

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW NO. 2025-43

Being a By-Law to Prescribe Standards for the Maintenance and Occupancy of Property
Within the Town of Gravenhurst, and to Repeal By-Law 2004-18

WHEREAS under s. 15.1 of the Building Code Act, 1992, S.O. 1992, c. 23 a by-law may be passed by the Council of a municipality prescribing standards for the maintenance and occupancy of property within a municipality; prohibiting the occupancy or use of such property that does not conform with the standards to be repaired and maintained to conform with the standards, providing that the official plan for the municipality includes provisions relating to the property conditions;

WHEREAS Section 15.4.1 of the Building Code Act, 1992, S.O. 1992, c. 23 provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with:

- (a) a by-law of the municipality passed under Section 15.1; or
- (b) an order of an officer under Section 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3. 2017, c. 34, Sched. 2, s. 10.;

AND WHEREAS Section 15.4.2 of the Building Code Act, 1992, S.O. 1992, c. 23 provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

WHEREAS Section 6(1) of the Building Code Act provides for the establishment of a Property Standards Committee;

AND WHEREAS the Council of The Corporation of the Town of Gravenhurst deems it desirable to enact a by-law for prescribing minimum standards for the maintenance and occupancy of property within the Town of Gravenhurst and to appoint a Property Standards Committee;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1 **Accessory Building** means a subordinate building or structure, on the same lot as the main building or a part of the main building devoted exclusively to a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the property;
- 1.2 **Adverse Effect** means one or more of,
 - (a) impairment of the quality of the natural environment for any use that can be made of it,
 - (b) injury or damage to property or to plant or animal life,
 - (c) harm or material discomfort to any person,
 - (d) an adverse effect on the health of any person,
 - (e) impairment of the safety of any person,
 - (f) rendering any property or plant or animal life unfit for human use,
 - (g) loss of enjoyment of normal use of property, and,
 - (h) interference with the normal conduct of business;

- 1.3 **Air** means open air not enclosed in a building, structure, machine, chimney, stack or flue;
- 1.4 **Alter** means to change in any manner and includes to restore, renovate, repair, or disturb and “alteration” has a corresponding meaning;
- 1.5 **Basement** means that portion of a building below the first storey;
- 1.6 **Building** means as defined in the Building Code Act;
- 1.7 **Building Code** means the Ontario Regulation 350/06, as amended, or other regulations made under section 34 of the Building Code Act;
- 1.8 **Business Day** means a day from Monday to Friday inclusive, other than a holiday as defined in section 87 of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F;
- 1.9 **Certificate of Compliance** means a written opinion of property compliance with the standards contained in this By-law issued under Section 15.5 (1) of the Building Code Act;
- 1.10 **Chief Building Official** means the chief building official for the Town of Gravenhurst or their designate;
- 1.11 **Construction Fence** means a temporary fence erected on or around a Property or a portion of a Property to protect a site where construction or demolition is occurring or is contemplated to occur, “Hoarding” shall have the same meaning;
- 1.12 **Contaminant** means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect;
- 1.13 **Council** means the Council of the Town of Gravenhurst;
- 1.14 **Demolish** means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning;
- 1.15 **Dwelling** means a building or structure or any part of which is, or is intended to be, used for the purpose of human habitation and includes a building that is or would be intended to be used for such purposes except for its state of disrepair;
- 1.16 **Dwelling Unit or Rental Dwelling Unit** means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit;
- 1.17 **Fees and Charges Schedule** means the Town's current Fees and Charges Schedule as approved by Council;
- 1.18 **Fence** means barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape;
- 1.19 **Fire Code** means Ontario Regulation 213/07 under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4;

- 1.20 **Floor Area** means the aggregate area of a building contained within the exterior walls, but does not include attic or basement space;
- 1.21 **Grade** means the average level of proposed or finished ground adjoining a building at all exterior walls;
- 1.22 **Ground Cover** means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping;
- 1.23 **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;
- 1.24 **Habitable Room** means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom, or recreational room or any combination thereof;
- 1.25 **District** means The District Municipality of Muskoka;
- 1.26 **Injurious Insects** means any insect that has or that is likely to have an adverse effect on the health of any person or any insect that is capable of causing structural damage to a building or structure, including termites and carpenter ants;
- 1.27 **Landlord** means and includes:
- (a) the owner or other person permitting occupancy of a dwelling or dwelling unit;
 - (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a) above; and,
 - (c) a person, other than a tenant occupying a rental unit, who is entitled to a possession of the building and who attempts to enforce any of the rights of a landlord under a tenancy agreement, including the right to collect rent;
- 1.28 **Naturalized Area** means an area or vegetation deliberately planted or cultivated with one or more species of wildflowers, shrubs, annuals, perennials, ornamental grasses, or combination of them, that is monitored and maintained by a person;
- 1.29 **Natural Element** means soil, rock, water and vegetation, and includes a landform, hill, mound, berm, watercourse, water body, ditch, spring, wetland or forest, whether designed or otherwise;
- 1.30 **Non-Residential Property** means property not occupied, in whole or in part, for the purpose of human habitation;
- 1.31 **Occupant** means any person or persons over the age of eighteen (18) years residing at a property;
- 1.32 **Officer** means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers;
- 1.33 **Outdoor Living Space** means an area outside a home that is designed for relaxation, entertainment or recreational activities that are an extension of an indoor living area, including but not limited to decks, porches, patios, outdoor kitchens,

barbeque areas and seating areas;

