

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2016-112

Consolidated on April 2, 2019

Passed by Council on May 24, 2016

Amendments:

- | | | | |
|----|-----------------|-------------------|--|
| 1) | By-law 2016-209 | November 22, 2016 | Sections 1.01, 3.37, 3.37(1) and 11.02 |
| 2) | By-law 2019-044 | March 26, 2019 | Section 2.01, 2.02 and 2.03 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2016-112

A By-Law To Regulate and Govern The Standards For Maintaining And Occupying Property Within Kawartha Lakes.

Recitals

1. Subsection 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23 authorizes the passing of a By-law for prescribing standards for the maintenance and occupancy of property.
2. The Council considers it necessary to pass a By-law for prescribing standards for the maintenance and occupancy of property within the City, for prohibiting the occupancy or use of property that does not conform to the standards, and for requiring property that does not conform with the standards to be repaired and maintained (or for the site to be cleared of all Buildings, structures, debris or refuse and left in a graded and leveled condition).
3. The City has an Official Plan which includes provisions relating to property standards.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-112.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law:

- (a) **“Acceptable”** means acceptable in the opinion of the Property Standards Officer.
- (b) **“Accessory Building”** means a subordinate, detached Building designed or intended for the better or more convenient use of the main Building to which it is accessory, including private garages not attached in any way to the main Building and located upon the lot which such main Building is, or is intended to be erected.
- (c) (i) **“Adequate”** when applied to lighting in halls, corridors, stairs or landings, means sufficient light to provide an average level of illumination of at least thirty-two (32) lux (equivalent to three (3) foot candles) at floor or tread level.

(ii) **“Adequate and Suitable”** heat means a minimum air temperature within a Dwelling Unit of twenty (21°) degrees Celsius (equivalent to sixty-eight (68°) degrees Fahrenheit).

- (iii) An **“Adequate and Suitable”** supply of hot water is one at the ordinary temperature of at least forty-nine (49°) degrees Celsius (equivalent to one hundred twenty (120°) degrees Fahrenheit) in a quantity of at least one hundred sixty five (165) litres (equivalent to thirty-six (36) gallons) for fifteen (15) minutes with a minimum recovery rate of forty-five (45) litres (equivalent to ten (10) gallons) per hour at the above mentioned temperature.
- (iv) An **“Adequate and Suitable”** supply of water means a continuous and uninterrupted supply of potable water of sufficient quantity for 91)normal use of kitchen, laundry and bathroom facilities.
- (d) **“Basement”** means a storey or storeys of a building located below the first storey.
- (e) **“Building”** includes:
- (i) a structure occupying an area greater than ten (10) square metres (equivalent to 108 square feet) consisting of a wall, roof and floor or any of them or a structural system serving that function, including all plumbing, works, fixtures and service systems appurtenant to it;
 - (ii) a structure occupying an area of ten (10) square metres (equivalent to 108 square feet) or less, that contains plumbing, including the plumbing appurtenant to it;
 - (iii) any structure designated in the Ontario Building Code as a “building”.
- (f) **“By-law”** means this by-law, as it may be amended from time to time, including its recitals and any schedules, which are considered integral parts of the By-law.
- (g) **“Cellar”** means the Storey, or portions of Storeys, of a Building in which one-half or more of the height of such Storey, or portions of Storeys, from the floor to the ceiling, is below the average level of the ground adjoining the Storey or portion of a Storey.
- (h) **“Chief Building Official”** means a chief building official appointed or constituted under the Building Code Act, 1992, S.O. 1992, c.23, as amended, as adopted for this by-law.
- (i) **“City”, “City of Kawartha Lakes” or “Kawartha Lakes** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.
- (j) **“Clean and Sanitary”** means Clean and Sanitary to the satisfaction of the Property Standards Officer.
- (k) **“Committee”** means the Property Standards Committee established pursuant to Section 2.00 of this By-law.
- (l) **“Construct”** means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and “construction” has a corresponding meaning.
- (m) **“Council” or “City Council”** means the municipal council for the City.

- (n) **“Demolish”** means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning.
- (o) **“Disconnect”** includes shut off, remove or discontinue.
- (p) **“Dwelling”** means a Building or structure any part of which is or is intended to be used for the purpose of human habitation and includes a Building that would be used or intended to be used for such purposes.
- (q) **“Dwelling Unit”** means suite operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (r) **“First Storey”** means the Storey with its floor closest to grade and having its ceiling more than one point eight (1.8) metres (equivalent to five foot eleven (5’ 11”)) above grade.
- (s) **“Floor Area”** means the space on any storey of a building between the exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies.
- (t) **“Garage”** means a Building or structure which is used, or is intended for, or is capable of use for the storage or parking of motor vehicles.
- (u) **“Ground Cover”** means organic or non-organic material so applied to prevent the erosion of the soil; e.g. concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.
- (v) **“Graffiti”** means one or more letters, symbols, etchings, figures, inscriptions, stains howsoever made or otherwise affixed to a property or other markings that disfigure or deface a property but does not include a sign permitted in accordance with City of Kawartha Lakes By-law to Regulate Advertising Devices.
- (w) **“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.
- (x) **“Habitable Room”** means any room in a Dwelling Unit used or capable of being used for living, sleeping, cooking or eating purposes which meets the occupancy standards in Section 7.00 of this By-law.
- (y) **“Harmful”** means harmful in the opinion of the Property Standards Officer.
- (z) **“Lot”** means a separately transferable parcel of land.
 - (i) **“Rural Lot”** means a Lot which is one (1) hectare (two point four seven eleven (2.4711) acres) in size or larger.
 - (ii) **“Urban Lot”** means a Lot which is less than one (1) hectare (two point four seven eleven (2.4711) acres) in size.
- (aa) **“Manager of Municipal Law Enforcement”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- (bb) **“Mixed-Use”** in reference to a Building, means a Building used in part for Residential purposes and in part for Non-residential purposes.
- (cc) **“Municipal Law Enforcement Officer”** means a person appointed by Council under Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 to enforce the By-laws of the City of Kawartha Lakes, which includes this Property Standards By-law.
- (dd) **“Non-Habitable”** means any portion of a Dwelling or Dwelling Unit, which does not comply with the standards of fitness for occupancy set out in this By-law and includes: bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room or other space for service and maintenance of the Dwelling.
- (ee) **“Non-residential Property”** means a Building or structure not occupied or intended to be occupied in whole or in part for the purpose human habitation, and includes the lands and premises appurtenant to the Building or structure, and all outbuildings, fences or erections on the property or in the Building or structure.
- (ff) A **“Nuisance”** is a condition on one property which interferes with the normal and reasonable use of another property. Examples of Nuisances include: the emission of gas, fumes, dust, sawdust or objectionable odour and the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.
- (gg) **“Occupant”** means any person or persons over the age of 18 years in possession of the property.
- (hh) **“Owner”** includes: the registered owner of the property in question as revealed in the Land Registry Office of the Ministry of Government and Consumer Services; any occupant of the property in question with authority to act on behalf of the registered owner; any person authorized by the registered owner to act on his or her behalf; any lessee or occupant of the property who, under the terms of a lease or occupancy agreement, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; and any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the property.
- (ii) **“Plumbing”** means a drainage system, a venting system and a water system or parts thereof.
- (jj) **“Plumbing Fixture”** means a receptacle or equipment that receives water, liquids or sewage and discharges water, liquid or sewage directly into drainage piping.
- (kk) **“Property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (ll) **“Property Standards Officer”** means a person appointed to enforce the provisions of this By-law and includes a Municipal Law Enforcement Officer.
- (mm) **“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 and the Building Code Act, 1992, S.O. 1992, c.23, as amended.

