

The Corporation of the Town of Tecumseh

By-Law Number 2024-083

Being a by-law for prescribing standards for the Maintenance and Occupancy of all property within the Town of Tecumseh

Whereas Section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25* (the “**Municipal Act**”) provides that a municipality may pass by-laws respecting the social and environmental well-being of the municipality, and the health, safety, and well-being of persons;

And Whereas section 127 of the Municipal Act permits a municipality to require an Owner or Occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, and to regulate when and how such matters shall be done, and for prohibiting the disposal of refuse or debris on land without consent of the Owner, as well as the authority to define “refuse” for the purpose of this by-law;

And Whereas pursuant to section 128(1) of the Municipal Act, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas section 15.1(3) of the *Building Code Act, S.O 1992, c.23* authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality; prohibiting the use of such property that does not conform to the standards, and to be cleared of all buildings and structures, debris or refuse and the lands left in a graded and level condition;

And Whereas section 15.1(3) indicates that such authority is contingent upon a municipality having an official plan that includes provisions relating to property conditions is in effect;

And Whereas section 429 of the Municipal Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

And Whereas section 436.1 of the Municipal Act states that a municipality has the power to pass by-laws providing that the municipality may enter the land at any reasonable time for the purposes of carrying out an inspection;

And Whereas section 434.1 of the Municipal Act, authorizes a municipality to require persons to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a municipal by-law passed, subject to conditions as the municipality considers appropriate;

And Whereas section 446 of the Municipal Act, 2001 permits a municipality to direct or require that a matter or thing be done, such as maintaining land in a clean and clear

condition, and that the municipality may direct that in default of it being done by the person directed or required to do so, it shall be done at the person's expense with costs incurred by the municipality being recovered by action or by adding the cost to the tax roll and collecting the cost in the same manner as property taxes;

And Whereas the Council of The Corporation of the Town of Tecumseh 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 property below the standards prescribed herein to be repaired and maintained so as to comply with said standards or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

Section 1 - Short Title

This by-law may be cited as the Property Standards By-Law

Section 2 - Interpretation and Application

2.1 Definitions

In this by-law:

- (a) **"Accessory Building"** means a Building or structure the use of which is incidental to that of the principal or main Building on the property.
- (b) **"Acceptable"** means acceptance by the Chief Building Official, By-Law Enforcement Officer and or any Officer as appropriate, appointed by the Town where another approval authority is not specified or does not have jurisdiction.
- (c) **"Basement"** means that space of a Building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- (d) **"Building"** includes any building or structure used for or intended to be used for the supporting or sheltering of any use or occupancy;
- (e) **"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.
- (f) **"Certificate of Compliance"** means a Certificate of Compliance pursuant to the *Building Code Act*, S.O. 1992, c.23.
- (g) **"Committee"** means the Property Standards Committee.

- (h) **“Council”** means Council of the Corporation of the Town of Tecumseh.
- (i) **“Dwelling”** means a Building or structure that is legally occupied for the purposes of human habitation. A correction institution, hotel, motel, home, recreational vehicle, tent trailer or travel trailer is not a Dwelling.
- (j) **“Dwelling Unit”** means a room or series of rooms of complementary use, operated under a single tenancy or ownership and includes single unit Residential Buildings, individual guest rooms in motels, hotels, boarding houses, rooming houses, group homes and dormitories, operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping, laundry and sanitary facilities.
- (k) **“Farm Building”** has the same meaning as in the Ontario Building Code.
- (l) **“Farm Operations”** means operations connected with the cultivating of lands, raising of animals, or any other activity that is similar in nature, and in conformity with the Agricultural Zone Provisions of a Town of Tecumseh Zoning By-law.
- (m) **“Guard”** means a protective barrier, with or without openings through it, that is around openings in floors or at the open side of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another.
- (n) **“Habitable Room”** means any room in a Residential Building used for or capable of being used for living, cooking, sleeping or eating purposes.
- (o) **“Means of Egress”** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a Building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the Building.
- (p) **“Municipality”** means The Corporation of the Town of Tecumseh
- (q) **“Non-Habitable Room”** means any room in a Residential Building other than a Habitable Room and includes a bathroom, a Toilet Room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the Dwelling for public use, and for access to and vertical travel between storeys, and Basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law.
- (r) **“Nuisance”** means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of Property, so as to interfere with the comfortable enjoyment of life or Property.

