover; and,
- c) be provided markings or islands to indicate parking spaces, ingress and egress routes and snow piling areas.

5.4 Lighting

5.4.1 Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.

5.4.2 Exterior lights shall not cause light to trespass on to adjacent properties that would likely disturb the inhabitants or shine directly into a dwelling unit.

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

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

5.5 Site Plan Requirements

5.5.1 All site plan requirements, as required as a condition of development or redevelopment of the site shall be provided and maintained so as to ensure continuous compliance with the original site requirements.

5.5.2 An Officer may accept alternatives in relation to the maintenance of approved site plan requirements, provided that the intent of the original requirements is maintained.

5.6 Fences

5.6.1 All fences in conjunction with the Fence By-law shall be:

- a) reasonably uniform in height and appearance;
- b) maintained in a state of good repair;
- c) protected from deterioration by the application of paint or equivalent weather-resistant material; and
- d) constructed using suitable materials and designed and erected in a workmanlike manner and maintained so as not to appear unsightly.

5.7 Retaining Walls

- 5.7.1 A retaining wall shall be maintained in a state of good repair and in a safe and structurally sound condition. Such maintenance includes:
- a) redesigning, repairing or replacing all deteriorated, damaged, misaligned, or missing portions of the wall and any railings or guards appurtenant thereto;
 - b) installing subsoil drains where required to maintain the stability of the wall;
 - c) grouting masonry cracks; and
 - d) applying to all exposed metal or wooden components, a protective coating of paint or equivalent weather-resistant material.

5.8 Refuse Storage and Disposal

- 5.8.1 Where refuse or recyclable material is stored for disposal outside of the enclosed walls of a building it shall be:
- a) placed behind the building line, if private containerized garbage pick up is provided;
 - b) promptly placed and kept in a suitable container and made available for removal in accordance with the Solid Waste and Disposal By-law for the City of North Bay;
 - c) maintained in a clean, sanitary and odour-controlled condition; and
 - d) kept in a litter-free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage, or through deterioration, wind, or misuse of the storage facility.

5.9 Collection – Comply

- 5.9.1 Without limiting the generality of section 5.9.1, the collection, handling, storage, and disposal of refuse shall comply with the following:
- a) it shall facilitate collection and disposal as required by the City or private collecting agency, as applicable;
 - b) refuse storage facilities within a building shall be readily accessible to all occupants for whom the storage facility is provided, or in the alternative be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto;
 - c) refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition;
 - d) it shall not obstruct an emergency route, recreation facility, parking area, driveway, or walkway; and
 - e) where a refuse compactor is provided it shall not be connected to an electrical or other source of power unless provisions are made to prevent unauthorized operation.

5.10 Temporary Storage – Provided

- 5.10.1 Notwithstanding the requirements of section 5.10.1, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:

- 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 person; and
- c) material contained within temporary storage is covered or kept from freely moving.

5.11 Unsightly Structures & Storage

- 5.11.1 Dilapidated, collapsed or unfinished structures, and all accumulations of refuse, undesirable material, recyclable material, wood, or other objects on a property that create an unsafe or unsightly condition shall be removed by the owner.

5.12 Pest Prevention

- 5.12.1 Buildings shall be kept free of rodents, vermin, and insects including carpenter ants, fleas, bed bugs, and cockroaches at all times, and methods used for exterminating rodents and insects shall be in accordance with any applicable legislation.
- 5.12.2 Openings and holes in a building including windows, chimneys, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit entry of rodents, vermin, insects, birds or other pests shall be appropriately screened and sealed.

5.13 Swimming Pools

- 5.13.1 All swimming pools, wading pools, ponds, and any appurtenances thereto, including fences and gates, shall be:
- a) maintained in a state of good repair; and
 - b) kept free of water that is malodorous or that provides a breeding place for mosquitoes, including that which may accumulate on or below the pool cover.
- 5.13.2 All swimming pools, hot tubs, wading pools and artificial ponds, including all accessories or appurtenances thereto that are abandoned, derelict, or otherwise unused, shall be drained and removed or filled in and the property left in a graded and leveled condition.
- 5.13.3 For the purposes of section 5.13.2, “abandoned, derelict, or otherwise unused” shall include but is not limited to any swimming pool, hot tub, or wading pool that has not been opened and treated with appropriate chemicals and operated with a functional water filtration system.