- (nn) **“Residential Property”** means a Building or structure that is used (or designed or intended for use) as a domicile in which persons could sleep and/or prepare and/or serve meals. The definition includes the lands appurtenant to the Building, and all outbuildings, fences and erections on the lands, whether erected before or after the passing of this By-law. The definition includes hotels and motels.
- (oo) **“Sanitary Unit”** means a water closet, urinal, bidet or bedpan washer.
- (pp) **“Storage Area”** means a room within a Dwelling which is Non-habitable and is used or intended for use for the stowing of goods or materials.
- (qq) **“Storey”** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (rr) **“Unightly”** means in the opinion of the Property Standards Officer, unpleasant to look at; unattractive, disagreeable, displeasing, repulsive, revolting, offensive, not professional or consistent with the reasonable characteristics of the surrounding community.
- (ss) **“Yard”** means the land in common ownership with, and around or appurtenant to, a Residential or Non-residential Building which is used or capable of being used in connection with the Property. The definition includes any land which is not in common ownership with the Building but is actually used in connection with the Property.

“Consolidated Fees By-law” means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law
(2016-209 effective Nov. 22/16)

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender is neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include”, “includes” or “including” are not to be read as limiting the phrases or descriptions that precede it.
- (d) References to “property” or to “Building” or “structure” or “Yard” are to be read as always including one or more parts of the property, Building, structure, or Yard.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Section 2.00: Property Standards Committee

- 2.01 **Appeal Committee:** An Appeal Committee is established, consisting of three (3) members of Council. Council will appoint the members of the Appeal Committee for terms of office equivalent to the Council's term of office. The Manager of Municipal Law Enforcement shall ensure that a member of City staff is assigned the role of secretary to the Appeal Committee.
- 2.02 **Authority:** The Appeal Committee shall function as set out in Section 15.6 of the Building Code Act, 1992, S.O. 1992, c.23 and shall have the powers and duties prescribed by Section 15.1 through 15.8 of the Building Code Act, 1992, S.O. 1992, c.23.
- 2.03 **Governance:** The Appeal Committee shall be governed by the City's Procedural By-law, Municipal Law Enforcement By-law Appeals Committee Terms of Reference, Purchasing Policy, Land Disposition By-law and hiring practices, as amended from time to time by Council.

By-law 2019-044 effective March 26, 2019

Section 3.00: Standards for All Properties

- 3.01 **General Duty to Repair and Maintain Property:**
- (a) Every Owner shall repair and maintain its property in accordance with the standards prescribed in this By-law.
 - (b) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
 - (c) All new construction or repairs shall conform to the Ontario Building Code, 1992, S.O. 1992, c.23, the Ontario Fire Code O.Reg. 213/07, and the Fire Prevention and Protection Act, 1997, S.O. 1997, c.4 where applicable and if required the applicable authorizing permit shall be utilized.
 - (d) No person shall use or occupy, or permit the use or occupancy of, any Building that does not conform to the standards of this By-law.
 - (e) All repairs and maintenance of property required by the standards prescribed by this By-law shall be carried out by the Owner or occupant, as applicable, in a manner acceptable in the trades concerned and with materials suitable and sufficient for the purpose.
- 3.02 **Structural Adequacy:**
- (a) Every Owner of a Building or structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.
 - (b) If, in the opinion of the Property Standards Officer, there is doubt as to the structural condition and integrity of a Building or structure, the Property Standards Officer may order that the Building or structure be examined by a professional engineer, licensed to practice in Ontario, at the Owner's expense. The written report, including drawings, signed and sealed by the engineer, and giving details of the findings of the examination shall be submitted to the Property Standards Officer.
 - (c) Details and drawings of all temporary shoring or other work deemed necessary by the professional engineer shall be included with the report required by 3.02(b) above.

- (d) All remedial or temporary work recommended by the professional engineer shall be completed by the Owner in the manner and within the time which shall be specified by the Property Standards Officer.
- (e) On completion of all of the work, the Owner shall cause a report (signed and sealed by the professional engineer, and certifying that all of the work has been completed satisfactorily), to be submitted to the Property Standards Officer.
- (f) Examination and testing of any Building or structure shall be conducted in a manner acceptable to the Property Standards Officer and at the Owner's expense.
- (g) Materials forming part of a Building or structure which show damage, or evidence of decay or other deterioration, shall be repaired or replaced by the Owner in a manner acceptable to the Property Standards Officer.

3.03 Property Damage:

- (a) The Owner of any Building or structure damaged by fire, storm or by other causes shall cause it to be demolished or repaired.
- (b) The Owner of any Building or structure damaged by fire, storm or by other causes, shall take immediate steps to prevent or remove a condition which might endanger persons on or near the property, and to properly support and/or barricade the Building or structure until the necessary demolition or repair can be carried out.
- (c) The Owner of a Building or structure which is defaced by smoke or by other causes on the exterior wall and surface of the Building or structure (or of the remaining parts of the Building or structure), shall remove the defacing material, and shall refinish the area in a manner acceptable to the Property Standards Officer.

