

The Corporation of the City of Pickering

Property Standards By-Law

By-Law No. 7887/21

Being a by-law for prescribing standards for the maintenance and occupancy of property within the City of Pickering and for prohibiting the occupancy or use of such property that does not conform with the standards contained herein.

Whereas Section 15.1(3) of the *Building Code Act*, 1992, S.O., 1992, c.23, as amended, authorizes the Council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality;

And Whereas the Council of the City of Pickering is desirous of repealing By-law Number 5943/02 and to enact a by-law to prescribe standards for the maintenance and occupancy of property within the City of Pickering;

And Whereas under Sections 35.3(1) and 45.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, a by-law may be passed by the Council of a municipality prescribing the minimum standards for the maintenance of the heritage attributes of designated heritage properties within the municipality, and requiring that designated heritage properties that do not comply with those standards be repaired and maintained to conform with those standards;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. Short Title

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

2. Definitions

In this By-law:

- (a) "Accessory Building or Structure" means any Building or Structure which is separate from or attached to the main Building on the Property on which both are located and the use of which is an accessory to that of the said main Building or Property and shall include swimming pools, private greenhouses, decks, garden structures, patio shelters and carports.

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- (b) “Basement” means that portion of a Building that is partly below grade, which has half or more of its height, measured from floor to ceiling below the average exterior finished grade.
- (c) “Bathroom” means a room containing a bathtub or shower with or without a toilet and washbasin.
- (d) “Building” means any Structure used or intended to be used for supporting, enclosing or sheltering any Person, animal, good, equipment, based on its use or occupancy.
- (e) “By-law” means this By-law, as amended from time to time, including any preamble and any schedules forming part of this By-law.
- (f) “Certificate of Compliance” means a written opinion of Property compliance with the Standards contained in this By-law issued under the *Ontario Building Code*.
- (g) “Committee” means the Property Review Committee established pursuant to the *Building Code Act* and this By-law.
- (h) “City” means The Corporation of the City of Pickering or the geographical area of the City of Pickering, as the context requires.
- (i) “Council” means the Council of The Corporation of the City of Pickering.
- (j) “Dilapidated” means in a state of disrepair or ruin as a result of age or neglect.
- (k) “Dwelling” means a Building or Structure, or part of a Building or Structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation, and includes a Building that would be used, or would be intended to be used for such purposes except for its state of disrepair, and shall include every Building on a residential Property other than an Accessory Building.
- (l) “Dwelling Unit” means one or more Habitable Rooms, designed, occupied or capable of being occupied for the purpose of human habitation.
- (m) “Driveway” means the defined area providing access for vehicles from a public or private street or a lane to a parking area, parking lot, loading space, private garage, carport, Building or Structure.
- (n) “Good Repair” means good working order, capable of being used for the purpose designed for, and maintained in such a condition so as to be free from any

danger or hazard and not unsightly by reason of deterioration, damage or defacement.

- (o) “Ground Cover” means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass, woodchips, clover or other forms of landscaping.
- (p) “Guard” means a barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations designed to attempt to prevent accidental falls from one level to another.
- (q) “Habitable Room” means any room in a Dwelling used, designed to be used, or capable of being used for living, sleeping, cooking or eating purposes.
- (r) “Hard Surface” means asphalt, concrete, or compacted crushed stone or gravel, granular material or aggregate with an asphaltic or cement binder, or any other permanent type of surfacing which prevents the raising of dust or loose particles.
- (s) “Heritage Approval” means an approval issued by the City related to alteration work on Heritage Property in accordance with the *Ontario Heritage Act*.
- (t) “Heritage Attribute” means an attribute of the Property that contributes to its cultural heritage value or interest and that is defined, described or that can be reasonably inferred:
 - (i) in a by-law designating a Property passed under Section 29 of the *Ontario Heritage Act*;
 - (ii) in a Minister’s order made pursuant to Section 34.5 of the *Ontario Heritage Act*;
 - (iii) in a by-law designating a heritage conservation district passed under Section 41 of the *Ontario Heritage Act*; or
 - (iv) in the supporting documentation required for a by-law designating a heritage conservation district, including, but not limited to, a heritage conservation district plan, assessment or inventory, and identified as a Heritage Attribute, value, reason for designation or otherwise.

Heritage Attribute also includes the elements, features or Building components, including roofs, walls, floors, retaining walls, foundations and independent interior Structures and structural systems that hold up, support or protect the Heritage Attribute and without which the Heritage Attributes may be at risk.

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- (u) “Heritage Property” means Property, including all Buildings, Structures and features thereon;
- (i) that has been designated by the City under Section 29 of the *Ontario Heritage Act*, or that has been designated by the Minister under Section 34.5 of the *Ontario Heritage Act*; or
 - (ii) that is located within a heritage conservation district which has been designated by the City under Section 41 of the *Ontario Heritage Act*.
- (v) “Inoperable Vehicle” means a Vehicle that is not in Good Repair and incapable of being operated on a road. It includes a Vehicle that does not display a valid Vehicle permit licence plate issued under the *Highway Traffic Act*, R.S.O. 1990, c.H8, as amended.
- (w) “Means of Egress” includes exits and access to exits and means a continuous path of travel provided for the escape of Persons from any point in a Building or in a contained open space to:
- (i) a separate Building;
 - (ii) an open public thoroughfare; or
 - (iii) an exterior open space protected from fire exposure from the Building and that has access to an open public thoroughfare.
- (x) “Natural Garden” means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape, and includes green roofs.
- (y) “Non-Habitable Room” means any room in a Dwelling other than a Habitable Room, and includes, but is not limited to, a bathroom, laundry, pantry, lobby, elevator, closet, boiler room, crawlspace, attic, or other space for service and maintenance of the Dwelling Unit.
- (z) “Noxious Weed” means any weed classed as noxious by the *Weed Control Act*, R.S.O. 1990, c. W.5, as amended.
- (aa) “Nuisance” means a condition or use of a Property which causes or is likely to cause:
- (a) a health, accident, fire or similar hazard; or

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- (b) an appearance or use that is out of keeping with or detracts from the appearance or enjoyment of neighbouring properties.
- (bb) “Occupant” means any Person or Persons over the age of 18 years in possession, care or control of the Property.
- (cc) “Officer” means an enforcement officer who is employed by the City to enforce the provisions of the City’s By-laws.
- (dd) “Order” means an order issued by an Officer to a Person under this By-law requiring such Person to perform work to correct a contravention of this By-law.
- (ee) “Owner” means the registered owner of the Property.
- (ff) “Parking Garage” means a Structure or part thereof used, designed, and constructed for the storage or parking of more than five (5) Vehicles and which contains no provision for repair, or servicing of such Vehicles.
- (gg) “Person” means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the *Condominium Act*, 1998, S.O. 1998, c.19, as amended, organization, trustee or agent, and the heirs, executors or other legal representatives of a Person to whom the context can apply according to law.
- (hh) “Plumbing Fixture” means a receptacle or equipment that receives or collects water, liquids or Sewage and discharges water, liquid or Sewage directly or indirectly to a drainage system.
- (ii) “Property” means a Building or Structure or part of a Building or Structure, and includes the lands, yards and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, swimming pools, and erections thereon whether heretofore or hereafter erected, and includes vacant property and designated Heritage Property.
- (jj) “Refuse” includes garbage or rubbish of any kind and, without limiting the generality of the foregoing, includes a Vehicle that appears by reason of its appearance, mechanical condition or lack of current licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, disused furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects, and old clothing.

