

(Consolidated Version) As amended by By-Law Nos. 032-2013, 052-2013, 070-2013, 088-2013, 011-2014, 074-2014, 105-2014, 022-2015, 106-2015, 060-2016, As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NUMBER 131-2012

BEING BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTIES IN THE TOWN OF MILTON AND TO REPEAL BY-LAWS 141-2001, AS AMENDED, 102-2002, 42-2003, 43-2004 113-2006, 091-2008, 044-2009, 074-2009, 104-2009, 153-2009, 037-2010, 043-2011, 064-2012, 076-2012, AND ANY OTHER AMENDING BY-LAWS IN THEIR ENTIRETY

**WHEREAS** the Council of the Corporation of the Town of Milton is empowered by Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 to pass a by-law for, Inter Alia, prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the use of property that does not conform to the standards, and for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all *buildings*, structures, *debris* or refuse and left in a graded and levelled condition;

**AND WHEREAS** the Official Plan for the Corporation of the Town of Milton includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Corporation of the Town of Milton is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

**AND WHEREAS** Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

**NOW THEREFORE** THE COUNCIL OF THE CORPORATION OF THE TOWN OF MILTON HEREBY ENACTS THE FOLLOWING:

#### 1 SHORT TITLE

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

#### 2 SCOPE AND INTERPRETATION

2.1 This By-law prescribes the maintenance and occupancy *standards* for the purpose of section 15.1(3) of the *Ontario Building Code Act*, S.O. 1992, c.23.

2.2 Where the provisions of this By-law conflict with the provision of any other By-law in force in the *Town* the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

2.3 Where the provisions of this By-law conflict with the *Ontario Building Code* or any other Act, the provisions of the provincial standard shall prevail.

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- 2.4 In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

### **3 GENERAL STANDARDS FOR ALL PROPERTIES**

- 3.1 All repairs and maintenance as required by this By-law shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned and with suitable material and sufficient for the purpose. All new construction or repairs shall conform to the *Ontario Building Code* or other such Codes or requirements where applicable.
- 3.2 Without restricting the generality of the foregoing, "good workmanship" includes the following:
- (a) ensuring that the component repaired can perform its intended function;
  - (b) finishing the repair in a manner reasonably compatible in design and colour and material with adjoining finishing materials;
  - (c) this By-law applies to all properties in the Town of Milton.

### **4 GENERAL DUTIES AND OBLIGATION TO COMPLY**

- 4.1 Every *owner* or agent shall:
- (a) not use or occupy or allow to be used or occupied any property that does not conform to the *standards* of this By-law;
  - (b) comply with all *standards* prescribed in this By-law;
  - (c) comply with any final and binding Order of the *Property Standards Officer*;
  - (d) ensure that no *building* or structure on a *Part IV* or a *Part V Heritage Property* shall be altered or cleared, including but not limited to removed, *demolished* or relocated, except in accordance with the Ontario Heritage Act.
- 4.2 Every *tenant* or *occupant* of a property shall insofar as that part of the property which he/she occupies or controls, comply with all of the *standards* prescribed in this by-law and shall:
- (a) maintain that part of the premises which is occupied or controlled in a clean, sanitary and safe condition;
  - (b) keep exits from a residential dwelling, *dwelling unit* commercial or industrial unit clean and unencumbered;
  - (c) dispose of garbage and refuse into provided facilities in a clean and sanitary manner, in accordance with the provisions of applicable laws of the Corporation;

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(d) maintain *yards* in a clean, sanitary and safe condition and free from infestation insofar as said *tenant* or *occupant* occupies or controls said *yards* and any part thereof.

4.3 *Owners* or *Occupants* of a *Part IV* or a *Part V Heritage Property* shall maintain the property in conformity with the *standards* required in this By-law.

## 5 DEFINITIONS

5.1 "*Accessory building*" means a *building* or structure not used for human habitation, the use of which is customarily incidental and subordinate to, and devoted exclusively to a principal use, *building* or structure and located on the same lot therewith.

5.2 "*Act*" means *Ontario Building Code Act*, S.O. 1992, c.23, as may be amended from time to time.

5.3 "*Apartment Building*" means a *building* containing more than two *dwelling units*;

5.4 "*Appliance*" includes refrigerator, stove, clothes washer, clothes dryer, dishwasher and hot water tank.

5.5 "*Basement*" means that portion of a *building* between two floor levels which is partly underground but which has at least half its height from finished floor to finished ceiling above the average *finished grade level* to the exterior walls of the *building*.

5.6 "*Building*" shall mean a structure used for or intended for supporting or sheltering any use or any use of occupancy;

5.7 "*Cellar*" means that portion of a *building* between two floor levels which is partly or wholly underground and which has more than half of its height from finished floor to finished ceiling below the average *finished grade level* adjacent to the exterior walls of the *building*.

5.8 "*Chief Building Official*" means the *person* appointed as the *Chief Building Official* by the Council of the Corporation of the Town of Milton under the legislated authority of the *Ontario Building Code Act*.

5.9 "*Crawl Space*" means that space below the floor of the first *storey* of a *building*, which is not less in height than 0.30 m. from the underside of the floor joists to the surface below and is not a *cellar* or *basement* as defined herein.

5.10 "*Commercial Property*" means the use of land, *building* or structure used for the buying and selling of goods and/or providing of services and for the purposes of this by-law shall include office *buildings*, public halls, licensed

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premises and private clubs, and any *building* that is used in conjunction with these uses but does not include such uses a manufacturing or assembly of goods, warehousing, transportation terminals, construction and other similar uses.

- 5.11 "*Committee*" means the Property Standards Committee established under section 15.6 of the Act.
- 5.12 "*Current Crop Production*" means land that will have at least one crop harvested in a calendar year.
- 5.13 "*Debris*" includes, but is not limited to:
- (a) garbage, litter, refuse, rubbish, trash, ashes, effluent, rubble, discarded, worthless or worn-out *building* materials or components, paper, cardboard, cartons and any other things, matter or effluent and fragments or parts thereof;
  - (b) discarded, worthless, worn-out or abandoned items or articles of personal property or fragments or parts thereof;
- 5.14 "*Demolish*" means to do anything in the removal of a *building* or any material part thereof and "demolition" has a corresponding meaning.
- 5.15 "*Derelict*" shall mean any vehicle machinery, trailer, boat or vessel;
- (a) which has broken or missing parts of such sufficiency so as to render it incapable of being licensed to operate where such licensing is necessary in its current condition but shall not include a motor vehicle actively being repaired or restored by the *owner* or;
  - (b) which is in a wrecked dismantled discarded inoperative or abandoned condition
- 5.16 "*Derelict motor vehicle*" means a motor vehicle as defined in the Highway Traffic Act that is;
- (a) inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation;
  - (b) not in *roadworthy* condition;
  - (c) in a state of disrepair or unsightly by reason of missing doors glass or body parts or;
  - (d) inoperable and appears incapable of use as a means of lawful transportation or has an industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic but does not include an antique or historic motor vehicle which is actively being restored as a collector's or *historic vehicle*

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- 5.17 "*Domestic Waste*" shall mean any *debris*, rubbish, refuse, *sewage*, effluent, discard or garbage of any type arising from a residence, belonging to or associated with a house or use of a house or *residential property*, including, but not limited to, garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure to the weather;
- 5.18 "*Dwelling*" means *building*, structure, or part of a *building* or structure occupied, or capable of being occupied, in whole or in part for the purposes of human habitation.
- 5.19 "*Dwelling Unit*" means one or more *habitable rooms* within a *building* which is designed, occupied and/or used as a single housekeeping unit, in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals.
- 5.20 "*Finished Grade Level*" means the average level of proposed or finished ground abutting the *building* or structure at the exterior walls.
- 5.21 "*Garbage Receptacle*" means a container used to store refuse for collection; including Blue and Green bins used for Regional Waste Management collection and shall include metal or plastic containers and commercial dumpsters, but shall not include garbage bags..
- 5.22 "*Habitable Room*" shall mean any room in a *dwelling* or *dwelling* unit used or intended to be used for living, eating, sleeping, or cooking and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- 5.23 "*Heritage Attribute*" means, in relation to real property, and to *buildings* on the real property, an attribute of the property, *building* or structure that contributes to its cultural heritage value or interest and that is defined or described:
- (a) in a by-law designating a property approved under Section 29, Part IV of the Ontario Heritage Act and identified as a *heritage attribute*, reason for designation, or otherwise;
  - (b) in a Minister's Order made under Section 34.5, Part IV, of the Ontario Heritage Act and identified as a *heritage attribute* or otherwise;
  - (c) in a by-law designating a heritage conservation district passed under Section 41, *Part V* of the Ontario Heritage Act and identified as a *heritage attribute* or otherwise;
  - (d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to, a heritage conservation district plan, assessment or inventory, and identified as *heritage attributes* or otherwise.

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5.24 "*Historic vehicle*" means a motor vehicle that is:

- (a) at least 30 years old and;
- (b) substantially unchanged or unmodified from the original manufacturer's product and;
- (c) appropriately insured for storage or use on the highway. Proof of such insurance shall be made available to the officer upon request.