1.34 **Owner** means and includes:

- (a) the registered owner of the property;
- (b) the person, for the time being, managing or receiving the rent from a building on the property, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the building on the property were let;
- (c) an occupant of a building on the property; and,
- (d) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

1.35 **Parking Garage** means a building, or part thereof, used for the parking of vehicles and may include any permitted use in the first storey, but shall not include any area where vehicles for sale or repair are kept or stored. A parking garage includes underground parking and a parking structure;

1.36 **Penalty Notice** means a notice issued pursuant to Section 17 of this By-law;

1.37 **Person** means an individual, corporation, unincorporated association or partnership;

1.38 **Pests** means rodents, vermin and/or injurious insects;

1.39 **Property** means the same as Yard, and includes such terms as:

- a) lot;
- b) side yard;
- c) rear yard;
- d) interior side;
- e) yard; and,
- f) exterior side yard;

1.40 **Public Property** means property that is owned by the Town or any of its boards and agencies, District of Muskoka, the Crown in Right of Ontario or any of its agencies or property of the Crown in Right of Canada or any of its agencies;

1.41 **Recyclable material** includes, but is not limited to, the following material:

- (a) glass, including bottles and jars, but not broken glass, light bulbs, mirrors, plate glass or ceramics;
- (b) tin and aluminum cans;
- (c) plastic soft drink bottles;
- (d) newspapers; and,
- (e) corrugated cardboard;

1.42 **Rental Unit** means a dwelling unit used, or intended to be used, as a residential rental property;

- 1.43 **Repair** includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;
- 1.44 **Residential Rental Property** includes a rental unit and the yards;
- 1.45 **Retaining Wall** means a wall designed to contain and support fill which has a finished grade higher than that of adjacent lands;
- 1.46 **Roof** means covering of the top of a building or space, serving to protect against weather, or extremes of temperature and includes an awning, portico, overhang, cantilevered overhang and canopy;
- 1.47 **Sewage System** means the District of Muskoka's sanitary sewer system, or a private sewage disposal system approved by the Town or the Ministry of the Environment, Conservation and Parks;
- 1.48 **Sign** means any sign or sign structure which is expressly designed for temporary or permanent placement or erection on a site which is constructed to support, carry, or display an area designed for the temporary placing of copy, letters, or messages;
- 1.49 **State Of Good Repair** means:
- (a) in conformity with the Building Code Act and the Building Code, the Municipal Act, an order, or by-law;
 - (b) structurally sound;
 - (c) not broken, rusted, rotten or in a hazardous condition;
 - (d) not maintained in an unsightly condition;
 - (e) in proper working order; and,
 - (f) adequately protected by weather-resistant material, if applicable;
- 1.50 **Structure** means a building or other manufactured thing erected on land by humans that is distinct in visual form and materials from the land itself and natural elements and includes any structure designated under the Building Code, as amended, a building permit for which has been issued under the authority of the Building Code Act;
- 1.51 **Swimming Pool** means a structure designed to hold water to enable swimming and associated activities and includes a hot tub or landscape pond meeting the above criteria, but for purposes of this By-law does not include any pool which is:
- (a) a pond or reservoir to be utilized for farming purposes or as part of a golf course,
 - (b) a pool owned by any public or governmental body, agency or authority,
 - (c) an existing natural body of water or stream; or,
 - (d) a privately owned stormwater management facility;
- 1.52 **Tenant** means a person who pays rent or is required to pay rent in return for a right to occupy a rental unit;
- 1.53 **Town** means The Corporation of the Town of Gravenhurst;

- 1.54 **Unsightly Condition** means an unorganized, generally unattractive condition that lacks general maintenance and upkeep, or an excessive or unreasonable accumulation of items or materials;
- 1.55 **Visual Barrier** means a barrier that acts as a screen consisting of:
- (a) a wall or fence;
 - (b) a continuous planting of suitable and healthy trees or shrubs;
 - (c) an earth berm; or,
 - (d) any combination of the above.
- 1.56 **Waste** means a substance or material that is unusable or unwanted and includes but is not limited to:
- (a) rubbish, garbage, brush, litter, debris, bottles, cans, packing materials, paper, clothing, bulk waste, recyclable materials;
 - (b) food scraps, bones or organic waste;
 - (c) human or pet excrement;
 - (d) appliances and parts of such appliances designed for interior use;
 - (e) indoor furniture and household effects;
 - (f) exterior furniture that becomes dilapidated;
 - (g) dilapidated landscape or garden features such as awnings, marquees, canopies, pergolas, trellis, lattice, statues and benches;
 - (h) broken or discarded material;
 - (i) inoperable machinery or mechanical equipment, or parts thereof, or other objects or parts thereof;
 - (j) parts of vehicles not packaged for immediate shipment, including worn automobile tires, used oil, and automotive parts;
 - (k) articles, things, matter or effluent or any part thereof derived from or made or consisting of:
 - (i) agricultural;
 - (ii) animal;
 - (iii) vegetable;
 - (iv) paper;
 - (v) lumber or wood products;
 - (vi) mineral, metal or chemical products; or,
 - (vii) lubricants, oils or hydrocarbons regardless of whether the products are used, manufactured or otherwise processed;
 - (l) material resulting from construction, demolition, repair or renovation projects, including soil or rock fill;
 - (m) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment;
 - (n) waste lumber;
 - (o) items in an unsightly condition;
 - (p) torn or cut branches or twigs, leaves, yard waste, stumps and similar vegetative waste; or,
 - (q) without restricting the foregoing, any unused or unusable material that by reason of its state, condition or excess accumulation:
 - (i) has been cast aside, discarded or abandoned, whether of any value or not;