3.04 Foundations: The Owner of a Building or structure shall maintain its foundations and all supporting sills, piers or posts, the foundation walls and the Basement, Cellar or crawl space in good repair and in a structurally sound manner. This maintenance shall include:

- (a) prevention of the entry of moisture and rodents into any Dwelling;
- (b) prevention of settlement of the Building;
- (c) shoring of walls, where necessary;
- (d) installation of sub-soil drains at the footings of any Dwelling, where necessary;
- (e) the grouting of masonry cracks in a Dwelling; and
- (f) the damp proofing of the walls of a Dwelling, where necessary.

3.05 Exterior Walls:

- (1) The Owner of a Dwelling or a Building on an Urban or Rural Lot shall maintain its exterior walls:
 - (a) in good repair;
 - (b) free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco;
 - (c) watertight;

- (d) free from loose or unsecured objects; and
 - (e) in a manner to prevent deterioration due to weather or insects.
- (2) The Owner of a Building which is on a non residential property, shall maintain its exterior walls:
- (a) in good repair; and
 - (b) free from loose or unsecured objects.

3.06 **Interior Walls and Ceilings:**

- (1) Every interior surfaces and finishes of walls and ceilings shall be maintained:
- a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned;
 - b) free of holes, cracks, loose plaster or other material;
 - c) in a safe condition; and
 - d) so as to possess the fire resistant properties required by the Building Code Act, 1992, S.O. 1992, c.23 and the Ontario Fire Code O.Reg.213/07.

3.07 **Exterior Metals:** Every Owner of a Dwelling or Building shall keep all metal eavestroughs, rainwater pipes, flashings and all exterior metal ducts free from rust by application of a suitable protective material (such as paint). All applications shall be renewed by the Owner when the application is impractical, ineffective, or requires refreshing.

3.08 **Cladding:** Every Owner shall ensure that the cladding on the exterior walls of all Buildings consists of masonry, stucco, wood, plywood, cement, metal or other materials of equivalent strength, durability and fire endurance and that the cladding is maintained in good repair.

3.09 **Graffiti:** Every Owner shall remove all unsightly chalk marks, painted slogans, graffiti and similar markings or defacement on the exterior surfaces of Buildings, walls, and fences. The Owner shall refinish the surfaces or fences when necessary.

3.10 **Decorative Surfaces:** Where the masonry units forming an exterior wall, or part of an exterior wall, of a Building are faced with a glazed or other decorative surface, the Owner shall remove all of those units from which the surface has spalled or broken, and replace them with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance.

3.11 **Surface Coverings:** On Urban and Rural Lots, where the exterior surfaces of Dwellings or Buildings which have been previously covered with paint or other protective or decorative materials, the Owner shall maintain that covering in good repair and renew it when it becomes damaged or deteriorated. These repairs shall be made in a manner which presents a uniform and neat appearance.

3.12 **Dwelling Openings:** Owners shall maintain in good repair all exterior doors, windows, skylights and Basement or Cellar hatchways of Dwellings, and ensure that they are weathertight. Every Owner shall renew rotted and defective doors, door frames, window frames, sashes and casings of Dwellings. Every Owner shall replace defective door and window hardware, weather-stripping, caulking, broken glass, and broken screens.

3.13 **Entry by Vermin:**

- (1) Every Owner shall protect, by application of suitable materials, the openings in exterior walls (other than doors and windows) of a Dwelling from the entry of rodents, vermin and insects.
- (2) Every Owner of a Non-residential Building shall protect, by application of suitable materials, the openings in exterior walls (other than doors and windows) of the Building from the entry of rodents, vermin and insects, unless the Owner satisfies the Property standards Officer that the implementation of this Section would adversely affect the normal operations within that Non-residential Building.

3.14 **Balconies, etc.:** Every Owner shall maintain in good repair, and in a Clean and Sanitary condition, all balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment. The Owner shall ensure that these types of attachments are properly and safely anchored and protected against deterioration and decay. Where they are not inherently resistant to deterioration due to weather, the Owner shall periodically apply a weather-resistant material (such as paint).

3.15 **Retaining Walls:** The Owner of property shall maintain all retaining walls on that property:

- (a) in good repair;
- (b) free from all deteriorated, damaged, misaligned or missing parts of the wall, railings or Guards appurtenant to them;
- (c) by installing subsoil drains where required to maintain the stability of the wall;
- (d) by grouting any masonry cracks that may form; and
- (e) by applying a coat of paint or equivalent preservative to all metal or wooden exposed components.

3.16 **Air Conditioners and Water Cooled Equipment:**

- (1) Property Owners shall equip air conditioners with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways, or neighbouring property.
- (2) Every Owner shall ensure that cooling water from water-cooled equipment is not discharged onto driveways, walkways or other areas used for pedestrian or vehicular traffic, or on neighbouring property, or in a manner that it may cause damage to the walls, foundations or other parts of any Building. The discharge of cooling water from all water-cooled equipment must be made to a proper drainage system. The connections to the drainage system shall be made to comply with all applicable governmental regulations.
- (3) In order to prevent hazards property owners shall ensure that air conditioners, which are installed over public areas, such as driveways, pedestrian sidewalks or pathways, or neighbouring property, are installed and secured in a safe manner.

3.17 **Roofs:**

- (1) The Owner of every Dwelling, Building or structure on any Lot shall maintain the roofs of all Dwellings, Buildings and structures:
 - (a) in good repair;

- (b) in a watertight condition;
- (c) free from loose or unsecured objects or materials;
- (d) free from dangerous accumulations of snow or ice or both;
- (e) free from all other accident, fire or health hazards;
- (f) so that roof decks and related Guards are in good state of repair;
- (g) to prevent the discharge of roof drainage directly onto an entranceway, walkway, stair or neighbouring property, or onto any impervious road allowance, or in such a manner that it will penetrate or damage a Building or structure;
- (h) to prevent the obstruction of roof gutters, eavestroughs and rainwater pipes; and
- (i) so that eavestroughs, roof gutters and rainwater pipes are properly secured and free from health and accident hazards.

3.18 **Discharge of Water:** No Owner shall cause or permit the discharge from any sump pump or water softener or other similar equipment to be discharged directly onto an entranceway, walkway, stair or neighbouring property, or onto any road allowance or street.

3.19 **Stairs, Handrails and Guards:** Every Owner shall install and maintain all stairs, handrails, and Guards in accordance with the provisions set forth in the Building Code Act, 1992, S.O. 1992, c.23 or as per the acceptable practice at the time of installation (historic buildings).