5.25 "*Industrial Waste*" shall mean any *debris*, refuse, sewage, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or *commercial property* including, but not limited to, garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure to the weather;

5.26 "*Interior Common Areas*" includes, but is not limited to laundry rooms, garbage rooms, corridors, boiler rooms, parking garages, storage areas and recreation rooms.

5.27 "*Landlord*" includes:

- (a) the *owner* or other *person* permitting occupancy of a *dwelling* or *dwelling unit*;
- (b) the heirs, assigns, personal representatives and successors in title of a *person* referred to in clause (a) above and,
- (c) a *person*, other than a *tenant* occupying a rental unit, who is entitled to a possession of the complex and who attempts to enforce any of the rights of a *landlord* under a tenancy agreement, including the right to collect rent.

5.28 "*Means of Egress*" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of *persons* from any point within a *building*, floor area, room or contained open space to a public thoroughfare or approved open space.

5.29 "*Medical Officer of Health*" means the *Medical Officer of Health* of the Regional Municipality of Halton or *person* acting under his/her instruction.

5.30 "*Motor Vehicle*" means an automobile, truck, motorcycle, snowmobile, trailer, recreation vehicle and any other vehicle propelled or driven by other than by muscular power, but does not include the cars of electric or steam railways, or other *motor vehicles* running solely upon rails, or a traction engine, farm tractor, self propelled implement of husbandry or road *building* machine within the meaning of the Highway Traffic Act.

5.31 "*Multiple Dwelling*" means a *building* containing two or more *dwelling units*.

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- 5.32 "*Non-habitable Room*" shall mean any room in a *dwelling* or *dwelling unit* other than a habitable room and includes a bathroom, toilet room, *washroom*, laundry, pantry, lobby, communicating corridor, corridor stairway, stairway, closet, boiler room, garage or other space for service and maintenance of the *dwelling* for public use, and for access and vertical travel between *storeys*, and *basement* or part thereof which does not comply with the *standards* of fitness for occupancy set out in this by-law;
- 5.33 "*Officer*" means a Property Standards Officer appointed by the Town of Milton for the purpose of administering and enforcing this By-law as outlined in Schedule "A".
- 5.34 "*Occupant*" means any *person* or *persons* over the age of eighteen (18) years of age in possession of the property.
- 5.35 "*Ontario Building Code*" means the 1997 Ontario Building Code (Ontario Regulation 403/97, as amended).
- 5.36 "*Owner*" includes;
- (a) the *person* for the time being managing or receiving the rent of the 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 or,
  - (b) a lessee, *landlord* 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, or, the assessed *owner* shown by the records in the Registry Office or The Land Titles Office, to have an interest in said property.
- 5.37 "*Part IV Heritage Property*" means real property, including all *buildings* and structures thereon, which have been designated by the Town of Milton under Section 29 of the Ontario Heritage Act or which have been designated by the Minister under Section 35.4 of the Ontario Heritage Act.
- 5.38 "*Part V Heritage Property*" means real property, including all *buildings* and structures thereon, located within a heritage conservation district that has been designated by the Town of Milton under section 41 of the Ontario Heritage Act..
- 5.39 "*Pasture Land*" means land that is properly fenced, with the ability to contain livestock to properly graze the fenced area.
- 5.40 "*Person*" or any expression referring to a *person* means an individual, sole proprietorship, partnership, limited partnership, trust, corporate body, and an individual in his or her capacity as a trustee, executor, administrator or other legal representative.

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- 5.41 "*Pest*" shall mean any mouse, rat, bed bug, flea, wasp, hornet, or cockroach, but does not include any domesticated mouse or rat;
- 5.42 "*Plumbing*" means a drainage system, a venting system and a water system or parts thereof.
- 5.43 "*Property*" shall mean a *building, dwelling* or structure, or part of a *building* or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile *buildings*, mobile homes, outbuildings, fences, *retaining walls*, and erections thereon, whether heretofore or hereafter erected and includes vacant property or a *Part IV Heritage Property* and a *Part V Heritage Property*;
- 5.44 "*Reforested Land*" means land regulated by the Ministry of Natural Resources or lands under nursery crop production.
- 5.45 "*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 to *standards* established in this By-law.
- 5.46 "Residential Landscaping" Means either or both of the following surfaces on a *lot* having a residential *use* containing less than four (4) *dwelling units*
- (a) the vegetative surface (level or otherwise) capable of supporting the growth of vegetation (such as grass, trees, shrubs, flowers, berms or other plants) or,
  - (b) the rough or irregular surface that permits the infiltration of water into the ground (including rocks and stones).
  - (c) *Residential Landscaping* may include retaining walls, walkways, *stairs*, and patios, but shall not include a *Residential Driveway*.
- 5.47 "*Residential Property*" means any property that is used or designated for use as a *dwelling* in which one or more *persons* usually sleep, prepare and serve meals, and includes any land or *buildings*, stairway, walkway, driveway, parking area and fence associated with the *dwelling* or its *yard* that are appurtenant to such establishment.
- 5.48 "*Retaining Wall*" shall mean a structure that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs;
- 5.49 "*Roadworthy*" when used in reference to a motor vehicle means a motor vehicle that is licensed or is eligible to be licensed by virtue of a current valid Safety Standards Certificate having been issued for that vehicle.
- 5.50 "*Sewerage System*"



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- (a) "*Sanitary Sewer*" means a sewer, the purpose of which is to carry *sewage* and to which storm and surface water and drainage are not intentionally admitted.
  - (b) "*Storm Sewer*" means a sewer, the purpose of which, as certified by the Town Engineer, is to carry storm and surface water and drainage, but not *sewage*.
  - (c) "*Sewage*" means any one or combination of industrial, commercial or *domestic waste*.
  - (d) "*Private Disposal System*" means a system designed for the collection and disposal of *sanitary sewage* on private property and approved by the Region of Halton *Medical Officer of Health* or *Chief Building Official*.
  - (e) "*Plumbing System*" means, jointly and severally, the water distribution system, all fixture and fixture traps, drainage system, the building sewer and private disposal *sewage* disposal system, all leaders, together with all their devices, appurtenances and connections.
- 5.51 "*Sound*" means free and clear of defect or deterioration as would render a component unfit for the purpose for which it is used or designed.
- 5.52 "*Standard*" means the standards of physical condition and of occupancy prescribed for property by this By-law.
- 5.53 "*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.
- 5.54 "*Street*" means a public highway, road or other public right-of-way which affords a principal means of access to abutting lots but does not include a private lane or unopened road allowance.
- 5.55 "*Tenant*" means a *person* who pays rent in return for the right of occupancy.
- 5.56 "*Town*" shall mean the Corporation of the Town of Milton;
- 5.57 "*Unsafe Condition*" means any condition that poses a danger to the health or safety of any *person* on or about the premises.
- 5.58 "*Vegetation*" includes any woody or herbaceous plant material other than mature trees and includes shrubs, bushes, undergrowth, brush, weeds and grasses.
- 5.59 "*Vermin*" includes rats, mice and all other such undesirable animals.
- 5.60 "*Washroom*" means an area containing a toilet or urinal, bathtub or shower and a washbasin.

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5.61 "*Waste*" means a substance or material that is unusable or unwanted and includes but is not limited to:

- (a) animal feces;
- (b) broken or discarded material;
- (c) disconnected *appliances* and parts of such *appliances*;
- (d) firewood not stacked neatly;
- (e) indoor furniture;
- (f) *domestic waste*;
- (g) *industrial waste*;
- (h) *derelict* machinery, *derelict* vehicles, parts of such machinery not packaged for immediate shipment or parts of vehicles not packaged for immediate shipment;
- (i) material resulting from construction, demolition, repair or renovation projects;
- (j) piping, ducting, tubing, conduits, cable, wire and fittings or related accessories not packaged for immediate shipment;
- (k) torn or cut twigs, tree trunk, stem or branches;
- (l) *waste wood* or lumber,
- (m) and does not include *waste* that is contained, in compliance with all applicable laws and by-laws, in a salvage *yard* with a current and valid licence under the Town's Business Licensing By-law.

5.62 "*Yard*" means the land, other than publicly owned land, around or appurtenant to the whole or any part of a property and used or capable of being used in connection with the property.

## **6 GENERAL STANDARDS FOR ALL DESIGNATED HERITAGE PROPERTIES**

6.1 In addition to the *standards*, obligations and requirements that apply to all properties under this By-law, the *Owner* or *Occupant* of a *Part IV* or a *Part V Heritage Property* shall:

- (a) maintain, preserve and protect *heritage attributes* to prevent deterioration;
- (b) repair damage to *heritage attributes*.

6.2 Subject to any applicable provisions of the Ontario Heritage Act:

- (a) where section 6.1 can be complied with by means of repair, notwithstanding any other provision to the contrary, the heritage attribute shall not be replaced, and the repair shall be undertaken in a manner that minimizes damage to the heritage attribute;
- (b) where section 6.1 cannot be complied with by means of repair, notwithstanding any other provision to the contrary, and where sufficient physical evidence exists of the nature of the heritage attribute, the heritage attribute shall be replaced with materials that match original

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materials as closely as possible and that are in keeping with the design, colour, texture and distinctive features of the original material, or in such a manner as to replicate the design, colour, texture and distinctive features of the original material. Where there is insufficient physical evidence of the nature of the heritage attribute, the form, material and detailing of the new element shall be compatible with the heritage character of the heritage attribute.