- (ii) has been used up, in whole or in part, whether of any value or not; or,
- (iii) has been expended or worn out, in whole or in part, whether of any value or not;

1.57 **Yard** means any open, uncovered, unoccupied space appurtenant to a building;

1.58 **Zoning By-law** means the Town's Zoning By-law, as amended.

2. APPLICATION AND INTERPRETATION

General

- 2.1 This By-law applies to all property within the Town of Gravenhurst.
- 2.2 For the purpose of this By-law, unless otherwise stated to the contrary, the provisions prescribed shall be held to be the minimum standards for the promotion of the public health, safety, comfort, convenience and general welfare and are not intended to detract from the standards found in any other applicable by-laws or legislation.
- 2.3 Subject to Section 2.4, the owner of property which does not conform to the standards prescribed in this By-law shall repair and maintain the property to conform to the standards or the property shall be cleared of all buildings, structures or waste and left in a graded and leveled condition.
- 2.4 This By-law does not apply to matters which, in the opinion of the Manager of By-law Services, are minor in nature.

Property Standards Committee

- 2.5 A Property Standards Committee shall be established in accordance with Section 15 of the Building Code Act, as amended, to hear appeals of Orders issued under this By-law.
- 2.6 The membership of the Property Standards Committee shall be as set out in the Terms of Reference.

Prohibitions

- 2.7 No person shall use or occupy, or permit the use or occupancy, or consent to the use or occupation of any property that does not conform to the standards prescribed in this By-law.
- 2.8 No owner shall fail to maintain their property in conformity with the standards prescribed in this By-law.
- 2.9 No owner shall fail to comply with an Order issued by an Officer under this By-law.
- 2.10 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

- 2.11 No person shall fail to comply with a directive issued by an Officer under this By-law.
- 2.12 Where applicable, every owner shall obtain a building permit prior to making repairs.

Repairs

- 2.13 All repairs shall be made in a good and workerlike manner, using only materials that are suitable for the purpose and free from defects. Without limiting the foregoing, this shall include:
- (a) ensuring the component repaired can perform its intended function;
 - (b) finishing the repair in a manner that is reasonably compatible in design and colour with the adjoining finishing materials;
 - (c) maintaining an appearance that is consistent with the surrounding environment;
 - (d) being carried out with a degree of efficiency and knowledge possessed by those with a skill set, competency, and standing in a particular trade and in accordance with recognized industry best practices; and,
 - (e) where required by law, carried out by a duly qualified and/or licensed person.

Structural System

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

Doubt as to Structural Condition

- 2.15 If, in the opinion of an Officer, there is doubt as to the structural condition of a building or structure or parts thereof, an Officer may issue Directive 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 with recommended timelines, be provided to an Officer.

Engineer's Report Acceptance

- 2.16 An Officer may accept the findings contained in the engineer's report pursuant to Section 2.15, provided that the Officer is satisfied that all deficiencies have been identified and appropriately dealt with by the report.
- 2.17 Upon completion of all of the work required by the engineer's report, a further report prepared by the professional engineer shall be submitted to the Officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.
- 2.18 No structural element may be added, removed, repaired or modified in any manner until a required permit has been obtained from the Chief Building Official.

3. GENERAL MAINTENANCE STANDARDS FOR ALL PROPERTIES

- 3.1 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 governmental regulations.
- 3.2 Every owner shall maintain the property or a building on the property:
- (a) in a sanitary and safe condition and free from waste;
 - (b) free from objects or conditions which are health, fire or accident hazards; and,
 - (c) free from rodents, vermin and injurious insects.

Air Quality

- 3.3 All buildings, or portions thereof, shall be kept free from accumulations of airborne contaminants that may cause an adverse effect to any person.
- 3.4 No person shall occupy or permit the occupancy of a building or portion thereof, where a high concentration of airborne contaminants exist which may cause an adverse effect to any person who occupies the building, or portion thereof.
- 3.5 Notwithstanding any other section of this By-law, Sections 3.3 and 3.4 shall not apply if, in the opinion of an Officer, the presence of airborne contaminants is minor in nature and relates to general maintenance and/or lifestyle.