5.14 Drainage Systems – Misc.

- 5.14.1 Storm water run-off shall be drained from the grounds of a property, and any area below exterior grade, so as to prevent excessive ponding, erosion or the entrance of water into a building or structure as to adversely affect abutting properties.
- 5.14.2 Sump pump discharge lines shall be designed, provided, and maintained to prevent discharge water run-off from ponding on the City’s road allowance.
- 5.14.3 Sump pump discharge lines shall not be directed so as to discharge onto neighbouring properties, unless they are directly discharging to a designated drainage ditch, drainage swale or drainage easement.

Part 6 – Buildings and Structures

6.1 Structural Soundness

- 6.1.1 Every building, and every structural system or component serving a part, thereof shall be maintained in a structurally sound condition so as to be capable of safely sustaining

its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Building Code.

6.2 Doubt as to Structural Condition

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

6.3 Engineer's Report Acceptance

- 6.3.1 An Officer may accept the findings contained in the engineer's report provided that all deficiencies have been identified and appropriately dealt with by the report.
- 6.3.2 Upon completion of all work required by the engineer's report, a further report prepared by the engineer shall be submitted to the Officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.
- 6.3.3 No structural element may be added, removed, repaired or modified in any manner until a required permit has been obtained from the City's Building Services Department.

6.4 Foundations and Walls

- 6.4.1 The foundations, walls, columns, beams, floors and roofs of a building, including ancillary structures such as parking garages, shall be maintained in a state of good repair.
- 6.4.2 A foundation wall, basement, cellar, crawl space floor, or slab on grade, shall be structurally sound, weathertight and damp-proofed and shall be maintained so as to protect against deterioration caused by the elements, fungus, mould, dry rot, rodents, vermin or insects.
- 6.4.3 The foundations, walls, columns, beams, floors, roofs and balconies of all buildings, including parking garages and accessory buildings, shall be maintained:
- d) in a state of good repair;
 - e) free from decayed, damaged or weakened sills, beams, piers, posts or other supports; and
 - f) in a manner so as to prevent settlement of a building.
- 6.4.4 The exterior walls of all buildings shall be maintained in a state of good repair and in a manner to prevent deterioration caused by the elements or pests and free from:
- a) cracked or broken masonry;
 - b) defective or deteriorated wood or metal siding or trim;
 - c) cracked, broken or loose stucco; and
 - d) loose or unsecured objects.
- 6.4.5 A building, structure or portion thereof, damaged by fire or other causes, shall be repaired to its original condition and as may otherwise be required by this By-law, or the building shall be demolished or the damaged portion removed and the property left in a graded and level condition.

- 6.4.6 Without restricting the generality of section 6.4.5, such repairs shall include:
- a) abating any unsafe condition; and
 - b) refinishing so as to be in harmony with adjoining undamaged surfaces.
- 6.4.7 Every exterior surface on a building, structure, or any part thereof or appurtenance thereto shall be maintained without visible deterioration, and with a protective coating or paint or equivalent weather-resistant material.
- 6.4.8 Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.
- 6.4.9 Metal eaves troughs, rainwater pipes, flashings, and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed or replaced when such application deteriorates, or becomes ineffective.
- 6.4.10 Exterior doors, windows, skylights, and basement hatchways, including storm and screen doors and storm windows, shall be maintained in a state of good repair and weathertight.
- 6.4.11 An owner shall repair or replace defective, damaged or missing hardware or locking devices on a building.
- 6.4.12 Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.

6.5 Air Conditioners

- 6.5.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.
- 6.5.2 Cooling water from water-cooled equipment shall be discharged directly to a property drainage system which complies with all applicable governmental regulations.