6.3 In addition to the *standards*, obligations and requirements that apply to all properties under this By-law, a part of a *Part IV* or a *Part V Heritage Property*, including but not limited to a roof, wall, floor, retaining wall or foundation, that supports or protects a heritage attribute and without which the heritage attribute may be at risk of deteriorating or being damaged, shall be structurally *sound* and maintained in good repair.

(a) Section 6.3 shall be complied with in a manner that minimizes damage to the heritage attribute.

## **7 VACANT AND/OR DAMAGED DESIGNATED HERITAGE PROPERTIES**

7.1 Where a *building* on a *Part IV* or a *Part V Heritage Property* remains vacant or unoccupied for a period of ninety (90) days or more, the *Owner* shall ensure that appropriate utilities serving the *building* are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the *building* by fluctuating temperatures and humidity.

7.2 Where a *building* on a *Part IV* or a *Part V Heritage Property* is vacant or damaged by accident, storm, neglect, intentional damage, or other causes, the *Owner* shall protect the *building* against the risks of accident, intentional damage, fire, storm, neglect or other causes and shall effectively prevent the entrance of the elements, unauthorized *persons*, or the infestation of *pests* by closing and securing openings to the *building* with boarding:

- (a) which completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- (b) on window openings, which is painted matte black to resemble window glass;
- (c) on door openings, which is painted a colour that matches the colour of the original door;
- (d) on an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the *building*; and

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- (e) which is fastened securely with screws at least 50mm in length and installed at appropriate intervals on centre.
- 7.3 Subject to any applicable provisions of the Ontario Heritage Act, where the minimum standard imposed by section 7.2 has, more than once, failed to exclude unauthorized entry, and further where the *owner's* control, attendance or lack of security measures to protect the *Part IV* or a *Part V Heritage Property* suggests that a more secure option be used, then the *owner* shall supply such measures, including such improved security of closures, as may be required by an Officer.
- 7.4 No window, door or other opening shall be closed or secured in accordance with section 7.3 with brick, concrete blocking or any other masonry units and mortar, except where required by an Officer under section 7.3

## 8 STRUCTURAL STANDARDS

- 8.1 The structural elements shall be maintained in good repair and in a structurally *sound* condition so as:
- (a) to be capable of sustaining safely their own weight and any load or force to which it may normally be subjected;
  - (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
  - (c) to prevent the entry of moisture that would contribute to damage, fungus, mold, growth, decay or deterioration;
  - (d) to be capable of safely and adequately perform its function subject to all reasonable service ability requirements.
- 8.2 If in the opinion of the Officer there is doubt as to the structural adequacy or condition of a *building* or structure or parts thereof, the Officer may order that such *building* or structure or parts thereof be examined and a written report be prepared by a professional engineer, licensed to practice in Ontario, and employed by the *Owner* or authorized agent. The written report, including drawings where required, signed and stamped by the engineer and giving details of the findings and proposed repair methods, if required, shall be submitted to the Officer for evaluation and review.
- 8.3 If in the opinion of the Officer, material forming part of the *building* or structure shows damage, decay or deterioration which however does not warrant examination by a professional engineer, the Officer may order that these materials be repaired or replaced in a workmanlike manner acceptable to the Officer.
- 8.4 Every foundation wall, *basement*, *cellar* or *crawl space* floor slab, slab on grade, exterior wall and roof shall be structurally *sound* and shall be maintained so as to reasonably protect against deterioration.

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## **9 ACCESSORY BUILDINGS**

- 9.1 The roof of every *accessory building* which has been partially or entirely damaged, collapsed or removed shall be repaired or replaced in accordance with the *Ontario Building Code*.
- 9.2 Partially constructed *accessory buildings* designed and intended to have a roof shall not be left without a roof.
- 9.3 *Accessory buildings* and other structures appurtenant to a property shall be:
  - (a) maintained in good repair;
  - (b) maintained in a structurally *sound* condition;
  - (c) maintained to prevent an *unsafe condition*;
- 9.4 *Accessory buildings*, other than farm out-buildings, fences and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

## **10 EXTERIOR WALLS AND ROOFS**

- 10.1 The roof of every *building* which has been partially or entirely damaged, collapsed or removed shall be repaired or replaced in accordance with the *Ontario Building Code*.
- 10.2 Partially constructed *buildings* designed and intended to have a roof shall not be left without a roof.
- 10.3 All roofs shall be maintained:
  - (a) in a water tight condition so as to prevent the leakage of water into the *building* or structure;
  - (b) so as to shed/drain water effectively;
  - (c) free from loose or unsecured shingles, objects or materials;
  - (d) free from dangerous accumulation 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 and;
  - (g) free from conditions causing or contributing to leaks or being detrimental to the appearance of the *building*.
- 10.4 Any cornice, flashing, fascia, soffit, coping, gutter, rainwater leader, vents or other roof structure shall be maintained to properly perform their intended function and prevent leakage of water into the *building*.
- 10.5 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather, insects or rodents and shall be

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so maintained by restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and of the walls themselves.

- 10.6 Exterior walls, roofs and other parts of a *building* shall be free from loose and unsecured objects and material, which may create an *unsafe condition*. Such objects or materials shall be removed, repaired or replaced.
- 10.7 Openings and holes in any *building*, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, *vermin*, insects, birds or other *pests* shall be screened or sealed as appropriate.
- 10.8 All exterior exposed surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or otherwise repaired, coated, sealed or treated to prevent deterioration.
- 10.9 All aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained loose or broken components, in a safe condition and in good repair.

## 11 CHIMNEYS

- 11.1 Every chimney, smoke pipe, vent, flue or similar apparatus serving a heating device or system shall be:
  - (a) installed and maintained so as to prevent the escape of smoke or gases within the *building*;
  - (b) clear of obstructions;
  - (c) free from open joints;
  - (d) free from broken and loose masonry;
  - (e) in a good state of repair, securely anchored and plumb

## 12 INTERIOR STRUCTURES & FLOORS

- 12.1 Every structural component in every *building*, including but not limited to all joists, beams, studding and roof rafters, shall be of *sound* material and adequate for the load to which they are subjected.
- 12.2 Every *cellar* and *basement* shall have a floor of concrete or other material acceptable under the provisions of the *Ontario Building Code*, to ensure water drainage and to guard against the entry of *vermin*.
- 12.3 Every floor shall be smooth, level and free of holes and maintained so as to be free of all loose, warped, protruding, broken or rotted boards or coverings that may create an *unsafe condition* or surface or allow the entrance of rodents and other *vermin* or insects. Such defective floors shall be repaired or replaced.

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- 12.4 Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that it retains dirt or may create an *unsafe condition*, the sheet or other flooring shall be repaired or replaced.
- 12.5 The rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning and shall have a floor covering of water-resistant material.
- 12.6 Every wall and ceiling shall be maintained in a condition free from holes, open cracks, loose covering or other substantial defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 12.7 Where fire resistant walls, doors and/or floors exist between separate *dwelling units*, they shall be maintained in a condition, which maintains their fire-resistant quality.

### **13 DOORS & WINDOWS**

- 13.1 Every existing opening in the exterior surface of a *building* designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function.
- 13.2 Exterior doors, windows, skylights, interior doors, *basement* or *cellar* hatchways, including storm and screen doors and storm windows shall be:
  - (a) maintained in good repair and weather tight;
  - (b) free from rotted or defective members;
  - (c) free from defective or missing hardware;
  - (d) free from torn, damaged or missing screens;
  - (e) free from defective or missing weather stripping or caulking;
  - (f) free from defective storm or screen doors;
  - (g) free from defective frames, casings and sashes; and
  - (h) free from missing or broken glass.

### **14 STAIRS, BALCONIES, PORCHES & OTHER PLATFORMS**

- 14.1 Interior and exterior stairs, landings, balconies, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 14.2 Handrails shall be installed and maintained in good repair on all stairs within *dwelling units* that have more than 2 risers and on all other stairs having 3 risers.

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- 14.3 Handrails, balustrades and guards shall be installed and maintained in good repair so as to provide protection against accident or injury as required in compliance with the regulations under the *Ontario Building Code* where applicable.
- 14.4 Handrails shall be located between 800 mm and 965 mm measured vertically from a line drawn through the leading edges of a tread..
- 14.5 Handrails will be provided on both sides of stairs when the width of the stairs is greater than 1100 mm.
- 14.6 Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 600 mm, and every exterior stair with more than three risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 600 mm .

## **15 PLUMBING**

- 15.1 Every *dwelling* and every *building* to which water is available under pressure through piping shall be provided with:
  - (a) piping for hot and cold water connected to every kitchen fixture, every wash basin; bathtub, shower, sink and laundry area and,
  - (b) piping for cold water connected to every toilet and hose bib.
- 15.2 Plumbing and drainage systems and appurtenances shall be kept in good working condition and free from leaks, defects or obstructions and be adequately protected from freezing.
- 15.3 Every *dwelling*, *dwelling unit*, commercial or industrial *building* shall be provided with an adequate supply of potable water provided by municipal services or from a source approved by the *Medical Officer of Health*.
- 15.4 Every sink, washbasin, bathtub or shower shall have an adequate supply of hot and cold running water of adequate pressure and flow for the intended use and supplied by safe equipment.
- 15.5 All hot water shall be supplied at a temperature of not less than 45 degrees Celsius and not more than 60 degrees Celsius.
- 15.6 Each required water closet, washbasin, bathtub, shower and sink shall be equipped with an adequate supply of potable water with a flow and pressure sufficient for the intended use of the fixtures.