Mold

- 3.6 Any extensive accumulation of mold shall be immediately cleaned and removed by the owner of a building.
- 3.7 No person shall occupy, or permit the occupancy of a building, or portion thereof, where an extensive accumulation of mold exists which could pose a health concern to any person who occupies the building, or portion thereof.
- 3.8 Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which relate to the creation and growth of mold, shall be repaired or removed by the owner of the building.
- 3.9 Notwithstanding any other provision of this By-law, section 3.6 and 3.7 shall not apply if, in the opinion of an Officer, the presence of mold is minor in nature and relates to general maintenance and/or lifestyle.

Foundations, Walls, Roofs, Etc.

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

- 3.11 The foundations, walls (including exterior walls), columns, beams, floors, roof slabs and balconies of all buildings, including ancillary buildings such as parking garages and accessory buildings, shall be maintained:
- (a) in a state of good repair;
 - (b) free from decayed, damaged or weakened sills, beams, piers, posts or other supports;
 - (c) free from defective or deteriorated wood or metal siding or trim;
 - (d) free from cracked, broken or loose stucco or cracked or broken masonry;
 - (e) free from loose or unsecure objects;
 - (f) in a manner to prevent the entry of moisture into the building; and,
 - (g) in a manner to prevent settlement of the building.
- 3.12 Where the masonry units formed an exterior wall, or part of an exterior wall, of any building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or is finished with other materials approved by an Officer.
- 3.13 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in a state of good repair and the covering renewed when it becomes damaged or deteriorated.
- 3.14 Metal eaves troughs, roof gutters, rainwater pipes, downspouts, flashings and all exterior metal ducts shall be maintained in good repair, 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.
- 3.15 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, plywood, metal or other materials of equivalent strength, durability and fire endurance approved by an Officer.
- 3.16 Balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be:
- (a) maintained in a state of good repair;
 - (b) free from waste and recyclable material;
 - (c) properly and safely anchored;
 - (d) protected against deterioration and decay; and,
 - (e) free from broken or missing glass.
- 3.17 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be maintained in a state of good repair and weather tight.
- 3.18 An owner shall repair or replace defective, damaged or missing hardware or locking devices on a building.

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

Roof Structures

- 3.20 A roof and all its components shall be weathertight so as to be free from leaks into the dwelling or loose, unsecured or unsafe objects or materials.
- 3.21 Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3.22 A soffit and fascia shall be kept in good repair and protected by paint, preservatives or other weather-resistant materials.
- 3.23 A roof shall be kept clean and free from:
- (a) waste or other debris; and,
 - (b) objects or conditions that may create a health or accident hazard.
- 3.24 All chimneys, smoke or vent stacks, aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be securely anchored and maintained in a safe condition and in good repair.
- 3.25 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 it will penetrate or damage a building or structure.

Stairs, Handrails and Guards

- 3.26 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.
- 3.27 All guards and handrails shall be installed and maintained in accordance with the Building Code so as to afford reasonable protection against accident or injury to any person in or on a property.

Heating, Ventilation and Mechanical Systems

- 3.28 Heating equipment, vent pipes, exhaust hoods, chimneys, smokestack, 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.
- 3.29 Where a heating system, heating equipment or an 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.
- 3.30 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.

- 3.31 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
- 3.32 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall:
- (a) installed and maintained 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) securely anchored and plumb.
- 3.33 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in a state of good repair, properly secured and free from fire, health and accident hazards.
- 3.34 Mechanical ventilating equipment and the supports for such equipment shall be maintained in a state of good repair and in safe mechanical condition.

4. EXTERIOR MAINTENANCE STANDARDS – RESIDENTIAL YARDS

Driveways, Ramps, Safe Passage

- 4.1 Driveways, ramps, parking areas, paths, outside stairs and landings shall:
- (a) provide a uniform surface for pedestrian or vehicular use;
 - (b) be surface treated with asphalt, concrete, interlocking brick, similar hardscaped surface, or other material sufficient to provide stability, prevent erosion, be usable in all seasons.
- 4.2 All surfaced paths, walkways, patios, steps, ramps, building entrances, driveways and parking areas shall be maintained in a hole-free condition and free of any settlements that might cause an accident or injury.
- 4.3 Driveways and parking areas shall be repaired with materials so as to maintain a uniform appearance.

Lighting

- 4.4 Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.
- 4.5 The following lighting is exempt from the requirements of Section 4:

- (a) lighting of the Town;
- (b) lighting of school boards, the federal, provincial or regional governments; and,
- (c) lighting contemplated by a site plan approval, subdivision agreement or site alteration permit to the extent that such lighting is constructed in accordance with all conditions and requirements of such site plan approval, subdivision agreement or site alteration permit.

- 4.6 Outdoor lighting shall be placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a dwelling or dwelling unit on adjoining property regardless of whether such dwelling or dwelling unit has or may have shades, drapes or other interior window coverings.
- 4.7 All residential outdoor lighting shall be placed, directed, and maintained or shielded to prevent direct illumination of light onto an adjoining residential property in an area where an outdoor living space is located.
- 4.8 Sensor activated lighting shall not be triggered by activity off the property.
- 4.9 Lighting as required by the Building Code shall be provided and maintained to allow for an adequate level of lighting so that the use normally carried out in such areas can be undertaken safely.