6.6 Porches, Landings, Decks etc.

- 6.6.1 Every stair, landing, verandah, porch, deck, loading dock, or balcony on the exterior of a building or structure, along with any guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in a state of good repair and in a safe and structurally sound condition. Such maintenance includes:
- a) repairing or replacing floors, treads, and risers that show excessive wear or are broken, warped, loose, depressed, protruding, or otherwise defective or missing;
 - b) repairing, replacing or supporting structural members that are decayed, damaged, weakened, loose, or missing; and
 - c) repairing or replacing balustrades, guards, and railings.

6.7 Accessory Buildings

- 6.7.1 Accessory buildings shall be:
- a) protected by paint, preservative or other weather-resistant material;
 - b) structurally sound and plumb, unless specifically designed to be other than vertical;

- c) maintained in a state of good repair and free of accident hazards; and
- d) maintained so as not to present an unsightly appearance.

6.8 Roof Structures

- 6.8.1 The roof of every building or structure shall be structurally sound, weatherproof, and free of loose or unsecured objects and materials and excessive accumulations of snow and ice. Improperly secured objects and materials shall be either removed, repaired, or replaced.
- 6.8.2 All roof flashing, gutters, valleys, eaves troughs, downspouts and all soffit and fascia components of a building or structure shall be secured, free of rust, properly painted, and maintained in good repair.
- 6.8.3 All roofs including, but not limited to, chimneys, stacks, masts, lightning arrestors or antennas shall be maintained in good repair and in a safe and structurally sound condition.
- 6.8.4 No roof drainage shall be discharged on an entranceway, walkway or stair or discharged directly onto a neighbouring property, or onto any road allowance or in such a manner that will penetrate or damage a building or structure.

6.9 Stairs, Guards, Handrails

- 6.9.1 All stairs, porches, decks, landings, treads, risers or other similar structures shall have guards or handrails which shall be maintained in a state of good repair and shall be capable of supporting all loads to which they might reasonably be subjected.
- 6.9.2 All guards and handrails shall be installed and maintained in accordance with the Building Code and section 6.6.1. of this by-law.

6.10 Floors

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

6.11 Heating, Ventilation and Mechanical

- 6.11.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained in a state of good repair and shall comply with all applicable governmental regulations.
- 6.11.2 Where a heating system, heating equipment or any auxiliary heating unit burns solid or liquid fuel, a receptacle for such fuel shall be provided and maintained in a state of good repair and in a location so as to be free from fire or accident hazards.
- 6.11.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in a state of good repair and in accordance with the requirements of all applicable governmental regulations.

6.11.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads directly to the exterior of the building in which the equipment is installed and shall be furnished with adequate supply of air to ensure proper combustion of fuel.

6.11.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:

- a) installed and maintained so as to prevent the escape of smoke or gasses into the building;
- b) clear of obstructions;
- c) free from open joints;
- d) free from broken and loose masonry;
- e) maintained in a state of good repair; and,
- f) plumb.

6.11.6 Mechanical ventilation equipment and the supports for each equipment shall be maintained in a state of good repair and in a safe mechanical condition.

6.12 Sewage Discharge

6.12.1 Sewage shall be discharged into the municipal sanitary sewage system where such a system exists, a private sewage system in accordance with Part 8 of the Building Code, or shall be disposed of in a manner acceptable to the local health authorities.

6.13 Parking Garages

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

6.14 Elevating Devices

6.14.1 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication systems shall be operational and maintained in accordance with the regulations under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c.16, as amended, and kept in operation except for such reasonable time as may be required to repair or replace.

Part 7 – Supplemental Standards for Residential Rental Properties

7.1 General

7.1.1 The following additional standards set out in this Part shall apply to any residential rental property.

7.1.2 Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:

- a) safe;
- b) clean;
- c) in a state of good repair; and,

d) fit for habitation.