## **16 KITCHEN FACILITIES**



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- 16.1 Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area and space for a stove and refrigerator and all areas and spaces shall be maintained in a good state of repair.

## 17 HEATING SYSTEMS

- 17.1 Heating, ventilating and mechanical systems, including stoves, heating *appliances*, fireplaces intended for use, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained and capable of being operated.
- 17.2 No heating *appliance* shall be installed or 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 heating *appliance* is located. Under no circumstances shall any heating *appliance* be located in corridors, hallways or other *means of egress* so as to impede the free movement of *persons*.
- 17.3 Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a storage place or receptacle for such fuel and such area shall be maintained in a safe condition.
- 17.4 Any room which contains a heating unit for a central heating system shall be provided with a natural or mechanical means of supplying combustion air for such heating unit. The amount of combustion air will be determined in accordance with good practice and manufacturers specifications.
- 17.5 In *multiple dwellings* provided with central heating systems, the heating unit shall be located in a separate room having walls, ceiling and door, all of which shall have a fire resistance rating in compliance with the *Ontario Building Code* and/or The Ontario Fire Code.
- 17.6 Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a *building*.
- 17.7 All flues shall be kept clear of obstructions, all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 17.8 Except in the event of an emergency, no occupied *building* shall be equipped with portable heating equipment as the primary source of heat.
- 17.9 Fuel supplied to a rental unit shall be supplied continuously in adequate supplies.
- 17.10 Utilities supplied to a rental unit shall be supplied continuously.

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- 17.11 Heat shall be provided from September 1 to June 15 of every year, and shall be provided and maintained so that the room temperature at 1.5 metres above floor level and one metre from exterior walls in all habitable space and in any area intended for normal use by *tenants*, including recreation rooms and laundry rooms but excluding locker rooms and garages, is at least 20 degrees Celsius. }
- 17.12 Section 17.11 does not apply to a rental unit in which the *tenant* can regulate the temperature and a minimum temperature of 20 degrees Celsius can be maintained by the primary source of heat.
- 17.13 Every residential complex shall have heating equipment capable of maintaining the temperature levels required by section 17.11.
- 17.14 Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 17.15 Those portions of a residential complex used for human habitation, including common areas, shall be maintained to minimize heat loss through air infiltration.
- 17.16 The *Medical Officer of Health* or any *person* acting under his/her instructions, upon written request of any *tenant* or lessee, shall enter, inspect and examine at any time the premises in which the *dwelling* or living accommodation of such *tenant* or lessee is located for the purpose of determining whether adequate and suitable heat is being provided. Any *person* in charge of such premises for the time being, shall render such aid to the *Medical Officer of Health* or *person* acting under his instruction, as may be necessary to make such inspection or examination.
- 17.17 No *person* shall obstruct, hinder, delay or prevent the *Medical Officer of Health* or any *person* acting under his/her instructions in the exercise of any power conferred or the performance of any duty imposed by this by-law.
- 17.18 Every residential complex shall have heating equipment capable of maintaining the temperature level required by section 17.11.
- 17.19 A heating *appliance* shall not be located in corridors, hallways or other *means of egress*.
- 17.20 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the *building* in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.

## 18 LIGHTING

(Consolidated Version) As amended by By-Law Nos. 032-2013, 052-2013, 070-2013, 088-2013, 011-2014, 074-2014, 105-2014, 022-2015, 106-2015, 060-2016, As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

- 18.1 All habitable space shall have artificial lighting to the level required by the *Ontario Building Code*.
- 18.2 Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, *cellar*, *basement*, laundry, furnace room and non-habitable workroom in a suite, *dwelling unit* or *building* shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 18.3 All exterior and interior areas shall have artificial lighting sufficient so that those areas can be used or passed through safely and this artificial lighting shall be maintained in a good state of repair.
  - (a) Artificial lighting in *interior common areas* that meet the level required by the Building Code is sufficient for the purpose of this section.
- 18.4 Fixtures for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal luminance as set out under the I.E.S. (Illuminating Engineering Society of North America) Lighting Handbook (2000).
- 18.5 Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a *dwelling* on adjacent property regardless of whether such *dwelling* has or may have shades, drapes or other interior window coverings.
- 18.6 Section 18.5 above:
  - (a) does not apply to lighting located by a road authority;
  - (b) does not apply to property owned or occupied by a municipal, provincial or federal government or authority;
  - (c) does not require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the redirection, movement or the placing of shades or barriers to comply with the *standards* in this Part;
  - (d) does not require that an illuminated outdoor advertising sign on the premises of a business to be turned off any time the business is open to the public, but may require the redirection, movement or placing of shades or barriers to comply with the *standards* of this Part; or
  - (e) does not require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for the purposes, but may require the redirection, movement or the placing of shades or barriers to comply with the *standards* of this Part.

## 19 RUBBISH & DEBRIS

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- 19.1 Garbage, debris waste and refuse stored in garbage bags shall be temporarily stored within the *building, dwelling or dwelling unit*, within an enclosed garage, *Accessory Building* or in a covered *garbage receptacle* until collection or in a garbage room designated only for such use within a *building*, and shall be removed in accordance with by-laws of the Regional Municipality of Halton or alternatively the *Owner* or *Occupant* shall cause a private refuse collection service to remove all garbage, rubbish, ashes, trade-waste or other refuse from the Property on a regular basis.
- 19.2 *Garbage Receptacles* stored outside of a *building*, shall be stored in the rear *yard* or in a side *yard* except in that portion of a side or rear *yard* that is adjacent to the front elevation of an abutting property where such property contains a *dwelling*.
- 19.3 Where a *building, dwelling or dwelling unit* does not have a side *yard*; *garbage receptacles* may be stored in any exterior location on the property, in any of the following locations:
- (a) within a carport;
  - (b) on a covered porch;
  - (c) on an exterior balcony;
  - (d) in the front *yard* of the property and must be located adjacent to a *building, dwelling or dwelling unit*.
- 19.4 Every Property shall be provided with a garbage storage facility or a sufficient number of suitable *garbage receptacle* that:
- (a) are of an adequate size so as to contain all garbage, *debris* or refuse generated by the *Occupants*, and
  - (b) are rodent and *pest* proof, and
  - (c) are provided with tight-fitting covers, and
  - (d) are washed and disinfected as often as is necessary to maintain in a clean and odour-free condition.

## **20 MAINTENANCE OF YARDS/LOTS/VACANT PROPERTY**

- 20.1 *Yards* and vacant lots shall be kept clean and free from:
- (a) dead, decayed or damaged trees or parts thereof that have a potential to fail or create an *unsafe condition*;
  - (b) *debris* or any other hazardous condition or substance that may create a health, fire or accident hazard;
  - (c) *waste*;
  - (d) dilapidated collapsed or partially constructed structures;
  - (e) any unprotected well, pit, trench or other similar *unsafe condition* 1 m. in depth and shall be filled or safely covered.
- 20.2 No *person* shall use any property for the parking or storage of:

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- (a) *derelict motor vehicle* parts or components;
  - (b) wrecked, dismantled, discarded or abandoned machinery, *derelict* vehicles, trailers or boats.
- 20.3 *Yards* shall be kept free from any motor vehicle driving and/or parking on or over a *Residential Landscaping* area.
- 20.4 Notwithstanding section 20.0, this section shall not apply to those properties which comply with all applicable land use criteria which permits the retail, wholesale, repair and wrecking of *motor vehicles* or a competition or hobby vehicle located in a fully enclosed *building* or a recreation vehicle parked in compliance with municipal zoning.
- 20.5 *Residential property* shall be kept reasonably free of rodents, *vermin* and insects at all times and the method used for exterminating rodents, *vermin* and insects shall be in accordance with applicable provincial law.
- 20.6 Heavy undergrowth, noxious weeds and locally designated weeds under the Weed Control Act, as amended, shall be eliminated from a *yard* or agricultural lands as per Section 13 of the Weed Control Act, as amended.
- 20.7 No *owner of residential property* shall permit grass or weeds to grow to a height in excess of 20 cm other than that portion of the property in *current crop production, pasture land and reforested land*.
- 20.8 All lawns, shrubs, vines, hedges, bushes and *vegetation* other than weeds and grasses shall be kept trimmed, and shall not be overgrown and/or unsightly.
- 20.9 *Vegetation* other than weeds and grasses shall be kept from becoming unreasonably overgrown in a fashion that may affect safety, visibility or passage of the general public, wholly or partially conceal or interfere with the use of any hydrant or water valves, or constitute an obstruction of view for vehicular traffic.
- 20.10 No fill shall be allowed to remain in an unlevelled state on any property longer than seven (7) days unless the property is:
- (a) a property on which a *building* permit or site alteration permit is in effect;
  - (b) a property being subdivided under subdivision agreement with the Town;
  - (c) property upon which material is being stored with the approval of the Town or the Regional Municipality of Halton in connection with a public works contract.
- 20.11 Firewood for domestic use may not be stored in a front *yard*. Firewood for domestic use may be stored in a rear *yard* if the area used for this storage is not more than 15% of the area of the rear *yard*.