Fences

- 4.10 All fences shall be:
- (a) maintained in a state of good repair;
 - (b) protected from deterioration by the application of paint or other suitable protective material of uniform colour and construction using a material that is inherently resistant to such deterioration and compatible with surrounding finishes;
 - (i) constructed using suitable materials and designed and erected in a workerlike manner and maintained so as to not appear in an unsightly condition; and
 - (ii) free of any condition that would render the fence to be dangerous.

Construction Fences

- 4.11 On a property where construction is occurring that does not require a building permit, or any other permit issued by the Town, a construction fence may be used on the property for a period of time that is not to exceed six (6) months, or as determined as reasonable by the Officer.
- 4.12 All construction fencing used on a property shall be maintained in a structurally secure manner and neatly painted or otherwise treated.
- 4.13 A construction fence shall be kept free from graffiti or other defacements.

Safety Fences

4.14 Safety fences shall:

- (a) be erected at the perimeter of the site to fully enclose the site;
- (b) be constructed so that the side and rear yard portions of the construction fence are built of wood, plastic mesh or other material that can be shown to provide performance and safety equivalent to these fence types and provide a visual barrier between the construction site and neighboring properties;
- (c) be built to deter entry by unauthorized persons or vehicles;
- (d) have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
- (e) contain no opening more than 100 millimeters (3.9 in.) wide except where required for access to and from the site;
- (f) at any access opening, be equipped with gates that shall:
 - (i) contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the site;
 - (ii) open inward towards the construction site;
 - (iii) be built to specifications that provide performance and safety at least equivalent to the fence; and,
 - (iv) deter entry by unauthorized persons;
- (g) be maintained in good repair with no gaps larger than 100 millimeters (3.9 in.) between the bottom of the fence and grade;
- (h) be free of graffiti and posters;
- (i) ensure access opening are closed and locked or securely reinstalled when the site is unattended; and,
- (j) be removed at the request of an officer or no later than 30 days after completion of the construction or demolition work.

Fencing Construction

4.15 A construction or safety fence shall be built to the following minimum standards:

Wood

- (a) the outside face shall be smooth exterior grade plywood or wafer board 12.5 millimeters (.5 in.) thick that is closed-boarded, securely nailed or screwed to 89 millimeter (3.5 in.) vertical posts spaced at 2.4 metre (7.9 ft.) centres and embedded sufficiently deep into the ground to provide a rigid support , and securely nailed or screwed to 39 millimeter (1.5 in.) by 89 millimeter (3.5 in.) horizontal rails secured to the vertical posts at the top, bottom and intermediate locations at 600 millimeter (2 ft.) centres;

Chain Link

- (b) fencing shall be fastened securely at 200 millimeter (7.9 in.) centres to steel T or 50 millimeter (2 in.) wide U posts, spaced at not more than 1.2 metre (4 ft.) centres and embedded at least 600 millimeters (2 ft.) into the ground and to top and bottom horizontal steel rails or 9-gauge steel wire; and

Mesh Fencing

- (c) mesh shall have openings no larger than 50 millimeters (2 in.) and shall be fastened securely both to vertical steel posts, spaced at not more than 2.4

metre (7.9 ft.) centres and embedded at least 600 millimeters (2 ft.) into the ground, and on top and bottom horizontal steel rails or 9-gauge steel wire.

Retaining Walls

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

Trees

- 4.17 A tree that is dead, or part of a tree that is dead, or in a decayed or damaged condition and that may be hazardous to persons or property, shall be removed.

Storm Water Run-off, Sump Pump and Sewage Discharge

- 4.18 Storm water run-off, which includes drainage from a roof and sump pump, shall be drained from the grounds of a property, and any area below exterior grade in a manner that is suitable to the configuration of the property, so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.
- 4.19 Sump pump discharge lines shall be designed, provided and maintained to prevent discharge water run-off from ponding on the Town's Road allowance.
- 4.20 Sewage shall be discharged into a sewage system.

Unprotected Wells, Holes, Cavities

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

Accessory Buildings

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

5. GENERAL MAINTENANCE STANDARDS - OTHER

Parking Garages

- 5.1 Lighting fixtures in all parking garages shall be maintained in good working condition.
- 5.2 Every parking garage shall be illuminated by natural means where available, and an adequate number of light fixtures, or the painting of walls, columns and ceilings white in colour, or any combination thereof so as to provide enough light for the safe passage of vehicles and persons using the parking garage.
- 5.3 All ventilation systems within parking garages shall be maintained in good working

order at all times.

- 5.4 All means of egress, including doors, in parking garages shall be maintained in good repair and free from all obstructions.
- 5.5 All exit signs shall be provided and maintained in good repair in accordance with the requirements of the Building Code and Fire Code and shall be unobstructed and readily visible.
- 5.6 All floor drains in such garages shall be in good working order and free from obstructions.
- 5.7 Every floor, wall, ceiling and stairwell of a parking garage shall be kept clean and free from debris, objects or other conditions that might create a hazard, obstruction or unsightly condition.
- 5.8 All parking garages shall be kept clear of any machinery, vehicles, boats, trailers or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition.

