

**THE CORPORATION OF THE VILLAGE OF NEWBURY**

**BY-LAW NO. 118-16  
BEING A BY-LAW TO AUTHORIZE THE  
COUNCIL OF THE VILLAGE OF NEWBURY  
TO PRESCRIBE STANDARDS FOR THE MAINTENANCE  
AND OCCUPANCY OF PROPERTY  
WITHIN THE VILLAGE OF NEWBURY.**



**A By-law prescribing standards for the maintenance and occupancy of property.**

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WHEREAS Section 15 (1) of the Building Code Act 1992 as amended authorizes a council of a municipality to pass a by-law for prescribing standards for the maintenance and occupancy of property within the Village of Newbury, for prohibiting the occupancy or use of such property that does not conform to the standards prescribed herein to be repaired and maintained and to comply with the standards, or the land thereof to be cleared of all buildings and structures and left in a graded and tidy condition.

AND WHEREAS the Village of Newbury has in effect an Official Plan which contains provisions relating to property standards.

**NOW THEREFORE THE COUNCIL OF THE VILLAGE OF NEWBURY ENACTS AS FOLLOWS:**

**PART 1 - DEFINITIONS**

In this by-law and in Schedule "A" attached to this by-law,

- 1.1 "Village" shall mean the Village of Newbury.
- 1.2 "Committee" shall mean the Property Standards Committee established under this by-law.
- 1.3 "Occupant" shall mean any person or persons over the age of eighteen years in possession of the property.
- 1.4 "Officer" shall mean a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- 1.5 "Owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person's own account or as agent or trustee of any other person who would receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.

- 1.6 "Person" includes a person, corporation, association, or partnership.
- 1.7 "Property" shall mean 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, outbuilding, fences, and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 1.8 "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to Schedule "A" to this By-law.

## **PART 2 - STANDARDS**

- 2.1 The Standards for maintenance and occupancy of property set forth in Schedule "A" of this by-law are hereby prescribed and adopted as the minimum standards for the Village of Newbury and said Schedule "A" is hereby enacted and adopted as part of this by-law.

## **PART 3 - RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

- 3.1 Every owner shall ensure that the property of the owner is maintained in accordance with the provisions of this by-law.
- 3.2 Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to this by-law shall obey such order or do or abstain from doing such thing as required, subject to the right of appeal.
- 3.3 No owner or person shall fail to permit an officer or any person acting under his or her instructions to enter and inspect property in accordance with the provisions of Part 5 of this by-law.
- 3.4 Where an order of an officer is directed to an owner to repair or demolish and the property affected is used or occupied by a person or persons holding such property under the provisions of a lease, oral or written, the occupant of the said property shall provide entry to the owner or agent at all reasonable times so that the owner or agent may carry out the required repairs.
- 3.5 The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards or to demolish the whole or any part of the property.
- 3.6 No person shall occupy property which does not conform to the standards set out in Schedule "A" of this by-law, prescribing the maintenance and occupancy of property.

## **PART 4 - ENFORCEMENT**

4.1 The Council of the Village shall by by-law appoint an officer.

## **PART 5 - RIGHT OF ENTRY AND INSPECTION**

5.1 Subject to section 5.2 of this by-law, an officer and any person acting under his or her instructions may, at all times and upon producing proper identification, enter and inspect any property;

5.2 Except under the authority of a search warrant issued under section 21.1 of the Building Code Act as amended, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

## **PART 6 - NOTICE OF VIOLATION**

6.1 Where a property does not conform to the standards prescribed in this by-law, the officer may serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriff's Office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

## **PART 7 - HEARING**

7.1 The officer shall afford all persons who were served with the notice an opportunity to appear before the Officer and make representations in connection therewith. The Hearing shall be held within ninety days after the notice is given in Section 6.1 of this By-law.