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- (kk) “Repair” or “Repaired” includes the making of additions or alterations or the taking of such action as may be required so that the Property conforms to the Standards established in this By-law.
- (ll) “Sewage” means grey water, any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off.
- (mm) “Standards” means the standards of maintenance, physical condition and occupancy prescribed for Property in this By-law.
- (nn) “Structure” means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure.
- (oo) “Structurally Sound” means construction capable of withstanding the forces acting thereon when the Building or Structure is loaded in accordance with the provisions of the *Ontario Building Code* and having a factor of safety equivalent to that required by the *Ontario Building Code*.
- (pp) “Unoccupied Building” means any Building or Structure which is or appears, at the discretion of an Officer, to be abandoned, vacant, partially vacant, or unoccupied.
- (qq) “Unsafe Condition” means any condition that is likely to cause risk to the life, limb or health of any Person on or about the Property.
- (rr) “Vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle, or any other mechanical power driven equipment.
- (ss) “Waste Material” means any garbage, Refuse, rubbish, debris, litter, or waste, which includes any article, thing, matter or effluent that appears to have been cast aside, discarded or abandoned, or that is or appears to be worthless, useless or of no practical value, or that is or appears to be expended, worn out, or used up, in whole or in part, and without limiting the generality of the foregoing, includes:
- (i) refrigerators, freezers or other appliances;
 - (ii) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks, or any part thereof;
 - (iii) Inoperable Vehicles, Vehicle parts and accessories;

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- (iv) paper, cartons;
 - (v) furniture;
 - (vi) crockery;
 - (vii) Sewage;
 - (viii) salvage materials;
 - (ix) piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 - (x) containers of any size, any type or any composition;
 - (xi) material resulting from, or as part of, construction or demolition projects;
 - (xii) rubble, inert fill; yard waste, wood, branches and logs;
 - (xiii) bones, feathers or hides; and
 - (xiv) metal.

3. **Scope**

This By-law shall apply to all Property in the City save and except Property owned by the City, a local school board, or the Regional Municipality of Durham and any other upper tier Municipality.

4. **Interpretation**

When reading and interpreting this By-law:

- (a) unless otherwise specified, references in this By-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections, clauses and schedules in this By-law;
- (b) references in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted;

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- (c) this By-law shall be read with all changes in gender or number as the context requires;
 - (d) references in this By-law to items in the plural include the singular, and references to the singular include the plural, as applicable; and
 - (e) the words “include”, “includes” or “including” are not to be read or interpreted as limiting the words, phrases or descriptions that follow them.

5. Severability

Each and every one of the provisions of this By-law is severable and if any provision of this By-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions hereof shall remain in full force and effect.

6. Owner's Expense

Every provision of this By-law by which an Owner is obligated in any way, shall be deemed to include the words “at the expense of the Owner and at no expense to the City” unless the context requires otherwise.

7. Conflict

The provisions of this By-law and of the *Building Code Act* and the *Ontario Building Code* apply to all Property within the City, and any amendments to the *Building Code Act* or the *Ontario Building Code* apply to this By-law, which is written pursuant to the provisions in that legislation.

8. Compliance with Other Laws

Where a provision of this By-law conflicts with a provision of any other By-law, statute or regulation in force, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall be applicable.

9.. General Maintenance, Repair and Occupancy Standards for all Properties

- (a) No person, being the Owner or Occupant of a Property, shall fail to maintain the Property in conformity with the Standards required in this By-law.

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- (b) No person, being the Owner or Occupant of a Property, shall use, occupy, or allow, acquiesce or permit the use or occupation of the Property, unless such Property conforms to the Standards prescribed in this By-law.
- (c) The Owner of any Property which does not conform to the Standards in this By-law shall Repair and maintain the Property to conform to the Standards or shall clear the Property of all Buildings, Structures, Refuse or Waste Material and shall leave the Property in a graded and levelled condition.
- (d) Notwithstanding Section 9(c), in the case of Buildings and Structures located on Heritage Properties, no Owner shall alter, demolish or relocate the Heritage Property or Heritage Attributes, if the alteration, demolition or relocation is likely to affect the Property's Heritage Attributes, unless the Owner has obtained a building permit with Heritage Approval or other form of written consent from the City in accordance with the *Ontario Heritage Act*.
- (e) In the case of a Heritage Property, alternative measures to those prescribed in this By-law may be considered when the By-law requirements may be impractical and detrimental to the preservation of any Heritage Attributes. Said alternative measures shall be approved by the City.
- (f) No Person to whom an Order is issued pursuant to this By-law, shall fail to comply with the Order.
- (g) No Owner of any Property, having received an Order to demolish respecting a Property pursuant to this By-law, shall fail to comply with the Order.
- (h) This By-law does not apply to matters, which, in the opinion of the City, are minor in nature.
- (i) Where, in the opinion of an Officer, there has been no substantial progress on the construction or demolition of a Building, Structure, or portion thereof for a period of more than one (1) year, such Building, Structure, or portion thereof shall be:
- (a) demolished in accordance with all applicable statues, regulations and by-laws, or;

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- (b) completed within a reasonable time as specified by the Officer, in accordance with applicable statutes, regulations and by-laws, including this By-law.
 - (c) A statement certified by the Chief Building Official or an Officer that a permit issued under the *Building Code Act* was revoked under clause 8(10)(c) of the *Building Code Act* is receivable in evidence as proof, in the absence of evidence to the contrary, that there has been no substantial progress on the construction or demolition of the Building, Structure, or portion thereof that was the subject of the permit, for a period of more than one (1) year.
 - (j) Whenever landscaping, parking areas, walkways, steps, hedges, trees, fences, curbs, or similar changes to Property have been required by the City as a condition of development or redevelopment, and are listed on the most current site plan filed and approved by the City, such works shall be undertaken and maintained so as to ensure continuous compliance with the City site plan requirements.
 - (k) This By-law does not apply so as to prevent a farm from carrying out a normal farm practice as provided for and defined under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, as amended.