6. ADDITIONAL STANDARDS FOR NON-RESIDENTIAL PROPERTIES

Additional Standards for Non-Residential Properties

- 6.1 In addition to the general standards for all properties set out in Part 3 of this By-law, owners of non-residential properties shall also comply with Part 6 of this By-law.
- 6.2 Every owner of a non-residential property shall provide containers for the disposal of waste.
- 6.3 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.
- 6.4 A person liable for rates for gas, water, steam, electric power, fuel oil or other service 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.
- 6.5 All means of egress for non-residential properties shall be maintained free from all obstructions or impediments and provided with clean, clear, unobstructed and readily visible exit signs for every exit.
- 6.6 Driveways, ramps, parking areas, paths, outside stairs and landings shall be provided markings or islands to indicate parking spaces, ingress and egress and snow piling areas.

- 6.7 Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and injurious insects unless it can be shown, to the satisfaction of the Officer, that the implementation of this section would adversely affect the normal operations in a non-residential property.

Interior Walls, Ceilings and Floors

- 6.8 Interior walls, floors and ceilings of a non-residential property shall be maintained:
- (a) free from health, fire and accident hazards;
 - (b) in a state of good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
 - (c) in a clean and sanitary condition which is reasonable considering the use or operation; and,
 - (d) free from cracked and broken glass in door panels, glass screens and windows.
- 6.9 Cracked broken glass in door panels, glass screens and windows as outlined in Section 6.8 (d) shall be replaced with glass or other material approved by an Officer.
- 6.10 Plaster repairs made to the walls and ceilings of non-residential properties shall be completed in a workerlike manner and each repair shall be finished to match the existing wall or ceiling.
- 6.11 Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.
- 6.12 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.

Plumbing, Drainpipes, Water Pipes

- 6.13 Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.
- 6.14 All plumbing, drainpipes, 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.
- 6.15 All water pipes, drainpipes and appurtenances thereto shall be protected from freezing.

Outside Storage

- 6.16 Where outside storage of goods, materials, machinery or equipment and vehicles is permitted on a non-residential property, the storage area shall be graded and maintained with gravel, or surfaced and maintained with concrete, asphalt, crushed

stone or other hard surface and dustless materials.

- 6.17 Notwithstanding Section 6.19, all outside storage areas which abut any residentially zoned property or a property with a residential use in accordance with the Zoning By-law shall be surfaced and maintained with asphalt, concrete or interlocking stone.

7. ADDITIONAL STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

Additional Standards for Residential Rental Properties

- 7.1 In addition to the general standards for all properties set out in Part 3 of this By-law, owners of residential rental properties shall also comply with Part 7 of this By-law.
- 7.2 The following additional standards shall apply to any residential rental property:
- (a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:
 - (i) safe;
 - (ii) clean;
 - (iii) in a state of good repair;
 - (iv) fit for habitation; and,
 - (v) free from accumulations of snow and ice.
- 7.3 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 tenants.
- 7.4 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.
- 7.5 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.
- 7.6 Shrubs, trees, hedges and other vegetation on the property shall be kept so that walkways are not obstructed.

Light and Ventilation

- 7.7 An opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function and the landlord shall:
- (a) ensure that the doors, windows and skylights are weather tight;
 - (b) refit, replace, renew, caulk and weather-strip any damaged, decaying defective or missing doors, windows, frames, sashes, casings, hatchways or screens;
 - (c) fit the door, window or skylight with locking devices;
 - (d) replace any broken or missing glass; and,

- (e) replace any defective missing hardware.

- 7.8 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be:
- (a) maintained in a state of good repair by the landlord and weather tight;
 - (b) free from rotted or defective members;
 - (c) free from defective or missing hardware;
 - (d) free from torn, damaged or, where supplied, missing screens;
 - (e) free from defective or missing weather-stripping or caulking;
 - (f) free from defective storm or screen doors; and,
 - (g) free from broken or missing glass.
- 7.9 A window or natural ventilation is not required in a kitchen or washroom if electrical lighting and mechanical means of ventilation is provided.
- 7.10 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.
- 7.11 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.
- 7.12 All habitable space shall have natural or mechanical means of ventilation.
- 7.13 At the request of a tenant, each window in a rental unit that is located above the storey that has its floor closest to grade and that has its ceiling more than 1.8 metres above grade, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult tenant in an emergency without the use of tools.
- 7.14 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.

Interior Walls, Floors and Ceilings

- 7.15 Interior walls, floors and ceilings of a building or structure shall be maintained:
- (a) in a state of good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
 - (b) in a clean and sanitary condition which is reasonable considering the use or operation; and,
 - (c) free from cracked and broken glass in door panels, glass screens and windows.
- 7.16 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained by the landlord in a safe and sanitary condition, in a state of good repair free from holes, mold, loose and broken boards, torn, damaged, decayed, leaks,

deteriorating or missing materials.

- 7.17 In addition to the requirements of Section 7.15, 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.
- 7.18 All interior walls must be painted or finished in a manner similar to other interior walls in the building.
- 7.19 The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

Means of Egress

- 7.20 Every floor area intended for occupancy shall be provided with a direct means of egress in accordance with the Building Code.
- 7.21 All means of egress and exits shall be maintained in a state of good repair and free from objects, obstructions, or conditions that restrict the accessibility of such means of egress and exits.
- 7.22 Every dwelling unit shall have access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at the street or grade level.