## **PART 8 - ORDERS**

8.1 After providing the opportunity to make representations, the officer may serve or cause to be served or may send by prepaid or by personal service an order or orders containing:

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the Village may carry out the repair or clearance at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

## **PART 9 - NOTICE AND SERVICE**

- 9.1 A notice or an order under sections 6.1 or 8.1 of this by-law, when sent by registered mail or by personal service shall be sent to the last known address of the person to whom it is sent.
- 9.2 If the officer is unable to effect personal service or service by registered mail the officer shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

## **PART 10 - REGISTRATION AND DISCHARGE OF ORDERS**

- 10.1 An order under section 8.1 of this by-law may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order, shall be deemed to have been served with the order on the date on which the order was served under section 8.1 of this by-law and, when the requirements of the order have been satisfied, the Village Clerk shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

## **PART 11 - PROPERTY STANDARDS COMMITTEE**

- 11.1 A Property Standards Committee is hereby established and is composed of three members.
- 11.2 Members of the Committee shall be appointed by the Council and shall hold office for the same term as council or upon resignation, which ever comes first.
- 11.3 Members who are unable to continue their duties in the opinion of Council shall be replaced; successors shall hold office for the unexpired term.
- 11.4 The members of the Committee shall elect one of themselves as Chair, and when the Chair is absent through illness or otherwise, the committee may appoint another member as Acting Chair.
- 11.5 The members of the Committee shall be paid such compensation as the council may provide.
- 11.6 A majority of the Committee members constitutes a quorum.
- 11.7 Before hearing an appeal, the Committee shall direct that notice of the hearing be given to such persons as the Committee considers advisable.

## **PART 12 - APPEAL TO THE COMMITTEE**

- 12.1 Where an owner upon whom an order has been served in accordance with this by-law is not satisfied with the terms or conditions of the order, he or she may appeal to the Committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- 12.2 After hearing an appeal the Committee may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan have been maintained.

## **PART 13 - APPEAL TO A JUDGE**

- 13.1 The Village or any owner or person affected by a decision of the Committee may appeal to a Superior Court of Justice by so notifying the Village Clerk in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision and,
- (a) the Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and may direct that it shall be served upon such persons and in such manner as he or she prescribes;
  - (b) the Judge on such appeal has the same powers and functions as the committee.

## **PART 14 - ORDER FINAL AND BINDING**

- 14.1 The order, when no appeal is taken or the order when confirmed or modified after all appeals are completed, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

## **PART 15 - WORK BY THE VILLAGE**

- 15.1 If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the Village, in addition to all other remedies,
- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
  - (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Village under the provisions of this section of this by-law.

## **PART 16 - EMERGENCY ORDER**

- 16.1 Despite any other provision of this by-law, if upon inspection of a property, the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health and safety of any person, the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.
- 16.2 After making an order under section 16.1 of this by-law, the officer may, either before or after the order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger, and for this purpose the Village has the right, through its servants and agents, to enter in and upon the property from time to time.
- 16.3 The officer, the Village or anyone acting on behalf of the Village is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Village in the reasonable exercise of its powers under section 16.2 of this by-law.
- 16.4 Where the order was not served before measures were taken by the officer to terminate the danger, as mentioned in section 16.2 of this by-law, the officer shall forthwith after the measures have been taken, serve or send copies of the order on or to the owner of the property and all persons mentioned in Part 6 of this by-law and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the Village and providing details of the amount expended in taking the measures.
- 16.5 Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in section 16.4 of this by-law, in accordance with Parts 7, 8 and 9, or to the owner of the property and all persons mentioned in Part 6.

## **PART 17 - ORDER CONFIRMING EMERGENCY ORDER**

- 17.1 Forthwith after the requirements of sections 16.4 and 16.5 of this by-law have been complied with, the officer shall apply to a judge of the Ontario Court (General Division) for an order confirming the order made under section 16.1 of this by-law, and
- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and may direct that it shall be served upon such persons and in such manner as he prescribes;
  - (b) the appointment shall be served in the manner prescribed by the judge;
  - (c) the judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the Village in taking the measures to terminate the danger may be recovered by the Village in whole, in part or not at all.
- 17.2 The disposition of the application under paragraph (c) of section 17.1 of this by-law is final and binding.