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20.12 The stored firewood shall be:

- (a) Neatly piled not less than 30 cm from any lot line;
- (b) Stored at a height of not less than 15 cm above grade;
- (c) Stored with a total height of not more than 1.5 metres (5 feet); and
- (d) Not piled along a fence that borders a property containing a swimming pool.

20.13 All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.

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## **21 WALKS & SAFE PASSAGE**

- 21.1 There shall be a walk leading from the principal entrance of every *building* to the *street*. Such walks may lead to a driveway or hard surfaced area provided such driveway or area leads to a *street*.
- 21.2 The surfaces of steps, paths, walkways, driveways, parking spaces and similar areas of the *yard* shall be maintained to provide a safe surface for normal use.

## **22 SEWAGE & DRAINAGE**

- 22.1 All sanitary facilities shall be connected to the municipal sanitary sewerage system or a private septic *sewage* system approved by the *Medical Officer of Health* or *The Chief Building Official*.
- 22.2 A *sewage* disposal system and the means of *sewage* disposal shall be maintained in a good state of repair.
- 22.3 *Sewage* shall be discharged only into a *sewage system*.
- 22.4 *Sewage* or septic tank effluent shall not be discharged on the surface of the ground, whether into a natural or artificial surface drainage system or otherwise. Notwithstanding, processed *sewage* sludge may be applied to agricultural land in crop production or used on pasture and *reforested lands*, provided it meets the guidelines for *sewage* sludge utilization on agricultural lands by the Ontario Ministry of Agriculture and Food, Ontario Ministry of Environment and the Ontario Ministry of Health.
- 22.5 Storm water shall be drained from the grounds of a property so as to prevent erosion, excessive accumulation or the entrance of water into a *building* or structure.
- 22.6 No storm water or water from a roof shall be discharged on a sidewalk, stairs, abutting private property or public property.
- 22.7 Downspouts used in conjunction with roof drainage shall be no less than 5.1 cm away from any shared lot line. All water drainage shall be directed away from the lot line
- 22.8 No water shall be drained from a swimming pool, pond or other water-holding device on to abutting properties.
- 22.9 Storm water or discharge from a sump shall be drained from a *yard* so as to eliminate recurrent standing water or surface ponding, and such drainage shall be controlled, directed or limited so as to prevent the entrance of water into a *basement* or *cellar* on the property or adjoining properties' *basements* or *cellars*

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22.10 The *owner*, of any grounds, *yard* or vacant lot, the level of which is such that water lies thereon and becomes stagnant water or provides a breeding place for mosquitoes, shall forthwith drain the said grounds, *yard* or vacant lot. Standing water also includes, but is not limited to, non-circulating water contained in birdbaths, wading pools, backyard ponds, lawn barrels, pools and pool covers.

22.11 Condensation from air conditioners shall not be permitted to discharge onto a sidewalk or *street*.

22.12 Where installed, eaves troughs and downspouts shall be maintained:

- (a) watertight and free from leaks,
- (b) in good working order, and free from any obstructions,
- (c) in a stable condition and shall be securely fastened to the structure, and
- (d) free from *unsafe conditions*.

### **23 FENCES, BARRIERS, RETAINING WALLS & SIGNS**

23.1 All fences, guards, *retaining walls*, and structures appurtenant to a property shall be kept in good repair, straight and plumb, free from hazards, and where required, protected by paint, preservative or other weather resistant material unless the characteristics of the fence, *retaining wall*, guard, screen or enclosure are designed to be enhanced by the lack of such material.

23.2 All fences, *retaining walls* and other structures shall be constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and *debris* from blowing onto adjoining property.

### **24 VACANT BUILDINGS**

24.1 Where any *building* is vacant or unoccupied, the *owner* shall protect such *building* against the risk of accidental or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized *persons* to the *building*, by effectively preventing entrance by unauthorized *persons*.

24.2 For the purpose of Section 24.1, doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing each opening with:

- (a) boarding which completely covers the opening with at least 12.7mm weatherproofed sheet plywood securely fastened to the *building*;
- (b) rigid composite panels securely fastened to the *building*;
- (c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the *building*;



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- (d) brick and mortar securely fastened to the *building*; or
- (e) concrete blocking and mortar securely fastened to the *building*.

24.3 The materials identified under this paragraph shall be of a colour compatible to the surrounding facade.

24.4 The options available in Section 24.2 shall be considered progressively more secure with subsection 24.2 (e) being the most secure, and the minimum *standard* imposed by 24.2 shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry, and further, where the *owner(s)* control, attendance or lack of security measure(s) to protect the property suggest a more secure option be used, then the *owner* shall supply such measure including such improved security of closures as may be necessary beyond the options listed in section 24.2.

24.5 Vacant *buildings* shall be kept clear of all garbage, rubbish and *debris*.

24.6 Where a *building* remains vacant for a period of more than ninety (90) days, the *owner* shall ensure that all utilities serving the *building*, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the *building* or adjacent property.

## 25 DAMAGED BUILDINGS

25.1 Where a *building* is damaged by accident, storm, fire, neglect or other causes or intentional damage, the *owner* shall *demolish* or repair the *building* within 30 days or a reasonable time arranged with *Town*.

25.2 Where a *building* is damaged by accident, storm, fire, neglect or other causes or intentional damage, immediate steps shall be taken to prevent or remove a condition which might endanger *persons* on or near the property and the *building* or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

25.3 Where a *building* is damaged by accident, storm, fire, neglect or other causes or intentional damage, the *owner* shall protect the *building* against further risk or further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized *persons* by closing and securing each opening to the *building* with:

- (a) boarding which completely covers the opening with at least 12.7mm weatherproofed sheet plywood securely fastened to the *building*;
- (b) rigid composite panels, securely fastened to the *building*;
- (c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the *building*;
- (d) brick and mortar securely fastened to the *building*; or

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- (e) concrete blocking and mortar securely fastened to the *building*; and
- 25.4 The materials identified under this paragraph shall be of a colour compatible to the surrounding facade.
- 25.5 The options available in Section 25.3 shall be considered progressively more secure with subsection 25.3(e) being the most secure, and the minimum *standard* imposed by section 25.3 shall be considered not to include the use of a less secure option which has more than once failed to exclude unauthorized entry, and further, where the *owner(s)* control, attendance or lack of security measure(s) to protect the property suggest a more secure option be used, then the *owner* shall supply such measure including such improved security of closures as may be necessary beyond the options listed in section 25.3.
- 25.6 The exterior walls and other surfaces of the *building* shall have smoke damage or other defacement removed and the surfaces refinished.
- 25.7 In the event the *building* or structure is beyond repair, the land shall be cleared of *debris* and remains and shall be left in a graded, level and safe condition without unreasonable delay.
- 25.8 Exterior walls, roofs and other parts of a *building* shall be free objects and materials, which may create an *unsafe condition*. Such objects or materials shall be removed, repaired or replaced so as to create a safe condition.
- 25.9 Any such work required under this section and section 26 shall be done in compliance with the *Ontario Building Code*, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining *building* or demolitions permits, and with the by-laws applicable to clearing of property.

## **26 FIRE DAMAGED BUILDINGS**

- 26.1 Fire damaged *buildings* shall be kept clear of all garbage, refuse and *debris* and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 26.2 The *owner* of the fire-damaged *building* shall restore the *building* or meet the requirements of sections 8, 9, 10, 11, 13 and 14 of this by-law.
- 26.3 When the fire damaged *building* or part is occupied again for other than the purpose of repair, the condition of the *building* and property shall be brought into compliance with all applicable sections of this by-law prior to occupancy.

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## **27 ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTIES**

- 27.1 In addition to the *standards*, obligations and requirements of this by-law set out above, section 28 through 40 shall apply to all residential properties in the municipality.
- 27.2 In addition to the *standards*, obligations and requirements of this by-law set out above, section 28 through 41 shall apply to all multi-residential properties in the municipality.

## **28 SECURITY**

- 28.1 All operant windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.
- 28.2 All exterior doors and the entrance door to a *dwelling unit* shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space. At least one entrance door to a *dwelling unit* shall have suitable hardware so as to permit locking or securing from either inside or outside the *dwelling unit*.
- 28.3 Solid core exterior type doors shall be provided for all entrances to *dwelling units* and *dwelling units*.
- 28.4 In residential *buildings* where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual *dwelling units* and a secured entrance area, the said system shall be maintained in good working order at all times.
- 28.5 Every lock on a *building* that is designed to be unlocked with a key or key and combination shall be maintained in good working order or shall be repaired or replaced.
- 28.6 The *owner* of a *dwelling* or *multiple dwelling*, upon the written request of an *occupant* of the *dwelling units* in which children under the age of ten years are *occupants* shall, subject to Section 28.7, provide and install a protective device on any window that,
- (a) has a moveable sash, and;
  - (b) is more than 200 cm above adjacent finished ground level.
- 28.7 The protective device shall be installed within seven (7) days of the delivery of the written request upon the *building owner*, the *owner's* agent or the building's manager or superintendent, unless that such *person* and the *occupant* giving notice agree that the protective device is not required on every such window that meets the requirements of section 28.6.