- 7.1.3 The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of the tenants.
- 7.1.4 All repairs and maintenance of property required by the standards prescribed in this Part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.
- 7.1.5 Unless otherwise specified in this By-law, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this Part are being complied with.
- 7.1.6 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (96.88 sq. ft.) of habitable floor area.
- 7.1.7 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6'-6") and a floor area of at least seven square metres (75.35 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person.
- 7.1.8 The minimum ceiling height in any dwelling unit measured from finished floor to finished ceiling shall not be less than 1.95 metres (6'5"). Doors, means of egress and stair headrooms shall not be less than 1.95 metres in height as well.

7.2 Light and Natural Ventilation

- 7.2.1 An opening in the exterior surface of a building designed for a door, window, or skylight shall be equipped with a door, window, or skylight capable of performing the intended function and the landlord shall:
- a) ensure that the doors, windows and skylights are weathertight;
 - b) refit, replace, renew, caulk and weather-strip any damaged, decaying defective or missing doors, windows, frames, sashes, casings, hatchways or screens;
 - c) fit the door, window or skylight with locking devices;
 - d) replace any broken or missing glass; and,
 - e) replace any defective or missing hardware.
- 7.2.2 Exterior door, windows, skylights, and basement hatchways, including storm and screen doors and storm windows, shall be:
- a) maintained in a state of good repair by the landlord and weathertight;
 - b) free from rotted or defective members;
 - c) free from defective or missing hardware;
 - d) free from torn, damaged, or where supplied, missing screens;
 - e) free from defective or missing weather-stripping or caulking;
 - f) free from defective storm or screen doors; and,
 - g) free from broken or missing glass.

- 7.2.3 A window for natural ventilation is not required in a kitchen or washroom if a mechanical means of ventilation is provided.
- 7.2.4 A window is not required in habitable space, other than a bedroom or dining room, if there is an opening in a dividing wall to an adjoining room and the adjoining room has a minimum of 5 percent window area of the combined floor areas, and if the required ventilation is provided.
- 7.2.5 All bedrooms, living rooms and dining rooms shall have a window or a door which contains a window that faces directly to the outside of the building.
- 7.2.6 All habitable space shall have natural or mechanical means of ventilation.
- 7.2.7 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100mm diameter (3.9 inches) sphere and such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 7.2.8 Artificial lighting shall be provided and maintained by the landlord in all habitable space and interior common areas of a residential rental property to permit safe use and passage, in accordance with the Building Code.

7.3 Interior Walls

- 7.3.1 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained by the landlord in a safe and sanitary condition, in a state of good repair free from holes, mould, leaks, loose and broken boards, and torn, damaged, decayed, deteriorating or missing materials.
- 7.3.2 All interior walls must be painted or finished in a manner similar to other interior walls in the building.

7.4 Vital Services

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

7.5 Heating, Ventilation and Mechanical

- 7.5.1 Heating, ventilating and mechanical systems, including stoves, heating appliances, fireplaces, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained by the landlord and capable of being operated.
- 7.5.2 A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.
- 7.5.3 Every residential rental property shall have heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F) in occupied dwelling units.
- 7.5.4 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.

7.6 Electrical

- 7.6.1 A supply of electrical power, wiring and receptacles acceptable to the Electrical Safety Authority shall be provided and properly maintained by the landlord to all habitable space and interior common areas in a residential rental property.
- 7.6.2 If the landlord supplies a meter for electricity for the purpose of billing tenants individually, it shall be properly maintained by the landlord and kept accessible to tenants.
- 7.6.3 A kitchen shall be supplied with electrical power and shall have outlets suitable for a refrigerator and a cooking appliance.
- 7.6.4 Every habitable room in a dwelling unit shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided.