10. **Work Standards**

All Repairs and maintenance of Property required by the provisions of this By-law shall be carried out in a manner accepted as the applicable standard of good workmanship in the trades concerned and with materials suitable and sufficient for the purpose intended and carried out in accordance with the industry specifications and requirements. This includes a requirement for materials to be reasonably compatible in design and colour with adjoining decorative finishing materials.

Exterior Standards

Maintenance of Property

- 11. (a) All Properties shall be kept clean and free of Refuse and Waste Material, and free from objects or conditions that may create an Unsafe Condition.
 - (b) All properties shall be kept free of any conditions which may directly or indirectly cause damage to any Municipal or Regional infrastructure.
12. All Properties shall be free of Dilapidated or collapsed Structures.

13. All Properties shall be kept clean and free from termites, wood eating insects, rodents, vermin and other pests and any condition which might result in the harbouring of such pests.
14. All Properties, except those used in connection with active agricultural operations, shall be protected by Ground Cover which prevents erosion of the soil.
15. Plants, vegetation and grass shall be kept trimmed or maintained so as not to become a Nuisance. Heavy undergrowth and Noxious Weeds shall be controlled.
16. Hedges, trees or other plantings shall be maintained in a living condition, and shall be removed within a reasonable time after their death.
17. A tree that is dead, or part of a tree that is dead, or in a decayed or damaged condition and has been identified by a qualified arborist as a potential hazard to Persons or Property shall be removed as soon as possible.
18. Residential Properties may have a maximum of two compost heaps, located in the rear yard, setback a minimum of 1m from the Property line, and not exceeding 1 square metre in area, no higher than 1.2 metres and kept on a Property in an enclosed structure of concrete blocks, lumber, metal or a commercial plastic compost container which does not allow offensive odours to effect the surrounding neighbourhood or attract rodents, vermin, pests or other animals to the Property.

Accessory Buildings and Structures

19. An Accessory Building or Structure shall be maintained in Good Repair and free from objects or conditions that may create an Unsafe Condition.

Craneways, Gantries, Lightning Arrestors, Television and Radio Antennae and Structures of Similar Character

20. Craneways, gantries, lightning arrestors, television and radio antennae, masts and structures of similar character shall be kept in Good Repair and free from objects or conditions that may create an Unsafe Condition.

Retaining Walls

21. All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in Good Repair and Structurally Sound condition.

Wells, Cisterns, Cesspools, or Excavations

22. (a) Abandoned or unused wells, cisterns, cesspools, and every excavation, hole, trench, or ditch that presents a hazard to the health or safety of any Person, shall be filled with fill material suitable for the purposes of eliminating the hazard and made level with the surrounding grade, or if in active use, secured by fencing and identified with warning signs until the use has ceased, whereupon it shall be sealed or secured as required.
- (b) All wells shall be capped with a structurally secure material such as concrete or similar material and shall be maintained in Good Repair.

Parking, Walkways and Driveways

23. All Hard Surfaced walkways, parking areas, Driveways or laneways shall be evenly graded and maintained to prevent holes, deep ruts, ponding, an unsightly appearance and allow safe passage under normal use and weather conditions.

Garbage Receptacles

24. Commercial, industrial, institutional and multi-residential Properties with external garbage and recycling storage areas, including areas located within a Building, shall be enclosed by a Refuse enclosure approved by the City, as required per site plan.
25. Every Owner shall provide and maintain sufficient garbage receptacles to contain all garbage, Refuse, recyclable materials and waste that may accumulate on the Property between regular collection days and must store receptacles in a side yard, rear yard, or in an enclosed structure.
26. Garbage Receptacles shall be made of metal or plastic or other material of water tight construction, provided with a tight fitting cover, maintained in Good Repair and shall be kept closed, or emptied rinsed and cleaned when not in use to prevent the escape of offensive odours.
26. Garbage and rubbish shall not be allowed to accumulate and shall be removed or made available for removal in accordance with applicable waste collection by-laws.
27. Where commercial, industrial, or multi-residential on-site garbage containers are visible from a public street or land, or residential Properties, the areas shall be screened from public view.
28. Plastic garbage bags shall not be stored outdoors, except in accordance with the placement of Refuse in plastic bags for collection at the curbside during the times and days permitted in the applicable waste collection by-law.

Swimming Pools

29. All swimming pools, above ground and inground, wading pools, and artificial ponds, and any equipment, accessories or parts thereof, shall be maintained in Good Repair, free from leaks, mechanical or structural issues, or any other defects.
30. Derelict or abandoned swimming pools (whether aboveground or inground) shall be drained and removed or filled and the Property left in a graded and leveled condition.

Exterior Equipment

31. All exterior equipment, including air conditioning units, pool and hot tub equipment, heat pumps, generators, etc., must be maintained in Good Repair and operate in accordance with product specifications, including noise limits.

Exterior Lighting

32. Exterior lighting shall be installed and maintained so as to prevent the light source from being intentionally directed into a Dwelling Unit.
33. All fixtures and connections thereto shall be kept in a state of Good Repair.

Vehicles

34. No Vehicle shall be used for the storage of Refuse, Waste Material, inoperable equipment, materials, appliances, or similar items.
35. No dismantled or wrecked Vehicles, including Inoperable Vehicles, trailers, boats or mechanical equipment shall be parked, stored or left on a Property except within a fully enclosed Building or Structure.

Snow Removal

36. All private Property containing multiple occupancy residential Buildings, and all areas of commercial, industrial and institutional Property that the general public has access to shall be maintained as follows:
 - (a) All ramps and access routes leading to garages shall be kept free from ice and snow;
 - (b) Mechanical de-icing equipment for ramps and access routes shall be kept in Good Repair;

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- (c) All walkways, stairways and access routes to and from buildings shall be kept free from ice and snow and hazards at all times; and
 - (d) All exterior parking areas, fire routes, including laneways, shall be kept free from accumulations of ice and snow at all times.

Hoarding

- 37. All hoarding shall be maintained in a Structurally Sound, secure manner, neatly painted or otherwise treated, and kept free of signs and posters unless such signs and posters are authorized by the City.

Lot Grading and Storm Water

- 38. Storm water, including storm water discharged from a roof, shall be drained so as to prevent recurrent standing water, erosion, or other damage on the Property or an adjoining Property.
- 39. Discharge from a sump pump or an air conditioner shall not be permitted to discharge on adjoining Property, a sidewalk, road allowance or stairway.
- 40. No fill shall be allowed to remain in an unleveled state on any Property for longer than 30 days, unless the property is an active construction site for which a building permit is in effect.