## **PART 18 - CERTIFICATE OF COMPLIANCE**

- 18.1 Following the inspection of a property, the officer may, or on request of the owner shall, issue to the owner a certificate of compliance if, in his or her opinion, the property is in compliance with the standards of the by-law.
- 18.2 A fee shall be payable to the Village prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner.

## **PART 19 - RECOVERY OF EXPENSE**

- 19.1 Where measures are taken to terminate a danger as mentioned in section 16.2 of this by-law, the Village may recover the expense incurred in respect thereof by any or all of the methods provided for in section 326 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, except that such amount, if any, as is to be borne by the Village as a result of a determination under paragraph (c) of section 17.1, of this by-law may not be recovered.
- 19.2 Where it appears to a chief building official that a person does not comply with this Act, the regulations or an order made under this Act, despite the imposition of any penalty in respect of the non-compliance and in addition to any other rights he or she may have, the chief building official may apply to the Superior Court of Justice for an order directing that person to comply with the provision. 1992, c. 23, s. 38 (1); 2002, c. 9, s. 54.

## **PART 20 - OFFENCE**

- 20.1 No owner shall fail to comply with an order that is final and binding under this by-law.
- 20.2 No person shall obstruct or attempt to obstruct an officer or a person acting under the officer's instructions in the exercise of a power under section 19 of the Building Code Act as amended.

## **PART 21 - PENALTIES**

- 21.1 A person who contravenes section 20.2 of this by-law or an owner who fails to comply with an order that is final and binding under this by-law and, if the person or owner is a corporation, every director or officer of the corporation who knowingly concurs in the contravention or failure to comply, is guilty of an offence and upon conviction is liable to a fine or not more than \$2,000.00 for the first offence and not more than \$10,000.00 for any subsequent offence.
- 21.2 Where a corporation is convicted of an offence under Part 20 of this by-law, the maximum penalty that may be imposed upon the corporation is \$10,000.00 for a first offence and \$50,000.00 for any subsequent offence.



**PART 22 - VALIDITY**

22.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

**PART 23 - REPEAL**

23.1 By-law 874-93, passed September 13<sup>th</sup>, 1993, is repealed.

23.2 By-law 121-98, passed February 8<sup>th</sup>, 1999, is repealed.

**PART 24 - COMMENCEMENT**

24.1 This by-law comes into force on the day it is passed.

**READ a first and second time this 14<sup>th</sup> day of November, 2016.**

**READ a third time and finally passed this 14<sup>th</sup> day of November, 2016.**

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REEVE DIANE BREWER

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CLERK BETTY D. GORDON

**SCHEDULE "A"**  
**TO BY-LAW 118-16**

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## PART 1 - DEFINITIONS

- 1.1 **ACCESSORY BUILDING**, shall mean a building that is normally incidental, subordinate and exclusively devoted to a main use, building, or structure, that is not used for human habitation, and that is located on the same lot therewith.
- 1.2 **BASEMENT**, shall mean a storey or storeys of a building located below the first storey.
- 1.3 **BATHROOM**, shall mean a room containing at least one toilet and bathtub or shower, or two rooms which contain in total at least one toilet and one bathroom or shower.
- 1.4 **BOARDING HOUSE, LODGING OR ROOMING HOUSE**, shall mean a building where
- (a) building height does not exceed 3 storeys and building area does not exceed 600 m<sup>2</sup> (6460 ft),
  - (b) lodging is provided for more than 4 persons in return for remuneration or the provision of services or for both, and
  - (c) lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants."
- 1.5 **BUILDING**, shall mean,
- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
  - (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
  - (c) plumbing not located in a structure,
  - (d) a sewage system; or
  - (e) structures designated in the building code;
- 1.6 **COMMITTEE**, shall mean a property standards committee established under section 15.6.
- 1.7 **COUNCIL**, shall mean the Council of the Village of Newbury.
- 1.8 **DWELLING**, shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions, mobile homes, or living quarters for a caretaker, watchman, or other person or persons using living quarters which are accessory to a non-residential building or structure.
- 1.9 **DWELLING UNIT**, shall mean one or more habitable rooms occupied or capable of being

occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside of the building or from a common hallway or stairway inside the building.