- (s) “**Officer**” means the Town’s appointed By-Law Enforcement Officer(s) and such other Officers who have been assigned the responsibility of administering and enforcing Property standard by-laws passed under section 15.1 of the Ontario Building Code.
- (t) “**Ontario Building Code**” means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended from time to time, in effect on the date of inspection of a Property.
- (u) “**Occupant**” includes a tenant, lessee, registered Owner, occupier or other person in charge of or in possession of Property.
- (v) “**Owner**” means:
 - (i) the registered Owner of the land on which the Building is located or, if the Building is owned separately from the land on which the Building is located, the Owner of the Building,
 - (ii) the person that is responsible for maintaining the Building or part of the Building.
- (w) “**Order**” written direction or order issued pursuant to section 15.2 (2) of the Ontario Building Code or under any other provisions under this by-law.
- (x) “**Person**” means an individual, firm, corporation, association or partnership.
- (y) “**Pests**” means wild animal(s), rodents, Vermin, insects, and other Pests that could be injurious and/or a Nuisance for people and Property.
- (z) “**Pool**” means any body of water contained by artificial means normally used for the purpose of swimming, wading, diving or bathing but does not include an above ground wading Pool having a depth of .3 meters (12 inches) or less.
- (aa) “**Private Sewage System**” means a system contained on private Property consisting of a septic tank, treatment unit and/or leaching bed system servicing a Building(s) located wholly within the boundaries of the lot or parcel of land.
- (bb) “**Property**” includes the Yards together with the land Buildings and structures occupying the whole of a lot or of lots under contiguous ownership including Accessory Buildings, mobile structures, fences and erections thereon.
- (cc) “**Residential Building**” means a Building or the part of a Building containing or servicing a Dwelling Unit or units, under single or multiple tenancy or ownership, and includes but is not limited to, single Dwelling

Units, multiple Dwelling Units, duplexes, triplexes, townhouses, rowhouses, and apartment Buildings.

- (dd) "**Standards**" means the standards prescribed by this By-Law.
- (ee) "**Stagnant Water**" means water that by nature of its lack of movement, quality or location may potentially harbour breeding areas for mosquitoes or other infectious insects.
- (ff) "**Shipping or Storage Container**" means an industrial, standardized reusable vessel that was:
 - (i) originally or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; or
 - (ii) designed for or capable of being transported by being mounted on a truck-trailer, truck, train or ship; or
 - (iii) a cargo container designed for the temporary movement and storage of household goods
- (gg) "**Suite**" has the same meaning as it does in the Ontario Building Code.
- (hh) "**Toilet Room**" means a room containing a water closet and a wash basin.
- (ii) "**Town**" means The Corporation of the Town of Tecumseh.
- (jj) "**Vermin**" means small common harmful or objectionable animals or wild animals that are difficult to control.
- (kk) "**Yard**" means the whole of "Property" excluding the area occupied by a Building or structure.

Section 3 - General Provisions

- 3.1 No Owner or Occupant of Property shall use, occupy, or allow, permit or acquiesce in the use or occupation of a Property unless such Property conforms to the Standards.
- 3.2 No Owner or Occupant of Property shall fail to maintain the Property in conformity with the Standards.
- 3.3 The Owner or Occupant of any Property which does not conform to the Standards in this Bylaw shall repair and maintain the Property to conform to the Standards.
- 3.4 Where, in the opinion of the Officer, there is doubt as to the structural condition or adequacy of Building or structure or part thereof, the Officer may, as part of

any Order require that a Building or structure or part thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the Owner's expense:

- (a) And that a written report, which may include drawings detailing recommended remedial work, shall be provided to the Officer. for the purposes of this section.
- (b) For the purposes of this section, "structure" includes fence, shed, permanent sign or other small Building in addition to structures defined in the Ontario *Building Code Act*.^ك
- (c) Where repairs are required, the Owner shall repair, or cause to be repaired, the Building, structure, or part thereof, in accordance with the repair methods, and timelines described in the report.
- (d) Upon completion of the repairs, a verification report shall be prepared to confirm that the work proposed in the report has been completed wholly and that the Building, structure, or part thereof is structurally adequate for its use which verification report shall be provided to the Officer.
- (e) All new construction or repairs shall conform to the Building Code, as amended or replaced from time to time, where applicable, for the purposes of this section.
- (f) All repairs and maintenance of Property shall be carried out with suitable and sufficient materials and in a matter accepted as good workmanship with the trades concerned.

3.5 The provisions of this By-Law shall apply to all Property within the boundaries of the Town as are now or hereafter legally constituted.

3.6 The provisions of this By-law shall 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 as provided for and defined under that Act.

3.7 Notwithstanding subsection 2.2 the provisions of this by-law shall not apply to federal, provincial or municipally owned Property.

3.8 Nothing in this By-law shall serve to relieve any Person from the obligation to comply with all other applicable law.

3.9 If any court of competent jurisdiction finds that any provision of this By-law is invalid or is ultra vires of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law.

- 3.10 Where a provision of this By-law conflicts with the provision of another By-law in force within the Town, the provisions that establish the higher Standards to protect the health, safety and welfare of the general public shall prevail.
- 3.11 The Standards for maintenance and occupancy of Property set out in this By-law are prescribed as minimum Standards.
- 3.12 Imperial measurements provided in brackets, are shown for convenience only and do not form part of this by-law.

Section 4 - Administration, Enforcement and Appeals

- 4.1 The provisions of this By-law shall be administered by the Town's duly appointed Officer(s).
- 4.2 An Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide their identification to the Officer.
- 4.3 Every Owner of a Property that does not conform to the Standards of this By-law, shall repair and maintain the Property to conform with the Standards of this By-law or to clear it of all Buildings, structures, debris or refuse and left in a graded and levelled condition except that no Building or structure on a Part IV heritage Property or a Part V heritage Property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.
- 4.4 Every Person who is required by an Officer to provide identification under this By-law shall identify themselves to the Officer. Giving their correct name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Officer as set out this By-law.
- 4.5 Where an Officer finds that a Property does not conform to any of the Standards prescribed in this By-law or where an Owner fails to comply with any provision set out in this By-law, an Order may be issued by the Officer to the Owner requiring compliance within the time frame specified in the Order.
- 4.6 An Order issued under this By-law shall:
 - (a) State the municipal address or the legal description of such Property;
 - (b) Give 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) indicate 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 as described in the *Ontario Building Code Act*; and

- (d) indicate the final date for giving notice of appeal from the Order.

4.7 **Method of Delivery of Order**

The Order, and any subsequent written Order amending or withdrawing the Order, may be delivered by any one or more of the following methods:

- (a) Personal delivery to the Person to whom it is addressed;
- (b) Personal or couriered delivery to either an adult Person, of the residential address of the addressee; or
- (c) Delivery by prepaid mail to the Person's last known address or as otherwise contemplated in Subsection 343(6) of the *Municipal Act*, 2001 S.O. 2001.
- (d) Posted in a conspicuous place on the Property

4.8 **Deemed Delivery:**

- (a) Where an Order is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- (b) Where an Order is delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- (c) Where an Order is delivered by prepaid mail, it is deemed to have been delivered on the fifth day after the day of mailing.

4.9 **Appeal of Order:**

- (a) A Property Owner may appeal an Order in this by-law through the Property Standards Committee as established and prescribed in section 15.6 of the *Building Code Act*.
- (b) The Property Standards Committee as established upon each term of Council shall be comprised of the Members of the Committee of Adjustment. The Property Standards Committee appeal meeting shall be held immediately prior or subsequent to a meeting of the Committee of Adjustment. and shall adhere to the Terms of Reference as established for the Committee and amended from time to time.