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- 28.8 The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 10 cm.
- 28.9 No window described in section 28.8 above shall be equipped with a device that makes it incapable of being opened by an adult *tenant* in an emergency without the use of tools.
- 28.10 The *owner* of a *building* containing ten or more *dwelling units* shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed, framed copy of this Part, conspicuously placed in the *building* so as to be clearly visible to *occupants* of the *building*.

## 29 WATER

- 29.1 Every *dwelling* shall be connected to and provided with an approved supply of potable water from at least one of the following sources:
- (a) Municipal Water System;
  - (b) Communal Water System; or
  - (c) Private Source
- 29.2 For the purpose of this by-law, hot water shall be supplied at a temperature of not less than 43° Celsius and not more than 49° Celsius other than for installed dishwashers or clothes washers.

## 30 TOILET, KITCHEN & BATHROOM FACILITIES

- 30.1 Every *washroom* shall be located within and accessible from within the *building* and within the *dwelling* unit it serves.
- 30.2 Every *washroom* shall be fully enclosed with permanent walls so as to provide privacy and shall have a door that can be secured from the inside and can be opened from the outside in an emergency.
- 30.3 Every *washroom* shall have a water resistant floor, and walls around a bathtub or shower shall be water-resistant.
- 30.4 No toilet or urinal shall be located within a habitable room or in a room used for or intended to be used for sleeping or preparing, serving, consuming or storing food.
- 30.5 Every *dwelling* unit shall contain plumbing fixtures in good repair and in operative condition, consisting of a minimum of:
- (a) one kitchen sink;
  - (b) one water closet;
  - (c) one hand wash basin; and
  - (d) one bathtub or shower

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- 30.6 Where toilet, kitchen or bathroom facilities are shared by the *occupants* of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the *Ontario Building Code*.
- 30.7 Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good work order.
- 30.8 Every commercial and industrial *building* shall contain plumbing fixtures in accordance with the *Ontario Building Code* requirements.

### **31 KITCHEN FACILITIES FOR DWELLING UNITS**

- 31.1 Every *dwelling* unit shall be provided with a kitchen.
- 31.2 The kitchen provided for in section 31.1 shall:
  - (a) be equipped with a sink that:
    - (i) is provided with a potable cold and hot water supply; and
    - (ii) is maintained in a state of good repair;
    - (iii) has a back splash which is water & grease resistant
  - (b) be equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking stove;
  - (c) when equipped with a refrigerator, cooking stove, kitchen fixtures or fittings, such *appliances*, fixtures or fittings shall be maintained in good repair and good working order;
  - (d) have a clear space above any exposed cooking surface of a cooking apparatus of at least .79 metres;
  - (e) have a work surface of at least .74 square metres;
  - (f) have cupboards, pantry or storage space for the storage of food, dishes, and cooking utensils, having an interior capacity of at least .8 cubic metres (30 cubic feet), of sufficient design that when loaded the cupboards and pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be secured; and
  - (g) without affecting the above requirements, have space sufficient to accommodate a cooking range or countertop-cooking unit, beside or in the countertop and without placing the device in a doorway or path of egress.

### **32 ELECTRICAL SERVICES**

- 32.1 Electrical wiring and all electrical fixtures located or used in a *building* shall be installed and maintained in good working order and in conformity with the Ontario Electrical Safety Code.

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32.2 A supply of electrical power shall be provided to all *habitable rooms* in a *dwelling* unit.

32.3 An electrical light fixture shall be installed in every bathroom, *washroom*, laundry room and furnace room.

### 33 NATURAL LIGHT

33.1 Every habitable room, except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admit as much natural light equal to not less than ten (10) percent of the floor area for living and dining rooms and five (5) percent of the floor area for bedrooms and other finished rooms.

### 34 VENTILATION

34.1 Every existing opening in the exterior surface of a *building* designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function.

34.2 All windows in a *dwelling* or *dwelling* unit designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents and screens shall be maintained in good repair.

34.3 In every *dwelling* unit, all *habitable rooms*, bathrooms and toilet rooms shall have adequate ventilation, either natural or mechanical.

34.4 Where a system of mechanical ventilation has been provided it shall be maintained in an operable, good and safe condition, therefore;

(a) an opening for natural ventilation from a *washroom* may be omitted.

34.5 Except as provided herein section 34.4 every *washroom* shall be provided with an opening or openings for natural ventilation located in an exterior wall or through operable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 0.09 square metres.

34.6 Every *basement*, *cellar* and unheated *crawl space* shall be adequately vented to the outside air by means of windows which can be opened or by louvers with screened openings.

34.7 Every *basement*, *cellar*, unheated *crawl space* and attic shall be vented in accordance with Table A, and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

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Table A : Required Venting

<u>Location</u>	<u>Minimum Unobstructed Vent Area</u>
a) Attic	1/300 of insulated ceiling area
b) Attic where a roof slope is less than 1 in 6 or constructed with roof joist	1/150 of insulated ceiling area
c) <i>Basement</i> (unfinished), unheated <i>crawl space</i> , or <i>cellar</i>	0.2 per cent of floor area

### **35 DISCONNECTED UTILITIES**

- 35.1 No *owner*, *landlord* or anyone acting on his or her behalf, shall disconnect or cause to be disconnected any service or utility providing heat, light, refrigeration, water or cooking facilities for *residential property* occupied by a *tenant* or lessee, except for such reasonable time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 35.2 Section 35.1 does not apply if the tenancy agreement makes the *tenant* responsible for the supply of fuel or utilities and the supply has been discontinued because of arrears in payment.

### **36 PARKING GARAGES**

- 36.1 Lighting fixtures in all parking garages shall be maintained in a good state of repair.
- 36.2 Every parking garage shall be illuminated by natural means where available, and adequate number of light fixtures, or the painting of walls, columns and ceilings white in colour, or any combination thereof, as to maintain an average level of illumination of at least fifty (50) lux (4.6 foot candles).
- 36.3 For the purposes, section 36.2 one (1) measurement of intensity of illumination made at floor level for every nine (9) square metres (96.9 square feet) of floor area shall be used in establishing the average level of illumination.
- 36.4 The level of illumination at any location on the floor of a parking garage shall not be less than 10 lux (0.90 foot candle).
- 36.5 Parking garages shall be maintained so as to prevent the accumulation of toxic fumes or the escape of toxic fumes into a *building* containing *dwelling units*.

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### **37 EGRESS**

- 37.1 Every *dwelling* and each *dwelling* unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the *dwelling* and the *dwelling* unit to the outside at *street* or grade level

### **38 ELEVATORS**

- 38.1 Elevators intended for use by *tenants*, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and kept operational except for such reasonable time as may be required to repair or replace them.

### **39 OCCUPANCY STANDARDS**

- 39.1 No *person* shall use or permit the use of a *non-habitable room* for a habitable room purpose.
- 39.2 Every living room, dining room, kitchen and bedroom shall have a minimum room height of not less than:
- (a) 2.1 metres over the required floor area and in any location that would normally be used as a *means of egress*, or
  - (b) 2.3 metres over at least seventy- five per cent (75%) of the required floor area of a bedroom, or
  - (c) 2.3 metres over at least fifty per cent (50%) of a required floor area of a living room, dining room and kitchen.
- 39.3 A bedroom or sleeping room for:
- (a) one *person* shall have a floor area of at least 7 square metres, and
  - (b) a bedroom or sleeping room for two or more *persons* shall have a floor area of at least 4.6 square metres per *person*,
- 39.4 In section 39.2 and 39.3, shall be calculated by the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space and subject to section 39.5 All bedrooms or sleeping rooms shall have a minimum width of 1.8 metres.
- 39.5 The number of *occupants*, residing on a permanent basis in an individual *dwelling* unit, shall not exceed one *person* for every 10 square metres (107 square feet) of habitable floor area.
- 39.6 Any *basement* or portion thereof, used as a *dwelling* unit shall conform to the following requirements:
- (a) each habitable room shall comply with all the requirements set out in this by-law;



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- (b) floors and walls shall be constructed so as to be damp proofed and impervious to water leakage;
- (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the *Ontario Building Code*; and
- (d) access and egress to each habitable room shall conform to the *Ontario Building Code*.

39.7 For the purpose of computing the floor area of bedrooms or sleeping rooms referred to in section 39.3 and 39.4 of this Part, the floor area of any portion of the bedroom or sleeping room which does not have a clear height of 1.4 metres shall be excluded.

#### **40 PEST CONTROL**

- 40.1 Every *dwelling, multiple dwelling* and *dwelling* unit shall be kept free of *infestation* by *pest(s)*.
- 40.2 Openings, including windows, that might permit the entry of rodents, insects *vermin* or other *pests* shall be appropriately screened or sealed.
- 40.3 For the purpose of section 40.1, an "*infestation*" includes the presence of one rat or mouse, but excludes a domesticated mouse or rat and in the case of insects means the presence of more than one such insect, and in the case of wasps or hornets includes the presence of any occupied nest interior or if attached to the exterior of the structure.

#### **41 MULTIPLE DWELLINGS**

- 41.1 In *multiple dwellings*, every stairway, hallway, exit and entrance, common area and parking area and all other parts of the *dwelling* used by *tenants* in common shall be adequately lighted at all times.
- 41.2 Every *owner* of a multi-residential *building* shall ensure that every unenclosed port or unenclosed balcony, and every exterior or interior hallway, stairway and common area are kept free of garbage, *debris*, furniture or *appliance*, except furniture which is outdoor grade or made weather and water resistant may be placed for use on balconies or porches.
- 41.3 An operational garbage chute system in a *multiple dwelling* shall be maintained in Good Repair.
- 41.4 A separate and locked mailbox or mail receptacle shall be provided for each *dwelling* Unit in a *multiple dwelling* and shall be maintained in good repair at all times.