- 1.10 **EXTERIOR PROPERTY AREAS**, means the property excluding buildings.
- 1.11 **GRADE LEVEL**, shall mean, when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, and when used with reference to a structure means the average elevation of the finished grade of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment or entrenchment, and when used with reference to a road means the elevation of the road allowance by the authority having jurisdiction.
- 1.12 **HABITABLE ROOM**, shall mean any room used or intended to be used for living, sleeping, cooking or eating purposes and where the ceiling height is at least 2.3 m. over one-half the floor area.
- 1.13 **MAINTENANCE**, shall mean the preservation and keeping in repair of a property.
- 1.14 **MEANS OF EGRESS** shall mean a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare. Means of egress includes exits and access to exits.
- 1.15 **MEDICAL OFFICER OF HEALTH**, shall mean the Medical Officer of Health of the Middlesex-London District Health Unit.
- 1.16 **MULTIPLE-FAMILY DWELLING**, shall mean a dwelling designed, intended or used for occupancy by three or more families living independently of each other in separate dwelling units but excludes an apartment dwelling, townhouse dwelling, or double duplex dwelling.
- 1.17 **MULTIPLY USE BUILDING**, shall mean a building containing both a dwelling unit and a non-residential property.
- 1.18 **MUNICIPALITY**, shall mean the Corporation of the Village of Newbury as now or hereafter legally constituted.
- 1.19 **NON-HABITABLE ROOM**, shall mean any room in a dwelling, group home, boarding house, rooming house, a tourist home other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet cellar, furnace room or other space for service and maintenance, and for access to, and vertical travel between storeys.

- 1.20 **NON-RESIDENTIAL PROPERTY**, shall mean any property or use of property designed, intended, or used for purposes other than those of a dwelling.
- 1.21 **OCCUPANCY**, shall mean to reside in as owner or tenant on a permanent or temporary basis.
- 1.22 **OCCUPANT**, shall mean any person or persons over the age of eighteen years in possession of the property.
- 1.23 **OWNER**, shall mean the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 1.24 **PROPERTY**, shall mean 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, out buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 1.25 **PROPERTY STANDARDS OFFICER**, shall mean the person who has been assigned by Council the responsibility of administering and enforcing this by-law.
- 1.26 **REPAIR**, shall mean the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall comply to the standards established in this by-law.
- 1.27 **RESIDENTIAL PROPERTY**, shall mean the use of property and buildings or structures or parts thereof for the purpose of a dwelling.
- 1.28 **SANITARY SEWAGE**, shall mean a liquid waste containing animal, vegetable, or mineral matter in suspension or solution but does not include roof water or other storm water runoff.
- 1.29 **SEWAGE SYSTEM**, shall mean a sanitary sewage system owned, operated, or used by the Municipality or a private sanitary sewage disposal system certified or capable of being certified under the Ontario Building Code, 1997, and regulations pursuant thereto as amended from time to time.
- 1.30 **STANDARDS**, shall mean the standards of physical condition and of occupancy prescribed for property by this by-law.
- 1.31 **WATER CLOSET**, shall mean a toilet bowl and its accessory parts or components.

1.32 **UNSAFE CONDITION**, shall mean

- (a) structurally inadequate or faulty for the purposes for which it is used or intended to be used; or
- (b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented.

1.33 **REPAIRS**

- (a) All repairs to comply with this schedule shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer as good and workmanlike for the trades concerned.
- (b) Nothing in this by-law shall require repairs to be carried out inside an unused building or inside an unused part thereof, except as necessary to remedy an unsafe condition to persons outside of the building.
- (c) This by-law and the regulations thereto shall not be applicable to repairs required under the jurisdiction of the Building Code, Fire Code or any other provincial act or regulations.