- 4.10 When the Owner upon whom an Order has been served is not satisfied with the terms and conditions of the Order, they may appeal to the Property Standards Committee by sending a notice of appeal, in writing or by email, to the Town Clerk within 14 days of the service of the Order.

The notice of appeal shall include:

- (a) the name, address, telephone number and email address of the appellant;
- (b) the date and number of the Order issued by the Officer; and
- (c) the reasons for the appeal.
- (d) The appeal fee (if applicable as set out in the Town's Fees and Charges By-law) must accompany the notice of appeal.
- (e) In the event that no appeal is made within such 14 days, the Order shall be deemed confirmed and shall be final and binding.
- (f) Where an appeal has been made, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order or may modify or rescind it or may extend this time for complying with the Order provided that in the opinion of the Property Standards Committee, the general intent and purpose of this By-law is maintained.

4.11 Failure to Comply with Order:

- (a) If the Property Owner does not comply with the Order, the Town shall complete the work. The Town shall have a lien on the land for the amount spent on repair or demolition. The amount shall be deemed to be municipal real Property taxes and may be added by Town to the collector's roll and collected in the same manner and with the same priorities as municipal real Property taxes in accordance with Section 398(2) of the Municipal Act.
- (b) A Property Owner who fails to comply with an Order is further liable to make payment of a penalty as set out in the Town's Administrative Monetary Penalties System By-Law 2024-048.

4.12 Powers of Entry

In accordance with Section 436 of the Municipal Act, an Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether the following are being complied with:

- (a) this By-law;
- (b) a direction or Order made under the Municipal Act or this By-law; or
- (c) a condition of an Order issued granted under this By-law.

4.13 Emergency Provisions

If upon inspection of a Property, the Officer is satisfied there is nonconformity with the Standards prescribed in this By-law to such extent so as to pose an

immediate danger to the health or safety of any Person, the Officer may make an Order in accordance with section 15.7 of the Building Code Act containing particulars of the non-conformity and requiring remedial repairs or the work to be carried out immediately to terminate the danger.

4.14 **Order to Discontinue Activity**

- (a) An Officer may issue an Order requiring any Person who caused or permitted a contravention of this By-law to discontinue such contravention or requiring any Person who cause or permitted a contravention to do work to correct the contravention.
- (b) A Person in receipt of an Order shall comply with the requirements of the Order.

4.15 **Remedial Action**

- (a) If a Person fails to comply with an Order, an Officer or Persons acting upon his or her instructions may enter the lands at any reasonable time for the purposes of taking the remedial actions described in the Order at the Property Owner's expense.
- (b) The Town may recover the remedial action and enforcement cost incurred under this By-law by legal action and/or by adding them to the tax roll and collecting them in the same manner as Property taxes in accordance with Section 446 of the Municipal Act.

4.16 **Offence/Penalty Provisions**

- (a) Every Person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.;
- (b) Every Person who contravenes any provision of this By-law is guilty of an offence and can, at the option of the By-Law Enforcement Officer, be issued a penalty notice in respect thereof requiring the payment of a penalty pursuant to the Town's Administrative Monetary Penalties System (AMPS) By-law 2024-048 as amended from time to time.
- (c) No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- (d) No Person shall fail to comply with any condition or term of any Order issued under this By-law. If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be continuing offence for each day or part of a day that the contravention remains uncorrected.

- (e) If an Officer issues a penalty notice under AMPS, the Property Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in By-Law 2024-048 as amended.
- (f) For the purposes of this By-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- (g) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

4.17 Continuation & Repetition Prohibited by Order

The court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an Order or such Orders prohibiting the continuation or repetition of the offence by the Person convicted, and such Order shall be in addition to any other penalty imposed on the Person.