#### **42 SWIMMING POOLS**

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- 42.1 All swimming pools, wading pools and artificial ponds, and any accessory or parts thereof shall be maintained in a good state of repair, free from leaks, mechanical or structural disrepair, or any other defects
- 42.2 All swimming pools, wading pools and artificial ponds, which are not operated shall be maintained, emptied, removed, or fitted with a suitable cover so as to prevent, the entrance of elements, and/or the infestation of *pests* or insects.

#### **43 SNOW REMOVAL**

- 43.1 The following sections apply to all residential rental property containing apartments *buildings*, and all areas of commercial, industrial and institutional property that the general public has access to:
  - (a) All ramps and access routes leading to garages shall be kept free from ice and snow,
  - (b) all walkways and access routes to and from *buildings* shall be kept free from ice and snow and hazards at all times, and
  - (c) all exterior parking areas, including laneways, shall be kept free from accumulations of ice and snow at all times.

#### **44 MARIJUANA GROW & CLANDESTINE DRUG LAB OPERATIONS**

- 44.1 No *person, owner or occupant* shall cause, permit or allow a marijuana grow or clandestine drug lab operation on or in a property within the Town of Milton.
- 44.2 No *owner or occupant* shall cause, permit or allow an unsafe, dangerous offensive or unwholesome condition to exist on or in a property as the result of a marijuana grow or clandestine drug lab operation.
- 44.3 No *owner or occupant* shall cause, permit or allow water, rubbish or noxious offensive or unwholesome odours, liquids or materials to collect, stored or accumulate in or around a property as a result of a marijuana grow or clandestine drug lab operation.
- 44.4 Every *owner or occupant* of a property that contained a marijuana grow or clandestine drug lab operation shall immediately:
  - (a) Remove all equipment or materials used in the marijuana grow or clandestine drug lab operation;
  - (b) Remove and restore any alteration to the property made as a result of the marijuana grow or clandestine drug lab operation;
  - (c) Repair any damage to property caused or associated with a marijuana grow or drug lab operation, including, but not limited to, mould or water damage or other residual contamination of the interior of the *dwelling*; and

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- (d) Obtain and comply with all inspections, orders, permits and approvals required for the safe and lawful use of the property.

44.5 No *person* shall allow a property or any portion of a property that has been used as marijuana grow or drug lab operation to be used as a *dwelling* or for any other purpose which requires occupation of the property by *person* unless it has been remediated, restored or repaired as required under section 44.4.

## 45 MOULD

45.1 Every *building* shall be maintained reasonably free of Mould.

45.2 Removal of Mould shall be done by a *person* using personal protection and proper cleanup methods.

45.3 The *Owner* may be required to hire a contractor experienced in water damage and mould remediation to complete the remedial work.

45.4 The *Owner* may be required to provide an initial environmental assessment report from a Professional Engineer with a Masters in Occupational Hygiene, a Certified Industrial Hygienist, or a Registered Occupational Hygienist, that identifies, and details, a remediation plan, to mitigate the following:

- (a) the extent of Mould contamination and the identity of the any contributory source,
- (b) any indoor pesticide contamination and sources of exposure,
- (c) the extent of water damage and indoor moisture problems, and
- (d) other items as the *Officer* may deem necessary.

45.5 Forthwith following submission of the report to the *Officer* or, where required, issuance of a building permit, the *Owner* shall Repair, or cause to be Repaired, the *building* in accordance with the proposed repairs described in the report, at the expense of the *Owner*.

45.6 The *Owner* shall provide the *Officer* with a verification report written by the Professional Engineer with a Masters in Occupational Hygiene, the Certified Industrial Hygienist, or the Registered Occupational Hygienist that the work proposed in their report has been completed in accordance with the generally accepted guidelines and protocols in the industry.

## 46 EXEMPTION

46.1 This by-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act*.

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46.2 This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

## 47 ADMINISTRATION & ENFORCEMENT

47.1 *Officers* as appointed by Council and set out in Schedule "A" of this By-law are hereby assigned the responsibility of administration and enforcement of this By-law.

47.2 An *Officer* may allow the maintenance of property to alternate *standards* of any provision of this By-law.

## 48 RIGHT TO ENTER & INSPECT

48.1 An *Officer* acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a property without a warrant for the purpose of inspecting the property to determine:

- (a) whether the property conforms with the *standards* prescribed in this By-law, or;
- (b) whether a property *standards* order has been complied with.

48.2 Despite sections 48.1, an *Officer* shall not enter or remain in any room or place actually used as a *dwelling* unless:

- (a) the consent of the *occupant* is obtained, the *occupant* first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;
- (b) a warrant issued under the Building Code is obtained;
- (c) the delay necessary to obtain the consent of the *occupant* or a warrant would result in immediate danger to the health or safety of any *person*;
- (d) the entry is necessary to terminate a danger under section 15.7(3) of the Building Code; or
- (e) the entry is necessary to repair or *demolish* under section 54 and, within a reasonable time before entering the room or place to be repaired or *demolished*, the *Officer* serves the *occupant* with notice of his or her intention to enter it.

48.3 For the purposes of an inspection under section 48.1, an *Officer* may;

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;

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- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
  - (c) require information from any *person* concerning a matter related to a property or part thereof;
  - (d) be accompanied by a *person* who has special or expert knowledge in relation to a property or part thereof;
  - (e) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
  - (f) order the *owner* of the property to take and supply at the *owner's* expense such tests and samples as are specified in the order.
- 48.4 Any cost incurred by the *Town* in exercising its authority to inspect under paragraph 48.3 including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the *owner* or *occupant* of the property where the inspection takes place.
- 48.5 An employee or agent of the *Town* may enter property at any reasonable time without a warrant for the purposes of causing the property to be repaired or *demolished* pursuant to section 54.1 in accordance with a final and binding property *standards* order.

## 49 ORDER TO REMEDY VIOLATION

- 49.1 If, after inspection, an *Officer* is satisfied that in some respect the property does not conform to the *standards* prescribed in this By-law, the *Officer* may;
- (a) issue an order, and
  - (b) such order shall be served on the *owner* of the property, and
  - (c) may be served on such other *persons* affected by it as the *Officer* determines, and
  - (d) a copy of the order may be posted on the property.
- 49.2 The order referred to in section 49.1 shall:
- (a) state the municipal address or the legal description of the property;
  - (b) give reasonable particulars of the repairs to be made or state that the property is to be cleared of all *buildings*, structures or *debris* and left in a graded and leveled condition, provided that no order in respect of a *Part IV heritage property* or a *Part V heritage property* shall state that any *building* or structure is to be altered or cleared, including but not limited to removed, *demolished* or relocated;
  - (c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within

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that time, the municipality may carry out the repair or clearance at the *owner's* expense;

- (d) indicate the final date for giving notice of appeal from the order; and
- (e) be served or caused to be served:

- (i) by personal service; or
- (ii) by prepaid registered mail sent to the last known address of the *person* to whom notice is to be given or to that *person's* agent for service, and

49.3 For the purposes of paragraph section 49.2(e)(ii), "last known address" of the *owner* includes but is not limited to the address provided to the Town for the payment of property taxes for the property or the address for service on the title document for the property.

## 50 APPEAL OF ORDER

50.1 An *owner* or *occupant* who has been served with an Order made under section 49.1 and who is not satisfied with the terms or conditions of the Order may appeal to the *Committee* by sending a Notice of Appeal by registered mail to the Secretary of the *Committee* within fourteen (14) days after being served the Order;

50.2 An Order that is not appealed within the time referred to in this section shall be deemed to be confirmed.

50.3 If an appeal is taken, the *Committee* shall hear the appeal and shall have all the powers and functions of the *Officer* who made the Order, and may;

- (a) confirm, modify or rescind the Order to *demolish* or repair;
- (b) extend the time for complying the Order if, in the *Committee's* opinion, the general intent and purpose of the By-law and of the Official Plan or policy statement are maintained.

50.4 Any *owner* or *occupant* or *person* affected by a decision under section 50.3 may appeal to a Judge of the Superior Court of Ontario by notifying the Clerk of the *Town* in writing and by applying to the Superior Court of Ontario for an appointment within fourteen (14) days after the sending of a copy of the *Committee's* decision;

- (a) a Judge of the Superior Court of Ontario shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.
- (b) on the appeal, the Judge has the same powers and functions as the *Committee*.

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50.5 An Order that is deemed to be confirmed under sections 50.1 or that is confirmed or modified by the *Committee* under section 50.3 or a Judge under section 50.4 as the case may be, shall be final and binding upon the *owner* and *occupant* who shall carry out the repair or demolition within the time and in the manner specified in the Order.

## **51 PROPERTY STANDARDS COMMITTEE**

51.1 A *Committee* to be known as The Property Standards Committee of the Town of Milton is hereby continued.

51.2 The *Committee* shall consist of members of the Committee of Adjustment and Consent as appointed by Council from time to time. Any vacancy on the *Committee* shall be filled forthwith by Council.