Building Exterior

Structural Capacity

- 41. Every part of a Property, Building or Structure, shall be maintained in Good Repair and Structurally Sound condition, so as to be capable of sustaining its own weight, and any additional load to which it may normally be subjected, and to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration.
- 42. Materials forming part of a Building or Structure, which show damage or evidence of decay or other deterioration shall be Repaired or replaced.

Exteriors

- 43. All exterior surfaces, including but not limited to, those that have been painted, stained, varnished, or which are comprised of masonry, metal, cladding or stucco, or have other protective finishes, shall be maintained in Good Repair.
- 44. Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of Refuse and Waste Materials.

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45. In the event of fire, storm damage or other disaster, subject to Section 46, measures shall be taken as soon as possible to restore the damaged Building or Structure to a state of Good Repair.
 46. In the event the Building or Structure cannot be restored to a state of Good Repair, then the Building or Structure shall be demolished and the land shall be cleared of all remains and left in a graded, level and tidy condition.

Roofs and Roof Structures

47. The roof of a Building or Structure shall be kept:
 - (a) in Good Repair;
 - (b) free from any Unsafe Condition; and
 - (c) free from hazardous accumulations of ice and snow.
48. The following shall be kept in Good Repair and free from any Unsafe Condition:
 - (a) roof decks, soffits, fascia and related Guards;
 - (b) every eavestrough, roof gutter and downpipe;
 - (c) chimneys, smoke or vent stacks; and
 - (d) other roof Structures.

Exterior Walls, Columns and Beams

49. The exterior wall of a Building or Structure shall be kept:
 - (a) in Good Repair; and
 - (b) free from any Unsafe Condition.
50. Exterior columns, beams and decorative trim shall be maintained:
 - (a) in Good Repair; and
 - (b) free from any Unsafe Condition.

Exterior Doors, Windows and Other Openings

51. Rotted or damaged doors, door frames, window frames, weather-stripping, sashes and casing, trim, broken glass and missing or defective door and window screens or hardware shall be Repaired or replaced.

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52. Exterior windows, shutters, doors, skylights, hatchways and all other exterior openings in a Building or Structure shall be kept in Good Repair and free from any Unsafe Condition.

Exterior stairs, Verandahs, Porches, Decks, Loading Docks and Balconies

53. Every exterior stair, verandah, porch, canopy, deck, loading dock, balcony and every appurtenance attached thereto, including Guards, railings and supporting structural members, shall be kept in Good Repair and free from any Unsafe Condition.
54. Every exterior stair, verandah, porch, deck, ramp, or balcony shall be kept free of Refuse, Waste Materials, furniture or appliances, except for outdoor furniture on an exterior balcony, verandah, porch or deck.
55. All decks, exterior stairs, verandahs, porches, balconies, loading docks, or platforms, where there is a difference in elevation between adjacent levels of 600mm or more, shall be protected by a Guard, fence or railing in accordance with the *Building Code Act*.

Foundation

56. Every foundation forming a part of a Building or Structure shall be kept in Good Repair so as to prevent settlement detrimental to the safety or the appearance of the Building or Structure and so as to prevent the entrance of moisture, insects or rodents into the Building or Structure.

Sewage and Drainage

57. Inadequately treated Sewage shall not be discharged onto the surface of the ground, or into a natural or an artificial drainage system.
58. Rain water downspouts and eavestroughs shall not be discharged directly onto sidewalks, stairs or any adjacent Property.
59. Storm water shall be drained from the Property so as to prevent:
- (a) the collection of stagnant water; and
 - (b) its entrance into a basement or cellar.

Building Interior

Unoccupied Buildings

60. In addition to complying with all other applicable provisions of this By-law, where any Building is an Unoccupied Building, the owner shall protect the Building against the risk of fire, storm, neglect, intentional damage, accident, or other danger/damage by preventing the entrance of the elements, unauthorized Persons or the infestation of injurious insects or rodents, to the satisfaction of the Officer.
61. (a) Where a Building remains an Unoccupied Building or vacant, the Owner shall ensure that all utilities servicing the Building are properly disconnected or otherwise secured, to prevent accidental damage to the Building or adjacent Property.
- (b) Section 61(a) of this By-law does not apply where utilities are necessary for the safety or security of the Building or to protect a Heritage Property or Heritage Attribute.
62. Where the minimum Standards imposed by Section 60 of this By-law have, more than once, failed to exclude unauthorized entry and/or where the Owner's lack of control, attendance or security measures to protect the Unoccupied Building warrant, in the opinion of the Officer, use of a more secure option, then the Owner shall supply such measures, as may be required by the Officer.
63. Where the Building has been boarded up, the Owner shall ensure that the materials used are covered and maintained with a preservative that is the same colour as the exterior finish of the Building.
64. An Unoccupied Building must be inspected at least every 14 days by the Owner or their agent to ensure compliance with the provisions of this By-law.

Parking Garages

65. Parking Garages shall be:
- (a) kept free from any Unsafe Condition and shall be maintained in Good Repair and in accordance with the requirements of the *Ontario Building Code*;
- (b) adequately lighted, with lighting fixtures protected from accidental or malicious damage by the provisions of wire screens or by other suitable means;

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- (c) free from wrecked, discarded or abandoned machinery, boats, Vehicles, trailers or parts thereof;
 - (d) maintained so as to prevent the accumulation of toxic fumes and the escape of toxic fumes into the Building; and
 - (e) provided with clean, clear, unobstructed Means of Egress and readily visible exit signs.

Health and Occupancy

- 66. A Building shall be kept free of rodents and vermin at all times and methods for exterminating rodents or vermin or both shall be in accordance with all applicable legislation, including any City By-laws.
- 67. Interior floors, ceilings and hallways shall be kept free from dampness by means of floor drains, ventilation or other approved means.
- 68. Every Habitable Room shall have a minimum ceiling height in accordance with the *Ontario Building Code*.
- 69. A Building used for human habitation shall be insulated to minimize heat loss, air filtration, and moisture condensation on interior surfaces of walls, ceilings and floors as required by the *Ontario Building Code*.

Demolition

- 70. No Owner shall permit a Building, Accessory Building, fence or Structure on the Property to be demolished without clearing the site of all foundation, Waste Material, masonry, lumber and other materials and leaving the property in a graded and leveled condition ready for ground cover forthwith after demolition.
- 71. No Owner shall permit any foundation, Waste Material, masonry or lumber to remain on the Property, on which a Building, fence or Structure has been destroyed by fire or demolished.
- 72. No Person shall demolish, or cause to be demolished, a Building or Structure without taking every precaution to protect adjoining Properties and members of the public. For the purpose of this Section, such precautions shall include, but are not limited to, the erection of fences, barricades, covered walkways for pedestrians and all other means of protection necessary for the purpose.
- 73. Building permits and other municipal approvals may be required for any demolition.