## **PART 2 - PROPERTY MAINTENANCE**

2.1 **MAINTENANCE**

2.1.1 All exterior property shall be maintained in a clean and tidy condition, and more precisely includes removal of;

- (a) rubbish, garbage, brush, waste, litter and debris;
- (b) injurious insects, termites, rodents, vermin and other pests;
- (c) excessive growth of weeds;
- (d) ground cover, hedges and bushes which are unreasonably overgrown;
- (e) dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe condition;
- (f) wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers, except in an established licensed or authorized to conduct or operate a wrecking business;

- (g) farm machinery, railway cars, scrap metal, used building materials, household appliances, machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition or which is not in keeping with the neighbouring properties;
- (h) dilapidated or collapsed structures or erections, and the filling or protecting of any uncovered wells.

unless such land;

- a) is licensed as a motor vehicle wrecking yard; or
- b) constitutes a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, 1990, as amended from time to time; or
- c) is enclosed in a building; and
- d) is in conformity with the Municipality's Zoning By-law or otherwise constitutes a legal non-conforming use in accordance with Section 34 of the Planning Act, 1990, as amended from time to time.
- e) one trailer, camper, or boat may be situated on the property unlicensed if kept in a safe and acceptable condition (such vehicles may not obstruct sidewalks or be located to block the view of drivers or pedestrians).

2.1.2 Lawns, hedges, and bushes shall be maintained and kept trimmed and from becoming overgrown and unsightly.

2.1.3 Lands shall be cultivated or protected by suitable ground cover which prevents the erosion of soil and ponding or flooding on adjacent lands.

2.1.4 Heavy undergrowth and noxious plants shall be eliminated from the yard.

2.1.5 All parking areas shall be maintained with a stable surface which is constructed or treated so as to prevent the raising of dust or loose particles.

## 2.2 **WASTE DISPOSAL**

2.2.1 Sewage or organic waste, with the exception of animal waste, shall be discharged into a sewage disposal system as defined by the Ontario Building Code Act, 1997.

2.2.2 Sewage of any kind shall not be discharged directly into a natural or artificial surface drainage system of any kind.

## 2.3 **GARBAGE DISPOSAL**



- 2.3.1 Every residential dwelling shall dispose of their weekly household garbage in clear garbage bags and as per the current Recycling Rules.
- 2.3.2 Every commercial and industrial dwelling shall be responsible for their own agreement with the Village contractor.
- 2.3.3 Commercial and industrial establishments which generate trash shall make all reasonable efforts to insure that cartons, wrappers, paper, rubbish and debris shall not be blown or otherwise carried onto adjoining properties or streets.

## 2.4 **SAFE PASSAGE**

Steps, walks, and driveways shall be maintained so as to afford safe passage under normal use and weather conditions.

## 2.5 **FENCES, BOUNDARY WALLS AND SIGNS**

Fences, boundary walls, and signs shall be kept in a good state of repair and free from health, fire, and accident hazards.

## 2.6 **UNSAFE CONDITIONS**

- (a) Unsafe conditions shall be diminished at once.
- (b) The Building Code Act and the Fire Code, or other applicable statutes and regulations shall apply to reduce unsafe conditions in respect to matters regulated therein.

# **PART 3 - BUILDING STANDARDS AND MAINTENANCE**

## 3.1 **PEST PREVENTION**

- 3.1.1 All buildings, with the exception of farm buildings, shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents or insects of both shall be in accordance with the provisions of the Pesticides Act, R.S.O., 1996 and regulations passed pursuant thereto, as amended from time to time.

## 3.2 **STRUCTURAL CONDITIONS**

- 3.2.1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

3.2.2 Foundation walls and basement, cellar or crawl space floors of buildings shall be maintained in good repair and structurally sound, and where necessary shall be so maintained by shoring of the walls, grouting masonry cracks, waterproofing the walls or floors, and installing subsoil drains at footing levels.

3.2.3 All exterior surfaces shall be constructed of materials which provide adequate protection from the weather.

3.2.4 Walls, roofs and other exterior components of buildings shall be free from loose, rotten, warped, and broken materials and objects.