Fuel Supply

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

Heating, Ventilation, Mechanical

- 7.24 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.
- 7.25 A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.
- 7.26 Heat shall be provided from September 1 to June 15 of every year and shall be provided and maintained so that the room temperature at 1.5 metres above floor level and one (1) metre from exterior walls in all habitable rooms, is at least 20 degrees Celsius.
- 7.27 Section 7.26 does not apply to a rental unit in which the tenant can regulate the

temperature and a minimum temperature of 20 degrees Celsius can be maintained by the primary source of heat.

- 7.28 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.
- 7.29 Only heating appliances approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

Electrical

- 7.30 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.
- 7.31 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in safe and complete condition, and in a good working order.
- 7.32 If the landlord supplies a meter for electricity for the purpose of billing the tenants individually, it shall be properly maintained by the landlord and kept accessible to tenants.
- 7.33 A kitchen shall be supplied with electrical power and shall have outlets suitable for a refrigerator and cooking appliances.

Plumbing Systems

- 7.34 Plumbing systems shall be provided, installed and maintained in good working order and shall be free from leaks, defective or dripping taps and other defects.

Safety and Security

- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 Where provided, a vestibule door locking release and the rental unit-vestibule communications system shall be properly maintained by the landlord.
- 7.39 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.

- 7.40 Driveways, ramps, parking areas, paths, outside stairs and landings shall be provided markings or islands to indicate parking spaces, ingress and egress and snow piling areas.
- 7.41 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.
- 7.42 Mailboxes provided by the landlord shall be properly maintained and be capable of being secured.

Indoor Storage of Waste and Recyclable Material

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

Outdoor Storage of Waste and Recyclable Material

- 7.45 Where waste or recyclable material is stored for disposal outside of the enclosed walls of a building, the waste or recyclable material shall be blocked from view if it is stored less than 60m (196 ft) from a public highway, street, walkway, park or residential property so as not to be visible from such locations or as required under an approved site plan.
- 7.46 In addition to the conditions outlined in Section 7.45, the storage of waste or recyclable material permitted by an owner shall be blocked from view and the aforesaid visual blockage shall:
- (a) extend from grade to a height of 0.3m (1ft) above the height of the storage container(s);
 - (b) consist of a continuous opaque visual barrier; and,
 - (c) be maintained in a clean, sanitary and odour-controlled condition.

8. PEST PREVENTION

- 8.1 Every residential rental property shall be kept free of rodents, vermin and injurious insects at all times, and methods used for exterminating rodents and injurious insects shall be in accordance with any applicable legislation.
- 8.2 Openings and holes in a building containing rental units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains,

that might permit the entry of rodents, vermin, injurious insects, birds or other pests, shall be screened or sealed as appropriate.

9. MISCELLANEOUS

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.

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

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

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

9.4 Hot water shall be provided to a sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43 degrees Celsius and not more than 49 degrees Celsius.

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

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

9.7 Piped plumbing and drainage systems and appurtenances in a residential rental property shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.

9.8 All appliances such as refrigerators or cooking stoves supplied by the landlord shall be maintained in a state of good repair and good working order by the landlord.

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

9.10 Elevators intended for use by the tenant shall be properly maintained by the landlord in accordance with the regulations under Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as amended, and kept in operation except for such reasonable time as may be required to repair or replace them as enforced by the Technical Standards and Safety Authority.

10. VACANT AND/OR DAMAGED BUILDINGS

Vacant Buildings

- 10.1 In addition to the general standards for all properties set out in Part 3 of this By-law, the following additional standards shall apply to vacant buildings:
- (a) the owner shall protect the vacant building against the risk of fire, accident or other danger;
 - (b) the owner shall effectively prevent the entrance of any unauthorized persons to a vacant building;
 - (c) all materials used for boarding up a vacant building shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building; and,
 - (d) where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property, unless the aforementioned utilities are necessary for the safety or security of the building.
- 10.2 For the purposes of Section 10.1 (c), doors, windows, hatches and other openings through which entry may be obtained are required to be maintained so as to properly perform their intended function and secured from unauthorized entry, or entry shall be prevented by closing and securing an opening with:
- (a) wood sheathing of at least 12.7 mm plywood which is weather resistant, completely covers the opening, is securely fastened to the building;
 - (b) metal sheathing, which is weather resistant, completely covers the opening, is, where possible, installed within the reveal of the exterior cladding, is securely fastened to the building;
 - (c) brick or concrete block and mortar which completely covers the opening, is securely fastened to the building.
- 10.3 The options available in Section 10.2 shall be considered progressively more secure with subsection (c) being the most secure, and the minimum standard imposed by Section 10.2 shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry.
- 10.4 At any time where there are circumstances to support a more secure option, including an option that is more secure than those listed in Section 10.2, the owner shall supply such option as may be required by an Order.

Damaged Buildings or Structures

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

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

10.6 Defacements by smoke or by other similar causes on the exterior walls and surfaces of the buildings or structures or of the remaining parts of the building or structures, shall be removed and the defaced areas refinished in a workerlike manner.