Means of Egress

74. Every Building shall provide a safe and direct unobstructed Means of Egress from the interior of such Building to an exit at street or grade level without the necessity of passing through any room(s) occupied by or under the control of any other Person.
75. A Means of Egress as referred to in section 74, shall not pass through an attached garage, a built-in garage, or an enclosed part of any other Building.
76. All safety equipment and lighting relating to exits and Means of Egress shall be kept in Good Repair.
77. Interior and exterior barrier free access equipment for persons with disabilities, where installed or required by the *Ontario Building Code* or as a condition of development or re-development, shall be maintained in a state of Good Repair, operational and suitable for use by persons with disabilities.
78. Exterior stairs and fire escapes shall be maintained in a state of Good Repair and kept free of ice, snow and debris.

Stairs, Porches and Landings

79. Every inside stair and every appurtenance to it shall be Structurally Sound and kept in Good Repair.

Elevators

80. Elevating devices in a Building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in Good Repair and operational.
81. All elevating devices, including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices, shall be installed and maintained in Good Repair, and in compliance with all applicable regulations.

Interior Surfaces including Walls, Floors and Ceilings

82. Exposed interior surfaces shall be kept:
- (a) in Good Repair;
 - (b) clean, for normal use or occupancy of the room, passageway, enclosure or space;

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83. Repairs made to the interior walls, floors and ceiling of a Dwelling shall be completed in a manner consistent with construction industry standards and each Repair is finished to match the existing wall, floor or ceiling.
 84. Common areas of Buildings shall be maintained in Good Repair and kept free of health, fire and accident hazards and defacement.

Doors, Windows and Skylights

85. Interior windows, skylights, doors and door frames and all related hardware shall be kept in Good Repair.
86. Interior doors and door frames, including automatic door closures and all necessary hardware shall be maintained in Good Repair to ensure the proper operation and integrity of the door and the door shall be a proper fit in its frame.
87. Doors connecting Dwelling Units to the exterior or to an entrance or exit shared in common with other Dwelling Units shall have locking devices and other necessary hardware installed and maintained in Good Repair. Access doors shall afford the Occupants of the Dwelling Units with a reasonable degree of privacy and safety and prevent the entry of drafts into the Dwelling Unit.
88. In the common area of a multi-unit Dwelling, missing, cracked and broken glass in door panels, glass screens, and windows are to be replaced with glass or similar materials that are of equivalent quality to the existing materials.
89. In multi-unit Dwellings, interior glazed doors, windows and other transparent surfaces in those parts of the Building used by the tenants in common are to be kept in a reasonably clean condition.
90. In multi-unit Dwellings, every window (or any part thereof) that is located 2 metres or more above the finished grade of land upon which it faces, that is capable of being opened and does not lead to a balcony, shall be equipped with a safety device capable of controlling the free swinging or sliding of an openable part of a window so as to limit any clear unobstructed opening to no more than 10 cm measured either vertically or horizontally where the other dimension is greater than 38 cm.
91. All openable windows and exterior doors shall be provided with the means of being latched or secured from within.
92. All windows in a Dwelling Unit that can be (or are required to be) openable shall be provided with screening to effectively prevent the entry of insects.

Lighting

93. Adequate lighting fixtures shall be installed and maintained in all areas so that activities normally carried out in such areas can be undertaken in safety.
94. Artificial lighting shall be provided and kept in Good Repair in every stairway, exterior exit and entrance doorway, kitchen, basement, laundry room, utility room, hall and passageway, in every room in which Plumbing Fixtures are installed, and in every furnace room and boiler room.

Heating Systems

95. It is the responsibility of the Owner that all heating and mechanical systems, and their components are installed, operational and maintained in Good Repair, unless stated in a lease document.
96. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
97. Every Dwelling Unit shall have heating equipment capable of maintaining a temperature of 20 degrees Celsius or in accordance with the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as amended.
98. No rental residential Dwelling Unit shall be equipped with portable heating equipment as the primary source of heat.
99. A room heater shall be placed so as not to cause any Unsafe Condition.
100. Fireplaces and similar installations used or intended to be used for burning fuels in open fire shall be connected to an approved chimney and shall be installed so that adjacent combustible materials and any structural supports shall not be heated so as to cause any Unsafe Condition.
101. Fuel burning appliances shall:
 - (a) comply with all standards set out in the *Ontario Building Code, Ontario Fire Code, Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, as amended, and any other applicable legislation;
 - (b) have ample air supply to permit combustion to occur;
 - (c) be located in such a manner as to prevent impediment to the free movement of Persons and the overheating of adjacent materials and equipment; and
 - (d) be provided with Guards where necessary to minimize risk of accidents and fire hazards.

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102. Where a heating system, heating equipment or any auxiliary heating units burn solid or liquid fuel, a place or receptacle adequate for the storage of such fuel shall be provided and maintained in an authorized location and shall be constructed and kept free of any Unsafe Condition.
103. An appliance that burns fuel shall be effectively vented to the outside air by means of a chimney, a flue, vent pipe or as otherwise may be permitted by the *Ontario Building Code*, except that such venting is not required for appliances that are designed, constructed and used so as not to require venting.
104. All connections between:
- (a) heating equipment; or
 - (b) cooking equipment that burns or is designed or intended to burn liquid or gaseous fuel, and
 - (c) the source of liquid or gaseous fuel
- shall be kept in Good Repair.
105. Every Dwelling Unit shall be constructed and protected so as to prevent the passage of smoke, fumes and gases from that part of the Dwelling that is not used, designed or intended to be used for human habitation into other parts of the Dwelling in conformance with the requirements of *the Building Code Act* and its regulations.
106. Every chimney, smoke pipe and vent shall be installed and maintained in Good Repair so as to prevent the escape of smoke or gases into the Dwelling and it shall be kept clear of obstructions, without open joints and broken or loose masonry.

Electrical Systems

107. The capacity of the connection to the Building and the system of circuits distributing the electrical supply within the Building shall be adequate for the use and intended use and shall be in compliance with all applicable legislation and regulations.
108. Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be installed and kept in Good Repair and free from any Unsafe Condition. Extension cords shall not be used on a permanent basis.

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109. At the discretion of the Officer, a Building or Structure may be subject to a general inspection by the Electrical Safety Authority and inspection fees shall be paid by the Owner. Furthermore, at the discretion of the Officer, a Certificate of Inspection from the Electrical Safety Authority shall be provided to the Officer in order to confirm that works and Repairs have been completed per the *Electrical Safety Code* and/or any other relevant legislation.