4.18 Administrative Penalties

- (a) Instead of laying a charge under the Provincial Offences Act for any breach of any provision of this By-law, an Officer, may issue an Administrative Penalty to the Person who has contravened this By-law provided the authority for the Town to issue Administrative penalties has been granted by municipal by-law.
- (b) An Officer has the discretion to either proceed by way of an Administrative Penalty (if prescribed) or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person for the same contravention.
- (c) The amount of the Administrative Penalty for a contravention of a provision of this By-law is fixed as set out in an Administrative Penalty By-law of the Town, as amended from time to time, or any successor by-law.
- (d) A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in an Administrative Penalty By-law of the Town, as amended from time to time, or any successor by-law.
- (e) An Administrative Penalty imposed on an Owner pursuant to this By-law this is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Owner to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

4.19 **Collection of Unpaid Fines**

- (a) Where a fine is in default, the Town may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- (b) The Town may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any Property in the local municipality for which all the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes

4.20 **Validity and Severability**

- (a) If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be invalid, illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the remainder of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- (b) If there is a conflict between the provisions of this By-law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

4.21 **Repeal**

- (a) By-law 2002-37 and 2002-104 and any amendments thereto are hereby repealed in their entirety upon the coming into force of this By-law.
- (b) Any by-laws of the Town or resolutions of Council, or portions thereof, inconsistent with or contrary to this By-law are hereby repealed upon the coming into force of this By-law.

4.22 **Transition**

- (a) Every enforcement action or proceeding taken pursuant to the Repealed By-laws shall, as necessary, be deemed to have been taken pursuant to this By-law and every such enforcement action or proceeding may be carried to its conclusion pursuant to the authority granted by this By-law.
- (b) If an enforcement action or proceeding has been validly commenced pursuant to the Repealed By-laws and authority for such enforcement action or proceeding does not exist pursuant to this By-law, then such enforcement action or proceeding may be continued to its conclusion and the provisions of the Repealed By-laws necessary to permit such enforcement action or proceeding to be concluded shall be deemed to remain in effect for the purposes of bring such enforcement action or proceeding to a conclusion.

Section 5 - Occupancy and Maintenance Standards for all Property

5.1 General Provisions

- (a) The provisions in this section shall apply to all Property.
- (b) Every Owner shall maintain the Property or part thereof which they occupy or control in a clean, sanitary and safe condition.
- (c) Repairs and maintenance of Property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.
- (d) **Yards/Land**
 - (i) Every Yard/land shall be kept clean and adhere to the provisions set in this by-law and the Town's Land Maintenance By-Law 2024-084 as amended from time to time.
 - (ii) Every Yard shall:
 - Be kept clean and free from rubbish or debris and objects or conditions that may be a health, fire or accident hazard;
 - be graded, filled or otherwise drained so as to prevent recurrent ponding of water;
 - be graded to prevent instability or erosion of soil;
 - be graded to prevent surface water run-off from entering Basements;
 - not exhibit an unsightly appearance;
 - be kept free of deep ruts and holes;
 - be kept free of dead decayed or damaged trees;
 - be kept free of dilapidated, collapsed or partially constructed structures which are not currently under construction;
 - be kept free of injurious insects, termites, rodents, Vermin or other Pests;
 - afford safe passage under normal use and weather conditions;
 - not create a Nuisance to other Property.

- (iii) The warehousing or storage of material or equipment that is required for the continuing operation of that aspect of a Property zoned Industrial, Commercial or Business Park in a Zoning By-law of the Town shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles.

(e) **Drainage**

- (i) Roof or storm drainage shall not be discharged onto sidewalks, stairs, or adjacent Property.
- (ii) Pool drains shall not discharge onto adjacent Property.

(f) **Pools**

- (i) Every Pool shall be kept clean and in good repair.
- (ii) Pool covers shall be kept clean and good repair.
- (iii) Pools and Pool covers shall be kept free of Stagnant Water.