### 3.3 **EXTERIOR WALLS**

3.3.1 Exterior walls and their components shall be maintained so as to prevent their deterioration due to weather, and insects, and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and of the walls themselves by installing or repairing of shields and by treating of the soil with poison in accordance with the provisions of the Pesticides Act, R.S.O., 1996, as amended from time to time.

### 3.4 **ROOFS**

A roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent the leakage of water into the building.

### 3.5 **DAMPNESS**

Interior floors, ceilings, and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall, or a roof, or through a basement, cellar or crawl space.

### 3.6 **DOORS AND WINDOWS**

Windows, exterior doors and frames, and basement or cellar hatchways shall be maintained in sound state or repair so as to prevent the entrance of wind or precipitation.

### 3.7 **STAIRS AND PORCHES**

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

### 3.8 **EGRESS**

3.8.1 Every building shall have a separate access so as to provide a safe, continuous, and unobstructed exit from the interior of the building to the exterior at street or grade level.

3.8.2 A secondary means of egress from every dwelling unit located on each floor above the second floor, and for two or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.

3.9 **WALLS AND CEILINGS**

Every wall and ceiling finish shall be maintained in a clean condition and free from holes, loose coverings, or other defects which would permit flames or excessive heat to enter the concealed space.

3.10 **FLOORS**

Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident, and all defective floor boards shall be repaired.

3.11 Without restricting the generality of section 3, the maintenance may include:

- (a) extension of the wall foundations below grade or regrading to provide adequate frost cover;
- (b) installing subsoil drains where such would be beneficial;
- (c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (d) grouting, waterproofing, cladding or replacing as necessary so as to be weather tight;
- (e) the replacement, cladding or treatment with other methods to restore the wall to its original or acceptable equivalent appearance;
- (f) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
- (g) the restoring, or replacing of
  - (i) the foundations, walls, columns, beams, floor and roof slabs; and
  - (ii) components, cladding, finishes and trims forming a part thereof;
- (h) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
- (i) removing or replacing loose or unsecured objects and materials.

3.12 **ACCESSORY BUILDINGS**

Accessory buildings other than farm outbuildings shall be maintained.

**PART 4 - OCCUPANCY STANDARDS**

#### 4.1 **CLEANLINESS**

Every floor, wall, ceiling and fixture in a dwelling, group home, boarding house, rooming house, or tourist home shall be maintained in a clean sanitary condition, and the dwelling shall be kept from rubbish, debris or conditions which constitute a fire, accident or health hazard.

#### 4.2 **WATER**

4.2.1 Every dwelling unit, group home, boarding house, rooming house, or tourist home, shall be provided with an adequate and potable supply of both hot and cold running water.

4.2.2 Where hot water is to be provided, it shall be provided at a minimum temperature of 49°C.

4.2.3 Water sufficient to flush the water closet adequately shall be supplied except where a privy approved by the Medical Officer of Health constitutes the method for the collection and disposal of human wastes.

#### 4.3 **BATHROOMS**

4.3.1 Every dwelling unit, group home, boarding house, rooming house or tourist home shall be provided with at least one wash basin, and one bathtub or shower supplied with hot and cold running water, and a toilet connected to a sewage disposal system.

4.3.2 All bathrooms shall be located within and accessible from within a dwelling unit, group home, boarding house, rooming house, or tourist home.

4.3.3 All bathrooms shall be fully enclosed so as to provide privacy for the occupant.

#### 4.4 **KITCHENS**

4.4.1 Every dwelling unit, group home, boarding house, rooming house, or tourist home shall contain a kitchen area equipped with a sink serviced with hot and cold running water, storage facilities, a counter top work area, and space for a stove or refrigerator.

4.4.2 Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.

4.4.3 There shall be at least three quarters (0.75) of a meter clear space above any exposed cooking surface.

#### 4.5 **PLUMBING**

4.5.1 All plumbing, except for privies which are approved by the Medical Officer of Health, shall discharge the water, liquids, or sewage generated within a dwelling unit, group home, boarding house, rooming house, or tourist home into a drain which shall be connected to a sewage disposal system.