Water Supply

110. Every Building shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health, in accordance with the appropriate provincial legislation applicable to its commercial, industrial, institutional or residential use.
111. Adequate running water shall be supplied to every toilet and sanitary unit.

Plumbing and Fixtures

112. All plumbing, Plumbing Fixtures and drainage and sewage disposal systems shall be installed and kept:
- (a) in accordance with the requirements of the *Building Code Act* and its regulations;
 - (b) without cross connections to the potable water supply and to prevent cross contamination;
 - (c) protected from freezing;
 - (d) provided with an adequate supply of running water; and
 - (e) in Good Repair.
113. Toilet rooms shall be located and enclosed so as to provide both accessibility and privacy.
114. Toilet rooms shall be regularly cleaned so as to be maintained in a clean and sanitary condition.
115. Bathrooms and toilet rooms shall be kept in Good Repair and in a sanitary condition.

Ventilation

116. Ventilation shall be provided to, and maintained and operated in all rooms and spaces within a Building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours, and other contaminants which may create a fire, explosion, toxic hazard or Unsafe Condition.

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117. Every Bathroom or toilet room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through moveable parts of the skylights providing a minimum aggregate unobstructed free flow area of 0.3 square metres, provided, however, that an opening for natural ventilation may be omitted where a system of mechanical ventilation has been provided, such as an electric fan with a duct leading to outside the Building which operates continuously or is activated by the light switch for the Bathroom or toilet room, or by other approved means.
118. Where an aperture such as a window, skylight or louvre is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open or closed.
119. Every attic, Basement, cellar and unheated crawl space shall be adequately vented to the outside air. These areas shall be deemed to be adequately vented when in a Basement or cellar, windows which can be opened or screened openings are provided.
120. Every mechanical ventilation system or air conditioning shall be cleaned regularly and maintained in Good Repair.
121. Air conditioning shall be equipped with adequate devices to prohibit condensation drainage onto entranceways, sidewalks or pathways.
122. Where a ventilation system is installed, it shall be maintained so as to prevent, in an emergency, the rapid spread of heat, flame or smoke through the system.
123. Air for ventilation purposes shall be taken from the exterior of the Building or shall be quality controlled.
124. When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:
- (a) mesh screening, metal grills, or other equivalent durable rust proof material, or
 - (b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.
125. Air intake openings shall be located so as to minimize the possibility of fire, smoke, fumes or foreign matter being drawn into the Building and shall provide air from an uncontaminated source.
126. Exhaust openings shall be located so that the exhaust air will not create an Unsafe Condition.

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127. Exhaust air, the contents of which may contain odours, fumes or vapours, shall not be circulated to other occupied spaces within a Building or Accessory Building.
128. Within a multi-unit Dwelling, every laundry room, garbage room, corridor, boiler room, storage garage and all common areas of a Building shall be adequately ventilated by mechanical or natural means.

Residential Properties - Additional Standards

Maintenance of Yards

129. Any Vehicles, including a trailer or boat, or mechanical equipment, which is in a wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left in a yard of a Property.
130. There shall be a surfaced pedestrian walkway with a minimum width of 1.2 metres leading from every dwelling unit to the street. A surfaced Driveway in excess of 2.5 metres in width may form part of the walkway.

Egress

131. Every Dwelling Unit shall have direct primary access to a safe, continuous and unobstructed exit from the interior of the Building to its exterior at street or grade level.
132. The direct access referred to in section 131 shall not pass through any other Dwelling Unit.
133. All doors located along the access route referred to in section 131 shall be constructed so as to be readily opened, without the use of a key, preferably in the direction of exit travel.

Plumbing Fixtures

134. Every Dwelling Unit shall contain Plumbing Fixtures consisting of at least:
- (a) a toilet;
 - (b) a kitchen sink;
 - (c) a wash basin; and
 - (d) a bathtub or shower.

Kitchen Facilities

135. Every Dwelling Unit shall contain a kitchen area equipped with the following:

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- (a) a kitchen sink serviced with hot and cold potable running water, connected to a drainage system, and surrounded by surfaces impervious to grease and water;
 - (b) a counter or work area of at least .55m in depth and at least 1.8 m in length (inclusive of the sink) and covered with a material that is impervious to water and grease and is easily cleanable;
 - (c) suitable storage area of not less than 0.23 m³ (8 cubic feet) of which there shall be at least 1.0 m (3 feet) in width of cabinet front, of sufficient strength that they will not collapse, tip or, if fastened to the wall, become detached when filled; and
 - (d) cooking and refrigeration appliances (including suitable electrical or gas connections thereto) when supplied by the landlord.
136. Any cooking apparatus shall have at least 0.6 metres clear space above any exposed cooking surface.
137. All kitchen countertops, cabinets and appliances shall be maintained in Good Repair.

Bathrooms and Toilet Rooms

138. All Bathrooms and toilet rooms shall be located within, and accessible from, inside the Building.
139. All Bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
140. The floor and the walls, to a minimum height of 0.9 m above the floor or bathtub of every bath or shower room and toilet room shall be water-resistant and readily cleaned.
141. Every Bathroom or toilet room shall have a permanently installed working artificial light fixture.
142. Every sink, wash basin, bathtub or shower shall have an adequate supply of hot and cold running water.

Security

143. Doors which allow access to or egress from a Dwelling Unit shall be equipped with a lock that complies with the *Ontario Building Code* and *Fire Code*, and is maintained in Good Repair.

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144. In multiple occupancy Buildings, doors connecting Dwelling Units to an entrance or exit system shared in common with other Dwelling Units shall have locking devices in Good Repair. Access doors, as above, shall afford the occupants of the Dwelling Unit with a reasonable degree of privacy and safety.
 145. All windows in Dwelling Units contained in multiple occupancy Buildings shall be screened, and latched or secured in order to prevent their removal or opening by small children.
 146. Exterior security locking and release, and voice communication systems, when provided, shall be maintained in Good Repair.

Non-Residential Properties - Additional Standards

Maintenance of Yards

147. No Vehicles, trailers, boats or mechanical equipment which is in a wrecked, discarded, dismantled or abandoned condition shall be parked, stored or left in a yard of a Property unless such Vehicle, trailer or mechanical equipment is required for a lawful business purpose.
148. Where a lawful business requires outdoor storage for any purpose, and such outdoor storage is permitted, the area shall be defined and enclosed with a fence according to the requirements of the site plan and applicable by-laws of the City.
149. All outdoor salvage yards shall be obscured by screening. Such screening shall be of uniform construction and meet the requirements of the site plan and applicable by-laws of the City.