(g) **Parking Areas, Walks and Driveways**

- (i) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, brick pavers, concrete, or compacted stone or gravel or other approved or acceptable material and shall be kept in good repair free of dirt and litter. Where gravel driveways or parking is provided dust control measures adequate to control the creation of dust shall be maintained.
- (ii) All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- (iii) Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

(h) **Accessory Buildings, Fences, And Other Structures**

- (i) Accessory Buildings, fences and other structures appurtenant to the Property shall be maintained in a structurally sound condition and in good repair.
- (ii) Accessory Buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative.

(i) **Shipping Containers**

Shipping Containers as defined shall only be permitted and used in areas of the Municipality as permitted and identified in the Town's Zoning By-law as amended from time to time.

(j) **Garbage Disposal**

- (i) Every Owner, tenant, Occupant or lessee shall maintain on a Property a sufficient number of suitable receptacles to contain all garbage and refuse that may accumulate on the Property between the regularly designated collection days. Suitable receptacles are limited to containers that are constructed of watertight material, provided with a tight-fitting cover, and maintained in a clean and odour free condition. Additionally, the outside storage of plastic bags is only permitted on the day immediately preceding the day of the regularly scheduled garbage pick-up for a Property.
- (ii) All garbage and refuse shall be promptly placed in a suitable container and made available for removal in accordance with the garbage collection schedule of the Town.
- (iii) Garbage storage areas shall be screened from public view.
- (iv) Accumulations or storage of garbage, refuse, appliances, or furniture in a Means of Egress shall not be permitted.

(k) **Composting**

- (i) Composting shall take place only by an Owner, tenant, Occupant, or lessee on the Property of which they are the Owner, tenant, Occupant, or lessee.
- (ii) Composting shall take place behind the building line and no closer than 0.6 metres (2 feet) to the Property line. The composter or compost pile shall be of a size no greater than 3 metres by 1.5 metres by 1 metre or 4.5 cubic metres (10 feet by 5 feet by 3 feet or 150 cubic feet).
- (iii) Food waste in the composter shall be covered by Yard waste, soil, or compost.
- (iv) There shall be no bones, meat, dairy or other fat or fat products added to or contained in the composting materials.
- (v) The compost shall emit no offensive odor or attract or harbor any rodents or Vermin.

(l) **Pest Prevention**

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

5.2 **Buildings**

(a) **General**

- (i) Every Owner, tenant, Occupant or lessee of a building shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, bathrooms, kitchens, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- (ii) Every Owner, tenant, Occupant or lessee shall keep a building free of excessive levels of mold.

(b) **Structural Soundness**

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

(c) **Foundations**

- (i) Foundation walls shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.
- (ii) Every building, except for slab on grade construction, shall be supported by foundation walls or piers, which extend below the frost line, or to solid rock.

(d) **Exterior Walls**

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

(e) **Windows and Doors**

- (i) Windows, doors, skylights, and Basement or Cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware, maintaining operation where operable and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- (ii) In a building where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, the said system shall be maintained in good working order at all times.

(f) **Roofs**

- (i) Roofs of buildings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- (ii) The roofs of buildings shall be kept clear of excessive accumulations of ice or snow or both.
- (iii) Where eaves troughing or roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

(g) **Walls, Ceilings and Floors**

- (i) Every wall, ceiling and floor shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects.

- (ii) Every floor shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other Vermin or insects.
- (iii) Walls and floors surrounding showers and bathtubs shall be impervious to water.
- (iv) Every floor in a bathroom, Toilet Room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

(h) **Stairs, Porches and Balconies**

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

(i) **Guards And Handrails**

Guards, handrails, pickets, and balustrades shall be installed, constructed, and maintained in existing buildings in accordance with the requirements of the Ontario Building Code for new construction.

(j) **Sewage**

- (i) Sanitary sewage shall be discharged into an acceptable sewage system.
- (ii) Sanitary sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

(k) **Plumbing**

- (i) Plumbing fixtures required by the Ontario Building Code for new construction are required by this By-law for existing buildings. All plumbing fixtures shall be installed and connected to the drainage and supply systems in accordance with the Ontario Building Code.
- (ii) Where fixtures required by article 4.46 are required to be supplied with hot water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 F).
- (iii) All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working

condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

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

(l) **Heating**

Every occupied building shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 18 degrees Celsius (64 F.) in the occupied portion of the building. The heating system shall be maintained in good working condition.