4.5.2 All plumbing, drain pipes, water pipes and plumbing fixtures shall be kept in good working order and free from leaks and defects, and all water pipes and appurtenances thereto shall

be protected from freezing.

#### 4.6 **HEATING**

- 4.6.1 Every dwelling unit, group home, boarding house, rooming house, or tourist home, shall be supplied with heat capable of maintaining an indoor temperature of at least 20°C.
- 4.6.2 The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.
- 4.6.3 No room heater shall be placed so as to cause a fire hazard to walls, curtains, and furniture, nor to impede the free movement of persons within the room where the heater is located.
- 4.6.4 Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located, enclosed, or separated from the remainder of the building in conformance with the Ontario Building Code.

#### 4.7 **FUEL STORAGE**

- 4.7.1 Where a heating system or part of it, or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or other hazards.

#### 4.8 **CHIMNEYS**

- 4.8.1 Any heating or cooking apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smoke pipe, vent pipe or similar adequate chimney.
- 4.8.2 Every smoke or vent pipe or similar adequate chimney, in use or available for use on a dwelling or building, shall be maintained so as to prevent the escape of gases into the dwelling or building.
- 4.8.3 Every smoke or pipe or similar adequate chimney shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated there from, or in contact therewith, does not exceed a safe temperature.
- 4.8.4 All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in a safe state of repair.

#### 4.9 **ELECTRICAL SERVICES**

- 4.9.1 Existing wiring and electrical equipment shall be in a good, serviceable, and safe condition as required by Ontario Hydro.
- 4.9.2 Fuses or overload devices shall not exceed limits set by Ontario Hydro.
- 4.9.3 The electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in accordance with the Ontario Electric Safety Code, established under the Power Corporations Act, R.S.O., 1990, as amended

from time to time. When in the opinion of the Property Standards Officer, the electrical system does not comply with the requirements of Ontario Hydro, the Property Standards Officer shall so inform Ontario Hydro.

#### 4.10 **LIGHTING**

- 4.10.1 Every habitable room except for a kitchen shall have a window or windows, skylights or translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.
- 4.10.2 All common halls and stairs in multiple family dwellings, group homes, boarding houses, rooming houses or tourist homes, shall be illuminated at all times, either by natural or artificial means, so as to provide safe passage.

#### 4.11 **VENTILATION**

- 4.11.1 Every habitable room shall have an opening or openings for natural ventilation and such openings shall have a minimum aggregate unobstructed free flow area of three thousand (3000) square centimetres.
- 4.11.2 An opening for natural ventilation may be omitted from a kitchen, living room, or living-dining room if mechanical ventilation is provided which changes the air once each hour.
- 4.11.3 Every bathroom, or privy which is recognized by the Medical Officer of Health, shall be provided with an opening or openings for natural ventilation or, where electrical service is available, a system of mechanical ventilation which operates whenever the light is turned on.

#### 4.12 **OCCUPANCY**

- 4.12.1 No person shall use or permit the use of a non-habitable room in a dwelling, group home, boarding house, rooming house, or tourist home, for purposes as a habitable room.
- 4.12.2 The maximum number of occupants residing in a dwelling unit, group home, boarding house, rooming house, or tourist home shall not exceed one person per nine (9.0) square metres of habitable room floor area. Any child over one year but less than ten years shall be deemed one-half person.
- 4.12.3 The floor area under a ceiling which is less than two (2.0) metres shall not be counted for the purpose of computing habitable room space.

4.12.4 A travel trailer, truck camper, or motor home shall not be used for living, sleeping, eating, or accommodation for periods of more than thirty (30) days in any period of ten (10) consecutive months unless such travel trailer, truck camper, or motor home is located in a campground which is licensed by the Municipality and is in conformity with the Municipality's Zoning By-law.

4.13 **UNSAFE CONDITIONS**

- (a) Unsafe conditions shall be diminished at once.
- (b) The Building Code Act and the Fire Code, or other applicable statutes and regulations shall apply to reduce unsafe conditions in respect to matters regulated therein.