Heating Systems

150. A heating system shall be provided in a non-residential Building, kept in Good Repair and free from any Unsafe Condition.
151. In non-residential Buildings where Persons are employed in duties and operations in an enclosed space or room, a heating system shall be provided capable of maintaining, during normal hours of occupancy sufficient heat to maintain an average room temperature between 20°C and 26°C.

Ventilation

152. Sufficient ventilation shall be provided to all parts of a Building so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create an Unsafe Condition.

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153. If mechanical ventilation is provided it shall change the air at least once each hour and, if necessary, more frequently.

Toilet Room Facilities

154. Buildings where people work shall have toilet rooms supplied with hot and cold running water in accordance with the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, as amended, located in an enclosed room or rooms that are conveniently accessible to employees.
155. Each toilet room shall be provided with toilet paper, soap, individual paper towels or other means of drying, and suitable deodorizing material.
156. All toilet rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the Persons using such.

Heritage Properties And Heritage Attributes

Maintenance of Heritage Properties and Heritage Attributes

157. In addition to the Standards as set out in this By-law, the Standards listed in this Section shall apply to the maintenance and security of all Buildings and Structures of a Heritage Property.
158. The Owner of a Heritage Property shall:
- (a) maintain, preserve and protect the Heritage Attributes so as to retain the heritage character, and the visual and structural heritage integrity of said Heritage Property; and
 - (b) maintain the Heritage Property, including those components of the Heritage Property that hold up, support or protect the Heritage Attributes in a manner that will ensure the on-going protection and preservation of the existing Heritage Attributes.

Alterations of Heritage Attributes

159. Notwithstanding any other provision of this By-law, in the case of Buildings and Structures of a Heritage Property, no Person shall alter the Heritage Property or permit the alteration of the Heritage Property if the alteration is likely to affect the Property's Heritage Attributes, unless the Owner has obtained a building permit with Heritage Approval or other form of written consent from the City in accordance with the *Ontario Heritage Act*.

Repair and Replacement of Heritage Attributes

160. Notwithstanding any other provision of this By-law, where a Heritage Attribute can be Repaired, the Heritage Attribute shall not be replaced. Said Repair shall be conducted, following approval by the City:
- (a) in a manner that minimizes damage to the Heritage Attribute and is consistent with recognized conservation standards, best practices and processes for the conservation of built heritage resources;
 - (b) in a manner that maintains the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attribute; and
 - (c) using the same types of material as the original material being Repaired and in keeping with the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material. Where the same types of material as the original material are no longer available, alternative materials may be used, subject to review and approval by the City, so long as said materials replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material.
161. Notwithstanding any other provision of this By-law, and subject to all provisions of the *Ontario Heritage Act* and the *Building Code Act*, no Heritage Attribute shall be replaced unless it can be demonstrated, to the satisfaction of the City, that the Heritage Attribute cannot be Repaired. Said replacement shall be conducted using the same types of material as the original material in a manner that replicates the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the Heritage Attribute being replaced to the satisfaction of the City. Where the same types of materials as the original material are no longer available, alternative or substitute materials and finishes may be used, subject to review and approval by the City, so long as said materials replicate the design, finishes, form, physical appearance, colour, texture, grain and other distinctive features and qualities of the original material.

Unsafe

162. Where a Building or Structure of a Heritage Property has been deemed to be in an Unsafe Condition by the City and the necessary remedial measures to address the Unsafe Condition of the Building or Structure are being undertaken, the Owner shall ensure that all necessary measures are taken to protect all Heritage Attributes on the Heritage Property and prevent damage or further damage to said Heritage Attributes.

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163. If, in the opinion of the Officer, there is doubt as to the structural condition and adequacy of a Building or Structure or parts thereof of a Heritage Property, the Officer may order that such Building or Structure or parts thereof be examined by both a Professional Engineer and a member of the Canadian Association of Heritage Professionals, at the expense of the Owner. The professionals shall be employed by the Owner or authorized agent. The professionals shall complete and submit written report(s) to the Officer, which shall include details of the findings of such examination and drawings for any recommended remedial work. All recommended remedial work shall be undertaken under a building permit to the satisfaction of the City.

Demolition

164. Notwithstanding any other provision of this By-law, no Building or Structure of a Heritage Property may be altered or cleared, including, but not limited to, removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*, under the provisions of the *Ontario Building Code*, and to the satisfaction of the City.
165. Upon completion of demolitions and removals of any Building or Structure of a Heritage Property in accordance with Section 164, the affected site shall be cleared and cleaned of debris, graded, left free from holes or excavations, and provided and maintained with suitable Ground Cover to the satisfaction of the City.

Conflict

166. Notwithstanding any other provision of this By-law, if there is a conflict between:
- (a) the *Ontario Heritage Act* and the *Ontario Building Code*, the Act which has the highest standard for the protection of Heritage Attributes shall prevail; and
 - (b) a provision of this By-law and any other provision in this By-law or other City by-law, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

Administration And Enforcement

Administration

167. This By-law, and the applicable provisions of the *Building Code Act*, shall be administered and enforced by an Officer.

General Provisions

168. No Person shall obstruct the visibility of an Order and no Person shall remove a copy of an Order posted on the Property under this By-law unless authorized to do so by an Officer.
169. Where a provision of this By-law conflicts with a provision of any other by-law of the City or any applicable statute or regulation, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall prevail.
170. No Person shall hinder or obstruct or attempt to hinder or obstruct, an Officer conducting an inspection or a Person performing corrective works under this By-law.
171. 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 requested information.
172. Any cost incurred by the City in exercising its authority to inspect under sections 173 to 175 including but not limited to the cost of any examination, test, and sample or photography necessary for the purpose of the inspection, shall be paid by the Owner of the Property.

Power of Entry and Inspections

173. Pursuant to the *Building Code Act*, an Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant for the purpose of inspecting a Property to determine:
- (a) whether the Property conforms to the Standards prescribed in this By-law;
 - (b) whether an Order made under this By-law has been complied with;
 - (c) whether an Order made under Section 15.7 of the *Building Code Act*, as amended, has been complied with; and
 - (d) to complete work required in an Order, accompanied by any Persons necessary to complete the work.
174. An Officer shall not enter inside a Dwelling unless:
- (a) the consent of the Occupant is obtained, the Occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act*;
 - (b) a warrant issued under the *Building Code Act* is obtained;

- (c) the delay necessary to obtain a warrant or the consent of the Occupant would result in an immediate danger to the health or safety of any Person; or
- (d) the entry is necessary to terminate a danger under Section 15.7(3) of the *Building Code Act*.

175. For the purpose of an inspection, an Officer may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification;
- (d) be accompanied by a Person who has special or expert knowledge in relation to a Property or part thereof;
- (e) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection; and
- (f) order the Owner of the Property to take and supply at the Owner's expense such tests and samples as are specified.