(m) **Fire Escapes, Alarms and Detectors**

- (i) All fire alarms and detection systems shall be installed and maintained in accordance with the Ontario Building Code.
- (ii) Buildings using an existing fire escape as a secondary Means of Egress shall have the escape in good condition, free from obstructions and easily reached through an open able window or door.

(n) **Means of Egress**

All Means of Egress shall remain clear and unobstructed.

(o) **Lighting**

All lighting fixtures and switches shall be maintained in good working order.

(p) **Nuisance Lighting**

In this section:

- (i) "**Direct Lighting**" means light emitted directly from the lamp of the reflector or luminaire.
- (ii) "**Indirect Lighting**" means light that has been reflected or has scattered off other surfaces.
- (iii) "**Glare**" means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, or to produce sensation of discomfort.

- (iv) **"Light Trespass"** means the shining of light produced by a luminaire beyond the boundaries of the Property on which it is located.
- (v) **"Luminaire"** means a complete lighting system, including a lamp or lamps enclosed in a housing complete with reflectors, refractors, etc.
- (vi) No Person shall create, cause or permit Direct or Indirect Lighting from a Property to cause Glare or Light Trespass onto an adjacent Property so as to be or to cause a Nuisance as reasonably determined by the Officer at the Officer's discretion.
- (vii) Direct or Indirect Lighting from a Property identified as causing Glare or Light Trespass and being in the nature of a Nuisance by the Officer shall be corrected or removed to the satisfaction of the Officer.

(q) **Electrical**

Electrical wiring, fixtures, switches, receptacles, and appliances located in buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations Act*, R.S.O. 1990, as amended.

(r) **Ventilation**

- (i) All systems of mechanical ventilation including air conditioners shall be maintained in good working order.
- (ii) All enclosed areas, including Basements, Cellars, crawl spaces and attics or roof spaces, shall be adequately ventilated.

(s) **Elevating Devices**

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, maintained in good condition and in accordance with the *Elevating Devices Act*.

(t) **Vacant Buildings**

- (i) In addition to the minimum Standards for the maintenance and occupancy of Property set out elsewhere in this by-law, the Owner of a vacant building including a vacant Residential Building shall:
 - ensure all Vacant buildings are kept cleared of all garbage, rubbish and debris and shall have utilities serving the building,

which are not required for safety or security are properly disconnected or otherwise secured, to prevent damage to the building or adjoining Property.

- ensure that the building and Property are kept free of rodents, Vermin and other harmful Pests and any other conditions that would allow such Pests to harbour in or about the building, and/or Property.
- (ii) Despite any other provisions of this by-law, where in the sole discretion of the Officer a vacant Residential Building needs repair and can be reasonably repaired, then such Property including any buildings on such Property shall be repaired:
- As soon as possible in a manner consistent with other parts of this by-law, and
 - Maintained in a manner so as not to become, in the opinion of the Officer, a Nuisance.
- (iii) The Owner or agent of a vacant building shall board up the building in an approved manner.

Section 6 - Additional Property Standards for Residential Buildings and Dwelling Units

6.1 General Provisions

- (a) This Section applies to Residential Buildings and Dwelling Units.
- (b) The requirements of Section 4 apply in addition to the requirements of this Section.

6.2 Windows And Doors

- (a) All windows that are intended to be opened, and all exterior doors shall have suitable hardware to allow locking or otherwise securing from inside. All entrance doors shall have suitable hardware to permit locking or securing. At least one entrance door shall have suitable hardware to permit locking from either inside or outside.
- (b) Every entrance door shall be resistant to forced entry in accordance with the requirements of the Ontario Building Code for new construction.
- (c) Every operable window located above a Suite shall be protected by a Guard or mechanism in accordance with the Ontario Building Code requirements for new construction.
- (d) Every operable window that is located above a Suite shall be protected in accordance with the requirements of the Ontario Building Code.