7.7 Safety and Security

- 7.7.1 Every residential rental property shall have a safe, continuous and unobstructed passage from every part of the interior to an exterior open space at street or grade level.
- 7.7.2 All windows and exterior doors which are intended to be opened and which are accessible from outside a rental unit or a residential rental property shall have hardware that makes them capable of being secured against forced entry.
- 7.7.3 At least one entrance door in a rental unit shall be capable of being both secured from inside and locked from the outside of the rental unit.
- 7.7.4 Where provided, a vestibule door locking release and the rental unit-to-vestibule communication system shall be properly maintained by the landlord.
- 7.7.5 Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with a door equipped with a security device which prevents access to persons other than the landlord and tenants.
- 7.7.6 A mail delivery slot and other openings for deliveries that directly enter into a rental unit shall:
 - a) be located and maintained to prevent access to the lock on the entry door or any adjacent window; or,
 - b) be sealed, if other facilities for delivery have been made.
- 7.7.7 Where a landlord provides mail boxes, the landlord shall ensure that the mail boxes are properly maintained and are capable of being secured.

7.8 Indoor Storage of Refuse & Recyclable Material

- 7.8.1 Every residential rental property shall have one or more suitable containers or compactors to be provided by the landlord for refuse and recyclable material, and shall be stored and regularly disposed of so as not to cause a risk to the health and safety of any person.
- 7.8.2 All interior refuse disposal and storage areas within a building or structure, including garbage chutes, disposal rooms, containers and receptacles shall be cleaned, disinfected, and maintained as is necessary to be clean, odour free, in good working order, and in good repair.

7.9 Kitchens, Bathrooms, Plumbing Facilities

7.9.1 Every rental unit shall contain at least the following:

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

7.9.2 Every rental unit shall contain a kitchen area equipped with:

- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- c) a counter or work area at least 0.61 metres (2 ft) in width by 1.22 metres (4ft) in length, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

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

- a) a water-resistant floor;
- b) water-resistant walls in a tub surround and a shower;
- c) a door which can be secured from the inside and can be opened from the outside in an emergency; and,
- d) an artificial light fixture which is maintained.

7.9.4 No toilet or urinal shall be located in a room used for or intended to be used for sleeping, or preparing or consuming food.

7.9.5 Hot water shall be provided to every sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43 degrees Celsius (109 degrees F).

7.9.6 An adequate and safe supply of potable water shall be provided at all times.

7.9.7 All plumbing, including drains, water supply pipe, water closets and other plumbing fixtures shall be maintained in good working condition, and free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

7.9.8 All plumbing fixtures shall be connected to the sewage system through water seal traps.

7.9.9 Every fixture shall be of such material, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defect that may harbour germs or impede thorough cleansing.

7.10 Miscellaneous

7.10.1 A residential rental property shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of the walls, ceiling and floor.

7.10.2 Locker and storage rooms shall be kept free of dampness, mould or mildew by the landlord.

Part 8 – Supplementary Standards for Non-Residential Properties

8.1 General

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

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

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

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

8.1.4 All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act, R.S.O. 1990, c. O.1* for industrial and commercial properties however; lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

8.2 Means of Egress

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

8.3 Interior Walls, Ceilings and Floors

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

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

- 8.3.2 Cracked or broken glass in door panels, glass screens and windows as outlined in section 8.3.1(d) shall be replaced with glass or other material approved by an Officer.
- 8.3.3 Plaster repairs made to the walls and ceilings of non-residential properties shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.
- 8.3.4 Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.
- 8.3.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in a state of good repair to ensure the proper operation and integrity of the door.
- 8.3.6 Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.
- 8.3.7 All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the sewage system shall:
- a) be maintained in a state of good repair; and,
 - b) be free from leaks and defects.
- 8.3.8 All water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

Part 9 – Fees

9.1 Fees

- 9.1.1 Every owner shall pay the fees imposed pursuant to the City's User Fees By-law 2019-07 which become due and payable upon written notification by an Officer, or upon issuance of an invoice by the City.
- 9.1.2 Where an owner is in default of payment of fees for more than 30 calendar days after due, the City may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

Part 10 – Cost Recovery

10.1 Work done by City – Owner's Expense

- 10.1.1 Where the City does work or causes work to be done such work shall be done at the expense of the owner.
- 10.1.2 If the City undertakes the work to correct the contraventions, the owner will be charged 100% of the cost of any third party invoices plus any costs as defined in the User Fee By-law.
- 10.1.3 If the owner fails to pay the cost of work completed under this By-law within 30 days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

Part 11 - Enforcement

11.1 Authority to Enforce

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

11.2 Obstruction

11.2.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.