Orders

176. An Officer who finds that a Property does not conform with any of the Standards prescribed herein, may make an Order,

- (a) stating the municipal address or the legal description of such Property;
- (b) giving reasonable particulars of the Repairs to be made, prohibiting occupancy and/or or stating that the Property 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 City 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

177. The 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.
178. An Order may be served personally or 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.
179. If an Order is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

Appeals of Orders

180. When the Owner is not satisfied with the terms or conditions of the Order, the Owner may appeal to the Committee, by sending notice of appeal and paying the applicable appeal fee as set out in the General Municipal Fees and Charges Bylaw, in person or by registered mail to the secretary of the Committee within fourteen (14) days after service of the Order and, in the event that no appeal is taken, the Order shall be deemed to be confirmed.
181. The secretary of the Committee, upon receipt of the notice of appeal shall:
- (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days from the date of receipt of the aforesaid notice; and
 - (b) give notice in writing of the date, place and time of the hearing to:
 - (i) the appellant;
 - (ii) the Officer who issued the Order; and
 - (iii) any other Person as the Committee considers advisable.
182. The Committee shall:
- (a) hear the appeal at the date, place and time set out in the notice; and
 - (b) have all the powers and functions of the Officer who made the Order.
183. The Committee may:
- (a) confirm the Order;

- (b) modify or rescind the Order; or
 - (c) extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this By-law and of the Official Plan of the City are maintained.
184. The Committee shall give its decision in writing and an amended Order will be prepared if required.

Property Review Committee

185. There shall be appointed by the Council of the City a Committee composed of five (5) members, who shall each be appointed in conjunction with the term of Council.
186. The Committee shall elect a Chairperson and any member of the Committee may hold this position. When the Chairperson is absent through illness or otherwise, the Committee may appoint another member as acting Chairperson.
187. In the event of a vacancy in the membership in the Committee, Council shall forthwith fill the vacancy by appointment of another eligible person to sit for the unexpired portion of the term.
188. Two (2) members of the Committee constitute a quorum.
189. The members of the Committee shall be paid such compensation as Council, by by-law, may provide.

Failure to Comply with an Order

190. If an Order of an Officer is not complied with, as confirmed or modified by the Committee or any court, the Owner is in breach of this By-law and the City, in addition to all other remedies:
- (a) shall have the right to demolish or Repair the Property in accordance with the terms of the Order and for such purpose shall have the right, through its employees, agents or sub-contractors to enter in and upon the Property;
 - (b) shall not be liable to compensate the Owner, or any other Persons making a claim for compensation related to the Property, by reason of any action taken by or on behalf of the City under the provisions of this By-law;
 - (c) shall have a lien on the Property for the cost incurred from the renovation, Repair or demolition under this Section and the amount shall be deemed to be municipal real property taxes and may be added to the tax roll and

collected in the same manner and with the same priorities as municipal real property taxes; and

- (d) may register the Order on title to the Property and, upon such registration, any Person acquiring any interest in the Property subsequent to the registration of the Order shall be deemed to have been served with the Order on the date on which the Order was originally served and, when the requirements of the Order are found to have been satisfied, the City 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. The Owner shall be responsible for paying any applicable fees for said registrations pursuant to the City's current Fees and Charges By-law.
- (e) Every Owner or Occupant, who has failed to comply with a confirmed Order made under this By-law, shall pay the fees set out in the General Municipal Fees and Charges By-law for each inspection required to determine if the contraventions have been remedied.

Emergency Orders

- 191. If upon inspection of a Property the Officer is satisfied that there is non-conformity with the Standards herein to such extent as to pose an immediate danger to the health or safety of any Person, the Officer may make an Order containing particulars of the non-conformity and require remedial Repairs or other work to be carried out immediately to terminate the danger.
- 192. The Order shall be served on the Owner of the Property and such other Persons affected thereby as the Officer determines and a copy shall be posted on the Property.
- 193. After making an Order under Section 191 of this By-law, the Officer may, either before or after the Order is served, take any measures necessary to terminate the danger and, for this purpose, the City may through its employees or agents, at any time enter the Property in respect of which the Order was made without a warrant.
- 194. The City, or a Person acting on its behalf, is not liable to compensate the Owner, Occupant or any other Person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers.
- 195. As soon as practicable, the Officer shall apply to a Judge of the Ontario Superior Court of Justice for an order confirming the Order made under Section 191 of this By-law and the Court shall hold a hearing for that purpose.
- 196. The Court in disposing of the application under Section 195 of this By-law shall:

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- (a) Confirm, modify or rescind the Order; and
 - (b) Determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part, or not at all.

197. The disposition under Section 196 of this By-law is final.
198. The amount determined by a Court to be recoverable shall be a lien on the Property and shall be deemed to be municipal real property taxes and may be added to the tax roll and collected in the same manner and with the same priorities as municipal real property taxes.

Certificate of Compliance

199. Every Owner may make an application to the City for a Certificate of Compliance by submitting a written request.
200. Following an inspection confirming the Standards established in this By-law have been met, the Owner shall pay the applicable fee as outlined in the City's Fees and Charges By-law.

Penalty for Non-Compliance

201. Every Person who uses or occupies, or permits the use or occupancy of any Property that does not conform to the Standards of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00 for the first offence and to a fine of not more than \$50,000.00 for a subsequent offence.
202. A corporation who uses or occupies, or permits the use or occupancy of any Property that does not conform to the Standards of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.00 for the first offence and to a fine of not more than \$100,000.00 for a subsequent offence.
203. For the purposes of Sections 201 and 202 of this By-law, an offence is a subsequent offence if there has been a previous conviction under this By-law.
204. Every Person who fails to comply with an Order under this bylaw is guilty of an offence and on conviction, in addition to the penalties mentioned in Sections 201 and 202 of this By-law, is liable to a fine of not more than \$10,000.00 per day for every day the offence continues after the time given for complying with the Order has expired.
205. If a conviction is entered, in addition to any other remedy and to any penalty imposed by this Bylaw, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the

continuation or repetition of the offence by the Person convicted on the same Property.

Transition

206. After the date of passing of this By-law, By-law Number 5943/02 applies only to Properties in respect of which an Order has been issued prior to the date of passing of this By-law, and then only to such Properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and Repair by the City, has been concluded.

Repeal

207. By-law Number 5943/02 is hereby repealed.

Force and Effect

208. That this By-law shall come into force and effect on the date it is passed.

By-law passed this 13th day of December, 2021.

Original Signed By:

David Ryan, Mayor

Original Signed By:

Susan Cassel, City Clerk