6.3 Kitchens

Other than in individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, every Dwelling 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 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

6.4 Laundry

Laundry facilities or a space for laundry facilities shall be provided in every Dwelling Unit or grouped elsewhere in the Residential Building in a location conveniently accessible to Occupants of every Dwelling Unit.

6.5 Toilet and Bathroom Facilities

- (a) Other than in boarding houses, rooming houses and dormitories every Dwelling Unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- (b) Every Residential Building shall contain a sufficient number of bathroom facilities consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit to service all Dwelling Units not required to contain a bathroom.
- (c) Other than in boarding houses, rooming houses and dormitories, every bathroom or Toilet Room shall be accessible from within the Dwelling Unit and shall be fully enclosed and provided with a door capable of being locked.
- (d) Where toilet or bathroom facilities are shared by Occupants of a Residential Building an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

6.6 Plumbing

Other than in boarding houses, rooming houses and dormitories every Dwelling Unit shall be provided with an adequate supply of potable running water from a source Acceptable by the Medical Officer of Health.

6.7 Electrical

- (a) Every Residential Building shall be wired for electricity and shall be connected to an Acceptable electrical supply system.
- (b) Every Habitable Room shall have a minimum of one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space; for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- (c) Every common area in a Residential Building, and every hallway, bathroom, Toilet Room, kitchen, laundry room, furnace room, Basement, Cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- (d) Lighting fixtures and appliances installed throughout a Residential Building shall provide sufficient illumination so as to avoid accident hazards in normal use.

6.8 Heating, Heating Systems, Chimneys and Vents

- (a) Every Residential Building shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 22 degrees Celsius (72 F.) in the occupied Dwelling Units and all common areas. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual Dwelling Unit to the required standard.
- (b) All fuel burning appliances, equipment, and accessories in a Residential Building shall be installed and maintained to the Standards provided by the *Energy Act*, as amended or other applicable legislation.
- (c) Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- (d) Every Residential Building shall be constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the building which is not used, designed, or intended to be used for human habitation into other parts of the building used for habitation. Such separations shall conform to the Ontario Building Code.

- (e) All fuel burning appliances, equipment, and accessories shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- (f) Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes, or gases from entering a Dwelling Unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- (g) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

6.9 **Disconnected Utilities**

An Owner or Person or Persons acting on behalf of such Owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a Dwelling Unit occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

6.10 **Smoke Alarms**

Smoke alarms shall be installed, maintained and tested in every Dwelling Unit and in each sleeping room not in a Dwelling Unit in accordance with the requirements of the Ontario Building Code.

6.11 **Means of Egress**

- (a) Every Residential Building and each Dwelling Unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the building and the Dwelling Unit to the outside at street or grade level
- (b) The Means of Egress for each Residential Building and each Dwelling Unit shall conform to the requirements of the Ontario Building Code.

6.12 **Natural Light**

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

6.13 **Ventilation**

Every Habitable Room, including kitchens, bathroom or Toilet Rooms, shall have openings for ventilation providing an unobstructed free flow of air of at

least 0.28 square metres (3 sq. ft), or be provided with an approved system of mechanical ventilation capable of providing hourly air exchanges.

6.14 Occupancy Standards

- (a) The number of Occupants, residing on a permanent basis in an individual Dwelling Unit, shall not exceed one Person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.

- (b) No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a minimum floor area of seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more Persons shall have a minimum floor area of four-square metres (43 sq. ft.) per Person.
 - (i) Any Basement, or portion thereof, used as a Dwelling Unit shall conform to the following requirements: each Habitable Room shall comply with all the requirements set out in this By-Law;
 - (ii) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (iii) each Habitable Room shall be separated from service rooms in accordance with the Ontario Building Code;
 - (iv) primary access to each Habitable Room shall be gained without passage through a service room.

This By-law is Read a first, second, third time and finally passed this 22nd day of October, 2024.

Gary McNamara, Mayor

Robert Auger, Clerk