3.20 **Floors:**

- (1) Every Owner shall ensure that the floors of Buildings and structures on an Urban Lot are maintained in a Clean and Sanitary condition, reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards. The Owner shall maintain floor coverings in a safe condition, free from worn, torn, damaged or holed parts in which dirt may collect, or which form a health or accident hazard.
- (2) Every Owner shall ensure that the floors of Dwellings on a Rural Lot are maintained in a Clean and Sanitary condition, reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards. The Owner shall maintain floor coverings in a safe condition, free from worn, torn, damaged or holed parts in which dirt may collect, or which form a health or accident hazard.

3.21 **Fire Protection:** Every Owner shall maintain floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection in a manner which affords the fire protective properties required by all relevant governmental regulations.

3.22 **Preventative Maintenance on Heating & Ventilating Equipment:** Every Owner shall construct, install and maintain heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment, so as to be free from obstructions, to comply with applicable governmental regulations, and to prevent:

- a) obstruction to the free passage of persons within a Building;

- b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
 - c) the entrance of smoke or gases into a Building; and
 - d) fire and accident hazards.
- 3.23 **Storage of Solid or Liquid Fuel**: The Owner of a Building or structure utilizing a heating system, heating equipment or any auxiliary heating units which burn solid or liquid fuel, shall provide and maintain a place or receptacle for the fuel in a safe condition, and in a convenient location so as to be free from fire or accident hazards.
- 3.24 **Fuel Piping**: All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.
- 3.25 **Heating Ventilation**: Every Owner shall connect all fuel burning heating equipment to a chimney, flue or gas vent which leads to the exterior of the Building in which the equipment is installed. Every Owner shall furnish fuel burning heating equipment with an adequate supply of air to ensure proper combustion of the fuel.
- 3.26 **Escaping Smoke/Gas**: Every Owner shall install and maintain chimneys, smoke-pipes, flues and gas vents in use or available for use in a Building so as to prevent the escape of smoke or gases into the Building. Every Owner shall ensure that chimneys, smoke-pipes, flues and gas vents are kept clear of obstructions; that all open joints are sealed; and that all broken and loose masonry is repaired.
- 3.27 **Prefabricated Chimneys/Flues**: Owners must ensure that prefabricated chimneys or flues are of a type suitable for the appliance for which it is being used and is kept in good repair, properly secured and free from fire, health and accident hazards.
- 3.28 **Light Penetration**: Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit on neighbouring property.
- 3.29 **Waste**: Every Owner shall provide and maintain an effective container or barrier to prevent waste, wrappings, debris, and the like from encroaching onto neighbouring property.
- 3.30 **Fire Prevention: Vacant Property**: Where any property is unoccupied, the Owner shall protect Buildings and structures on that property against the risk of fire, accident or other danger.
- 3.31 **Boarding Up Vacant Buildings**: The Owner of a vacant Building which is not a dwelling shall maintain the building as being fit for occupancy and shall effectively secure the Building from entry by trespassers. All materials used for boarding up vacant Buildings shall be covered and maintained with a preservative which is colour-coordinated to the exterior finish of the Building.
- 3.32 **Extended Vacancies**: Where a Building other than a dwelling remains vacant for a period of more than ninety (90) days, the Owner shall properly disconnect or otherwise secure all utility supplies serving the Building to prevent accidental or malicious damage to the Building or neighbouring property. This Section does not apply where utility supply is necessary for the safety or security of the Building.
- 3.33 **Vacant Dwellings**: An Owner of a Dwelling that has become vacant on a temporary basis for a period not to exceed six months shall at all times, ensure that the dwelling is maintained in a condition that is fit for occupancy.

- 3.34 **Property Clearing After Demolition**: An Owner who has demolished a Building, an Accessory Building, a fence, or another structure on a property shall ensure that the property is cleared of all rubbish, debris, refuse, masonry, lumber and other materials, and left in a graded and leveled condition.
- 3.35 **Partial Demolition**: An Owner who has demolished part of a Building or structure shall ensure that the remaining part of the Building or structure complies with the requirements of this by-law. The Owner shall parge (or otherwise treat) the walls to prevent the entry of water into the Building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, floors and from areas of multi-coloured paint or wallpaper.
- 3.36 **Steps to Take During Demolition**: During the process of demolition of a Building, Accessory Building or other structure, the Owner shall ensure that all applicable permits are in place and take every precaution to protect neighbouring property and members of the public. This includes the erection of fences, barricades, covered ways for pedestrians and any other necessary means of protection.
- 3.37 **Derelict and Vacant Buildings Registry**: Where the Property Standards Officer becomes aware of a derelict or vacant building including a dwelling; in addition to any prescribed action contained in this bylaw, the officer shall add the descriptive information to the corresponding registry. This registry will be monitored annually and registrants will be removed upon occupation or compliance to this bylaw. The registry will be kept in accordance to the fees prescribed in accordance with Schedule A-10 to the Consolidated Fees By-law.

(2016-209, effective Nov. 22/16)

- (1) Registrants will be charged an annual fee in accordance with Schedule A-10 to the Consolidated Fees By-law for the inspection and maintenance of the registry

(2016-209, effective Nov. 22/16)

- (2) Upon occupancy and compliance to the regulations established in this bylaw, registrants may be issued a removal letter. The removal letter will remove the property owner's information from the registry thereby ending monitoring and fee charges.

Section 4.00: Standards for Yards, Parking Areas and Accessory Buildings of all Properties

4.01 General Maintenance:

- (1) The Owner of every vacant lot and every Yard on an Urban Lot shall keep the lot or Yard clean and free from:
- (a) dilapidated, collapsed or unfinished Buildings or structures; and,
 - (b) injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of those types of pests.
- (2) The Owner of every vacant lot and every Yard on a Rural Lot shall keep the lot or Yard clean and free from injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of those types of pests.

- 4.02 **Grading and Paving**: Owners of Urban Lots shall ensure that Yards are graded in a manner which prevents excessive or recurrent ponding of water and/or the entrance of water into a Basement or Cellar.

4.03 **Erosion Protection**: Every Owner of an Urban Lot shall ensure that his or her Yard is cultivated or protected with a suitable Ground Cover to prevent erosion of the soil. (It is noted for ease of reference that zoning by-laws passed by the City pursuant to the Planning Act, R.S.O. 1990, c.P.13 may require minimum areas of landscaped open space. Those by-laws are not superceded by this By-law.)