11.2.2 Any person who is alleged to have contravened any provision of this By-law shall identify himself or herself to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the Officer in the execution the officer's duties.

11.3 Powers of Entry

11.3.1 An Officer or any person acting under their instruction may, upon producing proper identification, enter upon a property at any reasonable time without a warrant for the purpose of inspecting the property to determine:

- a) whether the property conforms with the standards prescribed in this By-law; or,
- b) whether an Order made under section 15.2(2) of the Act has been complied with.

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

- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to a property or part thereof;
- d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

11.4 Orders

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

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

11.4.2 An Order shall be served on the owner of the property and such other persons affected by it, as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

11.4.3 An Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under section 11.4.2 of this By-law and, when the requirements of the Order have been satisfied, the City Clerk shall forthwith register in the property land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

11.5 Appeals

11.5.1 An owner or occupant who has been served with an Order may appeal the Order to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the Order along with the applicable fee as set out in the City's User Fee By-law.

11.5.2 An Order that is not appealed within the time provided by section 11.5.1 of this By-law shall be deemed to be confirmed.

11.5.3 Where an Order is appealed, the Committee shall hear the appeal.

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

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

11.5.5 The City or any owner or occupant or person affected by a decision under section 11.5.4 may appeal to the Superior Court of Justice by notifying the City Clerk in writing and by applying to the court within 14 days after a copy of the decision is sent, and the provision of sections 15.3(5) through (7) of the *Building Code Act*, 1992 shall apply thereto.

11.6 Failure to Comply with an Order

11.6.1 If an Order is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Committee or a judge of the Superior Court of Justice, the City may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be.

11.6.2 For the purpose of section 11.6.1 of this By-law, employees or agents of the City may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the property.

11.6.3 The City or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under section 11.6.1 of this By-law.

11.6.4 The City shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolition under section 11.6.1 of this By-law and the amount shall have priority lien status as described in s.1 of the *Municipal Act*, 2001.

11.7 Certificate of Compliance

11.7.1 An Officer who inspects a property and is of the opinion that the property is in compliance with the standards established by this By-law may issue a certificate of compliance to the owner.

11.7.2 Where an owner requests a certificate of compliance and where, having inspected the property, an Officer is of the opinion that the property is in compliance with the standards established by this By-law, the Officer shall issue a certificate to the owner, upon payment of the required fee.

11.8 Offences

11.8.1 A person who fails to comply with an order, direction or other requirement made under the Act and this By-Law is guilty of an offence.

11.8.2 A person who is convicted of an offence under this By-law is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.

11.8.3 Notwithstanding section 11.8.2, if a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.

11.8.4 If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part 12 – Property Standards Committee

12.1 Property Standards Committee

12.1.1 A Property Standards Committee shall be established and composed of not fewer than three members appointed by Council.

12.1.2 Three persons, not being members of Council or employees of the municipality or local board thereof, shall constitute and thereby be appointed as members of the Property Standards Committee.

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

12.1.4 The term of office for members shall be the term of Council (four years).

12.1.5 The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair.

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

12.1.7 The members of the Committee shall make provisions for a secretary for the Committee.

12.1.8 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.

- 12.1.9 The Committee may, subject to section 15.6(8) of the *Building Code Act*, 1992, adopt its own rules of procedure and any member may administer oaths.
- 12.1.10 The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

Part 13 – Coming Into Force

13.1 Coming Into Force

- 13.1.1 This By-law shall come into force and effect upon passing.
- 13.1.2 When this By-Law comes into force, By-Law No. 1999-06 and all amending by-laws thereto are hereby repealed.

Read a First Time in Open Council this 22nd day of March, 2022.

Read a Second Time in Open Council this 22nd day of March, 2022.

Read a Third Time in Open Council and Enacted and Passed this 22nd day of March, 2022.

Mayor Allan McDonald

City Clerk Karen McIsaac