11. DEMOLITION

11.1 Where any building is vacant, and in the opinion of an Officer or the Chief Building Official or an inspector appointed under the Building Code Act it is not feasible to repair the building to the standards prescribed by this By-law without first demolishing the building or a portion of it, the owner shall demolish the building or portion of it that it is not feasible to repair within one (1) year of it becoming so.

11.2 Subject to Section 11.1, where a building or structure is being demolished on a property:

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

11.3 Where a part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall be brought into compliance with the applicable sections of this By-law.

12. ENFORCEMENT

Inspection

12.1 An Officer may, upon producing proper identification, enter upon any property at any reasonable times 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 the Building Code Act has been complied with.

12.2 The owner or occupant of a property shall:

- (a) comply with all standards prescribed in this By-law;
- (b) comply with any final and binding order of the Officer;
- (c) produce documents or things requested by the Officer for inspection as relevant to the property or any part thereof;
- (d) allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof;
- (e) allow entry by the Officer or such persons as needed to carry out an inspection or test or in aid thereof;

- (f) permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof; and,
- (g) provide at their expense when requested, reports, tests and samples as are specified in an Order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this By-law and the relevant portions of the Building Code Act.

12.3 The Town may charge the owner of a property a fee or charge pursuant to the Rates and Fees Schedule to conduct an inspection, including increased fees for multiple inspections.

12.4 Where an Officer has reasonable grounds to believe that an offence has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

Orders

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

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

Service

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

12.7 An Order required by this By-law to be served in accordance with Section 12.1 may be served:

- (a) in person;
- (b) by email to the last known email address of the person to whom service is required to be made; or,
- (c) by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

12.8 An Order served in accordance with Section 12.7 is considered to be served:

- (a) on the fifth day after the day of mailing if served by registered mail;
- (b) on the day of sending if served by email, unless the document was sent after 5:00 p.m., in which case service shall be deemed to have been made on the following day.

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

13. APPEALS

- 13.1 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 by mail, email or registered mail to the Town Clerk within fourteen (14) days of the service of the Order.

- 13.2 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; and the appeal fee as set out in the rates and fees schedule.

- 13.3 In the event that no appeal is made within such fourteen (14) days as set out in Section 13.1, the Order shall be deemed confirmed and shall be final and binding.

- 13.4 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, in that they may confirm the Order, modify or rescind the Order, 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.

14. POWER OF THE TOWN IF ORDER NOT COMPLIED WITH

- 14.1 If an Order under this By-law is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the Town, in addition to all other available remedies, may cause the Property to be repaired or demolished accordingly.

- 14.2 The Town or 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 Town in the reasonable exercise of its powers under Section 14.1.

- 14.3 The Town shall have a lien on the land for the amount spent on the repair or demolition under Section 14.1 and the amount shall have a priority lien status as described in the Municipal Act and may be added to the tax roll and collected in the same manner as municipal taxes.

15. EMERGENCY PROVISIONS

- 15.1 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.

16. CERTIFICATE OF COMPLIANCE

- 16.1 An Officer shall issue a Certificate of Compliance to an owner, upon request, upon payment of the fee set out in the rates and fees schedule.

17. PENALTIES AND FINES

- 17.1 A person is guilty of an offence if the person:
- (a) fails to comply with an Order or Directive under this By-law; and/or,
 - (b) contravenes any provision of the By-law.
- 17.2 An Officer may issue an Administrative Monetary Penalty to the Person, Owner, Agent or Person Responsible found in contravention of any provision of this By-law.
- 17.3 Any Person who contravenes any provision of this By-law is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.
- 17.4 Any Person who has been found in contravention of the By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.
- 17.5 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33. as amended.
- 17.6 Every person who is guilty of any offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine, and the Chief Justice of the Ontario Court of Justice shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with this By-law.

18. SEVERABILITY

- 18.1 If any section, clause or provision of this By-law hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that the remaining sections, clauses or provisions of the By-law shall remain in full force and effect.

19. CONFLICTING BY-LAWS

- 19.1 Where a provision of this By-law conflicts with a provision of any other by-law in force in the Town, the more restrictive By-law shall prevail, subject to the greater paramountcy of any provision authorizing action to protect the health or safety of persons.

20. REPEAL

20.1 By-law 2004-18 is hereby repealed.

20.2 All Orders issued pursuant to By-law 2017-007 shall remain in full force and effect, notwithstanding that By-law 2017-007 is hereby repealed, and all such Orders may be enforced or acted upon by the Town as if the Order was made under Section 12.5 of this By-law.

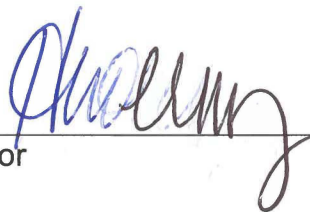
21. SHORT TITLE

21.1 This By-law may be cited as the "Property Standards By-Law".

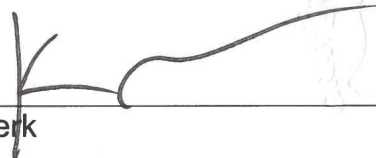
22. EFFECTIVE DATE

22.1 This By-law shall come into force and effect the day it is passed by Council.

READ AND PASSED this 17th day of June, 2025.



Mayor



Clerk