4.04 **Parking Areas**:

- (1) The Owner of every Yard which is used for vehicular traffic or parking (including loading areas or bays) and is either on, or adjacent to, an Urban Lot shall:
 - (a) adequately grade and drain the Yard to prevent excessive ponding of water;
 - (b) provide sufficient lighting to the area for a level of security commensurate with the property use;
 - (c) provide curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures on the parking area or neighbouring property, and from encroaching on neighbouring property; and
 - (d) maintain the surface area (paved or otherwise) in good condition, and repaired with similar material or renewed when necessary to prevent pot holes, cracks, ruts or other hazards.
- (2) The Owner of every Yard which is used for vehicular traffic or parking (including loading areas or bays) and is on a Rural Lot shall maintain the surface area (paved or otherwise) in good condition, and repaired with similar material or renewed when necessary to prevent pot holes, cracks, ruts or other hazards.

4.05 **Public Use Areas**: Every Owner shall maintain exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a Yard in a good state of repair, free from conditions which prevent passage, and free from hazards to any person under normal or expected use and weather conditions.

4.06 **Exterior Lighting and Supports**: The Owner of every Yard shall keep any standards supporting artificial lights, all exterior lighting, and the connections to the lights in a safe condition and in good working order.

4.07 **Fences**:

- (1) The Owner of every Yard on an Urban Lot who chooses to erect or maintain fences shall erect and maintain any fences with suitable materials. Owners must design and erect fences in an acceptable manner and maintain them so as not to create an unsightly appearance. Owners shall protect fences from deterioration by the application of paint (or other suitable protective materials) of uniform colour, unless the fencing material is inherently resistive to such deterioration.
- (2) The Owner of every Yard on a Rural Lot who chooses to erect or maintain fences shall erect and maintain any fences with suitable materials.

4.08 **Structures**: The Owner of every property shall keep all structures appurtenant to that property in good repair, free from health, fire and accident hazards, and capable of performing safely the function for which they are designed.

4.09 **Appearance of Accessory Buildings:**

- (1) The Owner of any Urban Lot shall maintain the foundations, walls, roofs, and all parts of Accessory Buildings or other structures appurtenant to the main Building in good repair in order to prevent an unsightly appearance due to settlement and/or sagging of the Building or structure, or any other cause.
- (2) The Owner of any Rural Lot shall maintain the foundations, wall, roofs, and all parts of Accessory Buildings or other structures appurtenant to the main Building which are visible from any Street or from any Dwelling in good repair in order to prevent an unsightly appearance due to settlement and/or sagging of the Building or structure, or any other cause.

4.10 **Safety of Accessory Buildings:** The Owner of any property shall maintain the foundations, walls, roofs, and all parts of Accessory Buildings or other structures appurtenant to the main Building in good repair in order to prevent an unsafe condition.

4.11 **Exterior Finishes of Accessory Buildings:** Every Owner of an Accessory Building or other structure appurtenant to the main Building on an Urban Lot shall ensure that the Accessory Building or structure is weather-resistant through the uniform application of a proper weather-resistant material (including paint or other preservatives).

Section 5.00: Supplementary Standards for Non-Residential Properties and Mixed-Use Buildings

5.01 **Duties of Owners and Occupants:** Every Owner and occupant in that part of a Non-residential Property that is occupied or controlled by him, her or it shall maintain the property:

- (a) in a clean, sanitary and safe condition;
- (b) with adequate and appropriate containers for the disposal of litter or refuse;
- (c) free from objects or conditions which are health, fire or accident hazards; and
- (d) free from rodents, vermin and injurious insects.

5.02 **Utilities for Mixed Use Buildings:** No Owner or occupant of a Mixed-use Building shall disconnect, or cause or permit to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving any residential portion of the Building which is occupied by a tenant or lessee, except for any reasonable period of time as is required for the purpose of repairing, replacing or altering the service or utility.

5.03 **Fences:** Every Owner who chooses to fence his, her or its Property shall maintain fences and approved enclosures around or on Non-residential properties in a state of good repair and free from accident, health and fire hazards.

5.04 **Ventilation Requirement:** Every Owner of a Non-residential Building shall ensure that it is adequately ventilated by natural or mechanical means and with regard to the operations carried on within the Building, to ensure that persons within the Building are not exposed to conditions Harmful to their health or safety.

5.05 **Specifics of Ventilation Requirements:** Ventilation shall be provided for every room in which Plumbing Fixtures are installed, every locker room

- and clothes drying room, either by means of natural ventilation through openings directly to the outside air, or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.
- 5.06 **Ventilation Equipment**: Every Owner of a Non-residential Building shall ensure that all of the mechanical ventilating equipment and the supports for that equipment are maintained in good repair and in a safe mechanical condition.
- 5.07 **Exhaust of Noxious and Other Substances**: Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8') feet) clear of any skylight, window, ventilator or other opening into that or another Building, and is operated in a manner so as not to constitute a Nuisance.
- 5.08 **Electrical Services and Lighting**: Owners of Non-residential Buildings shall ensure that they are wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power is available to the Building at all times. The Owner shall ensure that the electrical connection to the wiring system of a Non-residential Building is installed and maintained in good working order, free from fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.
- 5.09 **Levels of Illumination**: Owners of Non-residential Buildings shall ensure that all parts of the Building have a level of illumination provided and maintained which will adequately protect all persons within the Building from health and accident hazards.
- 5.10 **Specific Lighting Requirements**: Owners of Non-residential Buildings must install and maintain artificial lighting in good working order at all times in every stairway, hall and passageway, in every room in which Plumbing Fixtures are installed, and in every furnace room and boiler room.
- 5.11 **Extension Cords**: The Owner of a Non-residential Building shall not use extension cords which are not part of a lighting fixture, machine or device on either a permanent or semi-permanent basis. This restriction does not apply to the use of extension cords for mobile equipment used for temporary purposes only where the connection can be made without risk or hazard. Where an extension cord is permitted, no Owner shall place, attach or cause or permit to be placed or attached, any extension cord:
- (a) through any doorway, transom, ceiling, wall or floor; and/or
 - (b) to any door frame, window frame, ceiling, wall or floor.
- 5.12 **Means of Egress**: Every Owner of a Non-residential Building shall ensure that all of its passageways and storage areas, including any and all means of egress from the Building are:
- (a) maintained free from all obstructions or impediments;
 - (b) provided with lighting facilities capable of supplying not less than eleven (11) lux (equivalent to one (1) foot candle) of light intensity on the floor surfaces continuously; and
 - (c) provided with clean, clear, unobstructed and readily visible exit signs.
- 5.13 **Interior Walls, Ceilings and Floors**: The Owner of a Non-residential Building shall maintain interior walls, floors and ceilings:

- (a) in good repair and free from holes, large cracks, broken plaster and loose or broken masonry; and
 - (b) in a Clean and Sanitary condition which is reasonable considering the use or operation conducted in the area.
- 5.14 **Noxious Substances in Mixed-Use Buildings:** The Owner of a Mixed-use Building which is occupied by persons or activities which generate noxious fumes, odours or gases or in circumstances where such could be present, must provide gas-tight surfaces separating the Residential portion of the Building from the Non-residential portion of the Building to effectively prevent the passage of noxious fumes, odours or gases through the separation.
- 5.15 **Plumbing Required:** The Owner of every Non-residential Building shall install and maintain Plumbing Fixtures in accordance with the requirements of all applicable governmental regulations. All plumbing, drainpipes, water pipes and Plumbing Fixtures in every Non-residential Building, and every connecting line to the sewage system, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable governmental regulations. All water pipes, drain pipes and appurtenances to them must be protected from freezing.
- 5.16 **Standards for Plumbing Fixtures:** The Owner of every Non-residential Building shall ensure that:
- (a) the installed Plumbing Fixtures are kept in good repair, in a Clean and Sanitary condition and every Sanitary Unit is located and enclosed so as to be easily accessible to, and provide privacy for, the persons using the Sanitary Units;
 - (b) the installed Plumbing Fixtures are connected to a sewage system;
 - (c) the installed Plumbing Fixtures are provided with an Adequate and Suitable supply of potable water; and
 - (d) fixtures such as washbasins, dishwashers, showers and other fixtures for which hot water is required, are provided with an Adequate and Suitable supply of hot water.
- 5.17 **Standards for Plumbing Rooms:** Rooms in which Plumbing Fixtures are installed must be maintained in a Clean and Sanitary condition. The Owner of the Building shall ensure that the walls and ceilings are treated with a smooth surface reasonably impervious to water and resistant to chipping or cracking. In these rooms, when paint is used as a surface coating, walls and ceilings shall be repainted as often as necessary to maintain them in a Clean and Sanitary condition.
- 5.18 **Plumbing Separation in Mixed-Use Buildings:** The Owner of a Mixed-Use Building shall ensure that Plumbing Fixtures installed in connection with the Non-residential portion of the Building and/or available for use by members of the public, are separate from the fixtures required by the standards for the Residential portion of the Building.
- 5.19 **Heating System Standards:** Where an Owner provides a heating system in a Non-residential Building, he, she or it shall maintain the system in a safe and good working condition, free from fire, health and accident hazards. The Owner shall ensure that the system is capable of maintaining the desired indoor temperature commensurate with the operations carried on within the Building, and that it is regulated in a manner which prevents unnecessary discomfort.
- 5.20 **Heating Requirement:** In offices, showrooms and all other parts of a Non-residential Building where persons are employed, the Owner shall

maintain or shall cause to be maintained a minimum temperature of twenty (20°) degrees Celsius (equivalent to sixty-eight (68°) Fahrenheit) at all times when the premises are occupied between the fifteenth (15th) day of September in each year and the thirtieth (30th) day of May of the following year.

Section 6.00: Supplementary Standards for Residential Properties

- 6.01 **Duties of Occupants:** All occupants of a Dwelling Unit shall:
- (a) limit the number of occupants in the Dwelling Unit to the maximum number permitted by this or any By-law of the City, or under any applicable Provincial legislation;
 - (b) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment in the Dwelling Unit in a Clean and Sanitary condition;
 - (c) keep all exits from the Dwelling Unit clean and unobstructed; and
 - (d) maintain the Dwelling Unit in a Clean and Sanitary condition.
- 6.02 **Vermin:** The Owner and the occupant of every Dwelling Unit shall maintain the Dwelling Unit at all times so that it is free of rodents, vermin and insects which may be Harmful to safety or health and from conditions which may encourage infestation by such pests.
- 6.03 **Multiple Dwellings: Garbage Disposals:** The Owner of every Residential Building that contains more than one Dwelling Unit shall wash and disinfect all garbage chutes, garbage disposal rooms, garbage storage areas, garbage containers or receptacles as often as is necessary to maintain a clean and odour-free condition.
- 6.04 **Maintenance of Interior Doors:** The Owner of every Dwelling shall ensure that interior doors and frames are maintained in a condition to ensure the proper operation of the door, and that all doors are a good fit in their frames. All necessary hardware, including any automatic door closers required by law, shall be maintained in good repair or replaced when removed or not readily repairable.
- 6.05 **Access Doors:** The Owner of every Dwelling shall ensure that all doors connecting any Dwelling Unit to the exterior or to an entrance or exit system shared in common with other Dwelling Units have locking devices and other necessary hardware installed and maintained in good repair. All such access doors shall afford the occupants of the Dwelling Unit with a reasonable degree of privacy and safety, and prevent the entry of draughts into the Dwelling Unit.
- 6.06 **Shared Door Panels/Screens:** The Owner of a multiple Dwelling shall ensure that, in the public and/or shared use portions of multiple Dwellings, cracked and broken glass in door panels, glass screens, and windows is promptly replaced with approved glass or similar materials.
- 6.07 **Walls and Ceilings:** The Owner of a Dwelling shall ensure that every wall and ceiling in it is maintained so as to be free of large holes or cracks and loose plaster or other material which is in such condition that it may fall or the Building collapse.
- 6.08 **Plaster Repairs:** The Owner of the property shall complete plaster repairs to the walls and ceilings of a Dwelling or in a Dwelling Unit in an acceptable manner, and each repair shall be finished to match the existing wall or ceiling.