51.3 The secretary shall keep on file, minutes and records of all applications and the decisions thereon and of all other official business of the *Committee*.

51.4 The *Committee* shall give notice or direct that notice be given of the hearing of an appeal to such *persons*, as the *Committee* considers advisable.

## **52 REGISTRATION OF ORDER**

52.1 An Order may be registered on the property in the proper Land Registry Office and, upon such registration, any *person* acquiring any interest in the land subsequent to the registration of the Order, shall be deemed to have been served with the Order on the day on which the Order was served under section 49.1.

52.2 When the requirements of the Order have been satisfied, the Clerk of the municipality shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied which shall operate as a discharge of the Order.

## **53 EMERGENCY ORDER**

53.1 Subject to the provisions relating to *Part IV* or *Part V Heritage Properties* contained in this By-law, if upon inspection of a property the *Officer* is satisfied that there is non-conformity with the *standards* in this by-law to such extent as to pose an immediate danger to the health or safety of any *person*, the *Officer* may make an order containing particulars of the non-conformity and requiring remedial repairs or clearing of all *buildings*, structures or *debris* from the site and leaving the site in a graded and leveled condition where the cost of doing such work does not exceed \$10,000.00, to be carried out immediately to terminate the danger.

(Consolidated Version) As amended by By-Law Nos. 032-2013, 052-2013, 070-2013, 088-2013, 011-2014, 074-2014, 105-2014, 022-2015, 106-2015, 060-2016, As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

- 53.2 The order shall be served on the *owner* of the property and such other *persons* affected thereby as the *Officer* determines and a copy may be posted on the property.
- 53.3 After making an order under section 53.1 the *Officer* may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the Town may, through its employees and agents, at any time enter the property in respect of which the order was made without a warrant
- 53.4 Despite subsection 31 (2) of the Building Code Act the *Town* or a *person* acting on its behalf is not liable to compensate the *owner*, *occupant* or any other *person* by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under section 53.3.
- 53.5 If the order was not served before measures were taken to terminate the danger, the *Officer* shall serve copies of the order in accordance with section 53.2 as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the *Officer* describing the measures taken by the Town and providing details of the amount expended in taking the measures.
- 53.6 If the order was served before the measures were taken, the *Officer* shall serve a copy of the statement mentioned in section 53.5 in accordance with section 53.2 as soon as practical after the measures have been taken.
- 53.7 As soon as practicable after the requirements of sections 53.5 and 53.6 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 53.1 and the judge shall hold a hearing for that purpose.
- 53.8 The judge in disposing of an application under section 53.7 shall:
- (a) confirm, modify or rescind the order; and
  - (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.
- 53.9 The disposition under section 53.8 is final.
- 53.10 The amount determined by the judge to be recoverable shall be a lien on the land and shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

#### **54 POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH**



(Consolidated Version) As amended by By-Law Nos. 032-2013, 052-2013, 070-2013, 088-2013, 011-2014, 074-2014, 105-2014, 022-2015, 106-2015, 060-2016, As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

54.1 If the *owner* or *occupant* of a property fails to repair or to *demolish* the property in accordance with an order as confirmed or modified by the Property Standards Committee or a Judge, the *Town*, in addition to all other remedies:

- (a) may repair or *demolish* the property;
- (b) may clear the site of all *buildings*, structures, *debris* or refuse and leave the site in a graded and leveled condition; or
- (c) may make the site safe or impede entry by erecting fences, barricades or barriers;
- (d) shall not be liable to compensate such *owners*, *occupants* or another *person* having interest in the property by reason of anything done by or on behalf of The Town of Milton in a reasonable exercise of its power under the provisions of this Part;
- (e) may cause a prosecution to be brought against any *person* who is in breach of such an order and upon conviction, such *person* shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act*, S.O. 1992, c.32.
- (f) shall have a lien on the land for the amount spent on the repairs or demolition; and
- (g) the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

54.2 No *building* or structure on a *Part IV* or a *Part V Heritage Property* may be altered, *demolished*, removed, cleared or relocated, except in accordance with the Ontario Heritage Act.

## 55 PROHIBITION

55.1 No *owner* or *occupant* of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the *standards* prescribed in this by-law.

55.2 No *person*, being the *owner*, *tenant* or *occupant* of a property, shall fail to maintain the property in conformity with the *standards* required in this by-law.

55.3 The *owner* of any property which does not conform to the *standards* in this by-law shall repair and maintain the property to conform to the *standards* or shall clear the property of all buildings, structures, *debris* or refuse and shall leave the property in a graded leveled condition.

## 56 RESPONSIBILITIES & COMPLIANCE ORDERS

56.1 The *owner* or *occupant* of a property shall:

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- (a) Comply with all *standards* prescribed in this by-law;
- (b) Comply with any final and binding order of the Property Standards Officer;
- (c) Produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other *persons* concerning, a matter related to the property or part thereof, allow entry by the inspector or such *persons* as need to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the *Building Code Act*.
- (d) Ensure, that in complying under this by-law, and in carrying out work required under an order or other obligation under the by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the *owner, occupants* or visitors to the property or which put at risk of injury or health such *persons* and giving adequate warning where such risks cannot be so avoided so as to allow such *person* to avoid the danger or risks.

## 57 CERTIFICATE OF COMPLIANCE

- 57.1 Every *owner* or other *persons* affected by an order may make an application to the *Officer* for a certificate of compliance by submitting a written request to the Town Clerk or an *Officer*.
- 57.2 Following an inspection confirming the *standards* established in the by-law have been met, the *owner* shall pay the applicable fee as outlined in the *town's* "User Fees By-law".
- 57.3 A certificate of compliance maybe requested for the following:
- (a) Each *dwelling* unit which has had a Property Standard Order issued.
  - (b) Each *dwelling* unit which has had an Order issued and charges have been laid.
  - (c) For interior common area(s) which have had a Property Standards Order issued.
  - (d) For interior common area(s) which have had an Order issued and charges have been laid.
  - (e) For *accessory building(s)* or other structure(s) which have had a Property Standards Order issued.
  - (f) For *accessory building(s)* or other structure(s) which have had an Order issued and charges have been laid.

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## **58 PENALTIES**

- 58.1 Every *person* who fails to comply with an order issued under this by-law which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.
- 58.2 If a corporation is convicted of the offence of failing to comply with an order issued under this by-law, the maximum penalty that may be imposed on the corporation is \$100,000 for a first offence and \$200,000 for any subsequent offence.
- 58.3 If a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the *person* convicted.

(Consolidated Version) As amended by By-Law Nos. 032-2013, 052-2013, 070-2013, 088-2013, 011-2014, 074-2014, 105-2014, 022-2015, 106-2015, 060-2016, As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

## **59 VALIDITY**

- 59.1 If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, such provision or provisions are deemed to be severable and it is the intention of Council that the remainder of the By-law shall continue to be in force.
- 59.2 Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the *Town*, the provision that establishes the higher *standard* to protect the health and safety of *persons* prevails.

## **60 TRANSITIONAL RULES**

- 60.1 After the date of passing of this by-law, By-law 141-2001, as amended, applies only 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 repair and demolition by the *Town*, have been concluded.

## **61 REPEAL**

- 61.1 Except for the purpose as set out in section 60.1 of this by-law, By-law 141-2001, as amended, and By-law No.102-2002, 42-2003, 43-2004 113-2006, 091-2008, 044-2009, 074-2009, 104-2009, 153-2009, 037-2010, 043-2011, 064-2012, 076-2012 and any other amending by-laws, are hereby repealed in their entirety.

## **62 ENACTMENT**

This By-law shall come into full force and effect on the date it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED** this 29th day of October, 2012.

\_\_\_\_\_  
Gordon A. Krantz Mayor

\_\_\_\_\_  
Troy McHarg Town Clerk

(Consolidated Version) As amended by By-Law Nos. 032-2013, 052-2013, 070-2013, 088-2013, 011-2014, 074-2014, 105-2014, 022-2015, 106-2015, 060-2016, As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016)

### **SCHEDULE "A"**

The following *persons* are assigned as Property Standards *Officers* for the purpose of administration and enforcement of this By-law:

<del>Randall Charlton</del>	(Repealed by By-Law Nos. 032-2013 & 070-2013)
<del>Tony Thompson</del>	(Added by 032-2013 & Repealed by By-law 052-2013)
<del>Rodolfo Puye</del>	(Repealed by By-law 105-2014)
<del>Selena Campbell</del>	(Repealed by By-law 105-2014)
<del>Kathleen Chafe</del>	(Repealed by By-law 131-2012)
Andrew Eldridge	
Mary Beth Mitchell	(Added by 088-2013)
Malcolm Russell Armstrong	(Added by 011-2014)
<del>Blaine Phillip Elliot Lucas</del>	(Added by 011-2014 & Repealed by By-law 106-2015)
Thomas Joseph Wray	(Added by 011-2014)
<del>Kamaldeep Singh</del>	(Added by 074-2014 & Repealed by By-law 106-2015)
Abby Darbaj	(Added by 022-2015)
Andrew Reynolds	(Added by 106-2015)
Blair Lance	(Added by 060-2016)
Mark Jackson	(Added by 060-2016)

**As of August 22, 2016, any further amendments to schedule "A" are being appointed by delegated authority (CORS-048-16, By-law 068-2016).**