- 6.09 **Walls & Surfaces; Graffiti**: The Owners of multiple Dwellings shall ensure that previously finished walls and other surfaces in the public or shared-use portions of the Building are maintained in good repair and renewed or refinished when necessary to maintain an attractive appearance. Unsightly chalk marks, painted slogans and similar markings or defacements on walls or other surfaces must be removed and the surfaces refinished when necessary.
- 6.10 **Glazing**: The Owners of multiple Dwellings shall keep glazed doors, windows and other transparent surfaces in public and shared-use portions of the Building in a reasonably clean condition.
- 6.11 **Public or Shared-Use Areas of Multiple Dwellings**: The Owners of multiple Dwellings shall maintain the floors, walls, ceilings, staircases and landings, furnishings, fixtures and appliances in public or shared-use portions of the Building in a Clean and Sanitary condition, free from mold and mildew, and free from discarded or unused material, rubbish and debris.
- 6.12 **General Maintenance**: The Owner of every Dwelling shall construct, install, and maintain or cause to be constructed, installed, or maintained, every facility, piece of equipment or appliance in a manner so that it will function safely and effectively, and is in a safe and satisfactory condition.
- 6.13 **Heating of Leased Premises**: The Owner of every Building which is rented or leased as a Dwelling and which, as between the tenant or lessee and the landlord, is heated by or at the expense of the landlord shall, between the fifteenth (15th) day of September in each year and the thirty-first (31st) day of May of the following year, provide every Dwelling Unit with Adequate and Suitable heat. Every Dwelling and every Dwelling Unit shall be provided with a heating system capable of maintaining a room temperature of twenty-one (21°) degrees Celsius (which is equivalent to sixty-nine point eight (69.8°) degrees Fahrenheit) at one point five (1.5) metres (equivalent to five (5) feet) above the floor level in all Habitable Rooms.
- 6.14 **Heating Systems**: The Owner of any Residential Building must ensure that the heating system is constructed, installed and maintained to comply with the requirements of all applicable governmental regulations, and is maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 6.13.
- (2) The owner of every building which is rented or leased as a dwelling shall ensure that no rental unit is equipped with portable heating equipment as the primary source of heat.
- 6.15 **Separations**: Every Owner shall ensure that a Dwelling Unit is constructed, maintained and protected in a manner which prevents the entry of noxious fumes and gases from any part of the Dwelling that is not used, designed or intended to be used for human habitation.
- 6.16 **Plumbing**: Every Owner shall supply to every Dwelling Unit plumbing, drainpipes, water pipes and Plumbing Fixtures which comply with the requirements of all applicable governmental regulations.
- 6.17 **Minimum Plumbing Fixtures**: Every Owner shall supply every Dwelling Unit with at least a water closet, a wash basin, a kitchen sink and a bathtub or shower. All Plumbing Fixtures shall be connected to a sewage system. The water closet required by this Section must be located within, and be accessible from within, the Dwelling Unit, and must be located and equipped to afford privacy to persons using the water closet.
- 6.18 **Maintenance of Plumbing**: Every Dwelling Unit Owner must ensure that all Plumbing Fixtures, and the appliances associated with them, within a

Dwelling Unit are installed and maintained in good working condition. Every Dwelling Unit occupant must ensure that all Plumbing Fixtures, and the appliances associated with them, within the Dwelling Unit, are maintained in a Clean and Sanitary condition.

- 6.19 **Connecting Lines & Water Pipes**: Every Owner shall ensure that every connecting line from Plumbing Fixtures to the sewage system is installed, constructed and maintained in good working order, free from leaks and defects, and that all water pipes, drainpipes and appurtenances to them are protected from freezing.
- 6.20 **Water Supply**: Every Owner of a Dwelling Unit must provide the sinks, laundry facilities, wash basins, bathtubs, and showers within the Dwelling Unit with an Adequate and Suitable supply of both hot and cold running water. Every Owner of a Dwelling Unit must provide the Dwelling Unit Plumbing Fixtures, including Sanitary Units, with an Adequate and Suitable supply of running water.
- 6.21 **Potable Water**: The Owner of every Dwelling Unit shall provide it with an Adequate and Suitable supply of potable running water from a source approved by a District Health Inspector.
- 6.22 **Electrical Supply**: The Owner of every Dwelling Unit shall connect it to an electric supply system and wire it for electricity.
- 6.23 **Electrical & Fuel Supply Installation**: The Owner of every Dwelling Unit shall ensure that the electrical wiring, pipes for conducting fuel, and all electrical equipment and appliances for use in a Dwelling Unit or accessory Building is installed and maintained in good working order so as not to cause a fire or electrical shock hazard, and in accordance with all applicable governmental regulations.
- 6.24 **Lighting**: The Owner of every Dwelling shall ensure that Adequate artificial light is available to the Dwelling at all times, in all rooms and in every stairway, hall, Storage Area, Garage, Cellar and Basement. In multiple Dwellings, every stairway, hall, exit and entrance and all other parts of the Dwelling used by the public, or by the occupants collectively, shall be adequately lighted at all times.
- 6.25 **Windows in Habitable Rooms**: The Owner of every Dwelling shall install and maintain in good repair, in every Habitable Room in the Dwelling (except a kitchen), an outside window or windows or a glazed area within a door which:
- (a) if designed to open, is easily openable and closeable at all times; and
 - (b) is provided with suitable hardware and effective locking devices.
- 6.26 **Screens**: The Owner of every Dwelling shall screen every opening in an exterior wall of the Dwelling which is not protected by a door or window with wire mesh, metal grille or other suitable material to protect the Dwelling from the entry of vermin or rodents.
- 6.27 **Ventilation of Dwelling Units**: The Owner of a Dwelling Unit shall provide adequate ventilation to all Habitable Rooms, bathrooms and toilet rooms in the Dwelling Unit. Where a system of mechanical ventilation or air conditioning is provided, the Owner shall maintain it in good working condition.
- 6.28 **Ventilation of Multiple Dwellings**: The Owner of a Dwelling containing more than one Dwelling Unit shall provide adequate ventilation to all laundry rooms, garbage rooms, corridors, boiler rooms, Storage Areas, Garages, and all parts of the Building used by the public or by the

- occupants as a shared use area. Where a system of mechanical ventilation or air conditioning is provided, the Owner shall maintain it in good working condition.
- 6.29 **Means of Egress**: The Owner of every Dwelling and every Dwelling Unit shall install, construct and maintain in good repair, a safe, continuous and unobstructed passage from the interior of the Dwelling Unit and the Dwelling to the outside at street or grade level. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- 6.30 **Latches**: Where an Owner installs or permits to be installed, latches and other devices provided to open doors in the direction of exit travel, these latches or devices must be of a type easily identified and operated even in darkness.
- 6.31 **Trespassers in Multiple Dwellings**: The Owner of every Dwelling containing more than one Dwelling Unit shall take every reasonable precaution to prevent unauthorized persons from entering the Dwelling or a Garage or any accessory Building to the Dwelling.
- 6.32 **Doors to Multiple Dwellings**: The Owner of every Dwelling containing more than one Dwelling Unit shall ensure that every door used as an entrance to, or a means of egress from, the Dwelling (or from a Garage which is not open and available for use by the general public), is kept closed and locked. The Owner shall provide each of these types of doors with approved self-closing and self-locking mechanisms and shall not cause or permit these doors to be secured in an open position, except in an emergency situation.
- 6.33 **Exit Ways in Occupied Multiple Dwellings**: The Owner of a Dwelling which contains more than one Dwelling Unit must ensure that, during all times when the area in question is occupied, doors used as a means of egress from the Dwelling, any Storage Area or a Garage are arranged so as to be readily opened, without the use of a key, in the direction of exit travel.
- 6.34 **Voice Systems**: The Owner of a Dwelling with more than one Dwelling Unit who has installed a voice communications system between one or more Dwelling Units and the front lobby, and/or security locking and release facilities for the entrance controlled from one or more Dwelling Unit, shall maintain those facilities in good repair and in operative condition.
- 6.35 **Disconnecting Utilities**: No Owner shall Disconnect, or cause or permit to be Disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities for Residential property occupied by persons, except for whatever reasonable period of time is required for the purpose of repairing, replacing or altering the service or utility. (A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay those rates with the result that the service or utility is Disconnected, is deemed to have caused or permitted the Disconnection.
- 6.36 **Window Catches on Upper Level Dwelling Units**: The Occupant of any Dwelling Unit located above the first Storey shall equip the windows of the Dwelling Unit with safety devices which meet the requirements of the Building Code Act, 1992. S.O. 1992, c.23 and prevent the opening of any part of the window to a width in excess of one hundred (100) millimeters (equivalent to four (4) inches) if there are resident children of the Dwelling Unit under the age of seven (7) years.
- 6.37 **Guards on Upper Level Windows**: The Owner of every Dwelling with more than one Dwelling Unit shall protect all windows located above the

first Storey, which are within corridors, stairways, and/or other public or shared use areas of the Building, with a Guard designed in accordance with the requirements of Section 6.36 of this By-law.

Section 7.00: Occupancy Standards

- 7.01 **Habitability:** No Owner or Occupant of a Dwelling Unit shall cause or permit any person to sleep, eat, or spend recreational time in a Non-habitable Room.
- 7.02 **Sleeping Arrangements:** The Occupants of a Dwelling Unit shall ensure that all sleeping areas are Habitable Rooms and that no kitchen, bathroom, or hallway is used as a bedroom.
- 7.03 **Minimum Bedroom Floor Areas:** The Occupants and Owners of a Dwelling Unit shall ensure that the minimum Floor Area of a room used by only one person for sleeping is five point six (5.6) square metres (equivalent to sixty (60) square feet)). The Occupants and Owners of a Dwelling Unit shall ensure that the minimum Floor Area of a room used by two or more persons for sleeping is three point seven (3.7) square metres (equivalent to forty (40) square feet) for each person so using the room.
- 7.04 **Density:** The Owner of a Dwelling, and the Occupants of Dwelling Units, shall ensure that the maximum number of persons residing in each Dwelling Unit does not exceed those limits based on section 7.03 of this by-law.
- 7.05 **Characteristics of Habitable Rooms:** Habitable Rooms must:
- (a) have a minimum width of two (2) metres (equivalent to six feet six inches (6' 6")); and
 - (b) have a ceiling height of at least two point one (2.1) metres (equivalent to seven (7) feet) (except that at least one half of any Habitable Room located directly beneath a roof having a sloping ceiling, shall have a ceiling height of at least that measurement).
- 7.06 **Basements & Cellars:** No Owner of a Dwelling shall cause or permit any part of any Basement or Cellar to be used as part of a Dwelling unless it meets the following requirements:
- (a) each Habitable Room complies with all requirements for ingress, egress, light, ventilation, and ceiling height set out in this By-law;
 - (b) the floors and walls are constructed so as to be impervious to leakage of underground and surface run off water;
 - (c) each Habitable Room is separated from the fuel-fired central heating equipment, or other similarly hazardous equipment by a partition having a fire resistance of at least one (1) hour; and
 - (d) access to each Habitable Room is gained without passage through a furnace room, boiler room or Storage Area.

Section 8.00: Demolition or Repair by the City

- 8.01 **Council Approval:** The Manager of Municipal Law Enforcement and/or the Chief Building Official shall not demolish any property in accordance with the provisions of Section 15.4 of the Building Code Act, 1992, S.O. 1992, c.23 without first obtaining direction to do so from Council, unless immediate danger is discovered.
- 8.02 **Non-Emergency Repairs:** Where the Property Standard's Officer discovers non-compliance to the provisions established in this bylaw the Manager of Municipal Law Enforcement may authorize non emergency

repairs to be completed and the total cost of the repairs shall not exceed the fees established by the City's Purchasing Policy. All non-emergency repairs that exceed this limit will require approval from Council.

- 8.03 **Emergency Circumstances**: When immediate danger is discovered, the Manager of Municipal Law Enforcement and/or the Chief Building Official may take whatever steps are appropriate to remedy the condition without necessity of Council's approval as otherwise required by Section 8.01 and 8.02 of this By-law.

Section 9.00: Transitional Provisions

- 9.01 **Effect of By-law 2002-119**: After the date of passing of this By-law, By-law 2002-119 continues to apply to Properties in respect of which an Order has been issued prior to the date of the 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, have been concluded.

Section 10.00: Enforcement and Penalties

- 10.01 **Enforcement**: This by-law may be enforced by every Property Standards Officer or Municipal Law Enforcement Officer.
- 10.02 **Penalty**: Every Owner who fails to comply with an Order that is final and binding is guilty of an offence.
- 10.03 **Offence**: Every person who is convicted of an offence under any provision of this By-law is liable to a penalty as set out in Section 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended from time to time, or any successor thereof.
- 10.04 **Conflicts**: Where a provision of this by-law conflicts with the provision of another By-law in force in the City, the provisions that establish the higher Standards to protect the health, safety and welfare of the general public prevails.

Section 11.00: Administration and Effective Date

- 11.01 **Administration of the By-law**: The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.
- 11.02 **Administrative Fees**: The Administrative Fees associated with the implementation of By-law 2016-112 are in accordance with Schedule A-10 of the Consolidated Fees By-law.
(2016-209, effective Nov. 22/16)
- 11.03 **Effective Date**: This By-law shall come into force and take effect on the date it is passed.
(2016-209, effective Nov. 22/16)

By-law read a first, second and third time, and finally passed, this 24th day of May, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk