

MUNICIPALITY OF MINDEN HILLS

BY-LAW NO. 11-61

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY, FOR PROHIBITING THE OCCUPANCY OR USE OF SUCH PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS, AND FOR REQUIRING PROPERTY BELOW THE STANDARDS PRESCRIBED HEREIN TO BE REPAIRED AND MAINTAINED TO COMPLY WITH THE STANDARDS OF THE LAND THEREOF TO BE CLEARED OF ALL BUILDINGS AND STRUCTURES AND LEFT IN A GRADED AND LEVEL CONDITION

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Corporation of the Township of Minden Hills includes provisions relating to property conditions;

AND WHEREAS the Council of The Corporation of the Township of Minden Hills 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 Township of Minden Hills hereby enacts the following:

PART I

DEFINITIONS

In this by-law:

- 1.01 "Accessory Building" means a detached building or structure that is subordinate to the primary use of the same property.
- 1.02 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 "Approved" means acceptance by the Property Standards Officer.
- 1.04 "Basement" means that space of a building located below the first storey, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 1.05 "Cellar" means that space of a building located below the first storey, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.06 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.07 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.08 "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 1.09 "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.10 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.

- 1.11 **"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.12 **"Multiple Dwelling"** means a building containing three or more dwelling units.
- 1.13 **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to 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.
- 1.14 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.15 **"Person"** means an individual, firm, corporation, association or partnership.
- 1.16 **"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.17 **"Standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-Law.
- 1.18 **"Toilet Room"** means a room containing a water closet and a wash basin.
- 1.19 **"Yard"** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

## PART II

### OPERATION AND EFFECT

- 2.01 No person shall use or occupy or permit the use or occupancy of any property that does not conform to the standards set out in this by-law.
- 2.02 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

## PART III

### GENERAL STANDARDS FOR ALL PROPERTY

#### Yards:

- 3.01 Every yard, including vacant lots shall be kept clean and free from:
- (1) Rubbish or debris and objects or conditions that may create a health, fire, or accident hazard including old, used or discarded building materials;
  - (2) Unlicensed, wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - (3) Long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
  - (4) Dilapidated, collapsed or partially constructed structures which are not currently under construction;

**Surface Conditions:**

3.02 Surface conditions of yards shall be maintained so as to:

- (1) Prevent ponding of storm water;
- (2) Prevent surface water run-off from entering basements;
- (3) Not exhibit an unsightly appearance;
- (4) Be kept free of garbage and refuse;

**Sewage and Drainage:**

3.03 Sanitary Sewage shall be discharged into the sanitary sewage system.

3.04 Roof drainage shall not be discharged onto sidewalks, stairs, into the sanitary sewage system or onto adjacent property.

**Parking Areas, Walks and Driveways:**

3.05 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

3.06 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

**Accessory Buildings, Fences and Other Structures:**

3.07 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

3.08 Accessory 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.

**Garbage Disposal:**

3.09 Every building, dwelling, and dwelling unit shall have a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

3.10 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal.

3.11 Garbage storage areas shall be screened from public view.

**PART IV**

**RESIDENTIAL STANDARDS**

4.00 The following specific standards apply in addition to the standards found in Part III.

**General Conditions:**

4.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with Municipal by-laws.

4.02 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.

4.03 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

**Pest Prevention:**

4.04 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.

4.05 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

**Structural Soundness:**

- 4.06 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 4.07 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

**Foundations:**

- 4.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp-proofing and water-proofing.

**Exterior Walls:**

- 4.09 Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 4.10 Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

**Windows and Doors:**

- 4.11 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.12 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. 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.
- 4.13 Exterior type doors shall be provided for all entrances to dwellings and dwelling units.
- 4.14 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.
- 4.15 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

**Roofs:**

- 4.16 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 4.17 The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both, which may create a hazard.
- 4.18 Where eavestroughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

**Walls, Ceilings and Floors:**

- 4.19 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.

- 4.20 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 4.21 Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

**Stairs, Porches and Balconies:**

- 4.22 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

**Guardrails:**

- 4.23 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing with a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

**Kitchens:**

- 4.24 Every dwelling shall contain a kitchen area equipped with:
- (a) A sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - (b) Suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
  - (c) A counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
  - (d) A space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

**Toilet and Bathroom Facilities:**

- 4.25 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 4.26 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- 4.27 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, 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.

**Plumbing:**

- 4.28 Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F).
- 4.29 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 4.30 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.31 All plumbing fixtures shall be connected to the sewage system through water seal traps.

- 4.32 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

**Electrical Service:**

- 4.33 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 4.34 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations Act*, as amended.
- 4.35 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 4.36 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 4.37 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

**Heating, Heating Systems, Chimneys and Vents:**

- 4.38 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70° F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.39 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended or other applicable legislation.
- 4.40 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 4.41 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 4.42 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 4.43 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 4.44 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

**Fire Escapes, Alarms and Detectors:**

- 4.45 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.

4.46 In addition to the provisions of Article 4.45 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:

- (a) Equipped with visual or audio indication that they are in operating condition;
- (b) Mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

4.47 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

**Egress:**

4.48 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.

4.49 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm, (42 x 22 inches) with a sill height of not more than 914mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

**Ventilation:**

4.50 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.

4.51 All systems of mechanical ventilation shall be maintained in good working order.

4.52 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

**Elevating Devices:**

4.53 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

**Disconnected Utilities:**

4.54 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

**Occupancy Standards:**

4.55 The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.

4.56 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.) and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.

- 4.57 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;
  - (b) Floors and walls shall be constructed so as to be damp-proof 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;
  - (d) Access to each habitable room shall be gained without passage through a service room.
- 4.58 Sections 4.25 to 4.39 do not apply to a dwelling used as a secondary place of residence that is not occupied on a continual basis and is used for seasonal vacations or recreational purposes only.

#### PART V

#### VACANT BUILDINGS

- 5.01 Vacant buildings shall be kept cleared of all garbage, rubbish 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.
- 5.02 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

#### PART VI

#### NON-RESIDENTIAL PROPERTY STANDARDS

- 6.00 The following specific standards apply in addition to the standards found in Part III.
- 6.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

#### Yards:

- 6.02 The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this by-law.
- 6.03 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

#### Parking Areas and Driveways:

- 6.04 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 6.05 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

#### Structural Soundness:

- 6.06 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.



- 6.07 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials, which create a hazard.

**Exterior Walls:**

- 6.08 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 6.09 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

**Guardrails:**

- 6.10 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing with a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

**Lighting:**

- 6.11 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

**Roofs:**

- 6.12 The roofs of buildings shall be kept clear of accumulations of ice or snow or both, which may create a hazard.

**PART VII**

**ADMINISTRATION AND ENFORCEMENT**

- 7.01 This By-Law shall apply to all property within the limits of the Municipality

- 7.02 The imperial measurements contained in this by-law are given for reference only.

**Officers:**

- 7.03 The Municipal Law Enforcement Officer(s) shall be responsible for the administration and enforcement of this By-Law.

**Property Standards Committee:**

- 7.04 Council shall appoint at large, by a Resolution, (or by-Law) of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for a term of office concurrent with Council.

- 7.05 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium per meeting as specified in the appointing by-law for their attendance at Committee meetings.

- 7.06 The members of the committee shall elect one of themselves as chairperson and shall make provision for a secretary for the committee. Such secretary need not be a member of the committee. Should the chairperson be absent through illness or otherwise, the committee may appoint another member as acting chairman. All members of the committee may administer oaths.

- 7.07 The secretary shall keep on file with the Township, minutes and records of all applications and the decisions thereon/therefrom and of all other official business of the committee.

- 7.08 A majority of the committee constitutes a quorum.

7.09 Council may adopt or prescribe rules of procedure for the Committee, subject to the Statutory Powers Procedure Act.

**Compliance:**

- 7.10 1) The owner of any property which does not conform to the standards as set out in this By-law shall repair and /or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a levelled and graded condition.
- 2) The provisions of this By-law and of the *Building Code Act, 1992* and the Ontario Building Code apply to all property within Minden hills. (A copy of sections 15.1 through 16 of the *Building Code Act, 1992* is attached as Schedule "A" to this By-law for information and ease of reference. It is important to note, however, that amendments to the *Building Code Act, 1992*, if any, apply to this By-law, which is subject to that statute. The *Building Code Act, 1992* should always be resorted to for final analysis.)

**Validity:**

- 7.11 If an article of this by-law is for any reason held to be invalid, the remaining Articles shall remain in effect until repealed.
- 7.12 Where a provision of this by-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

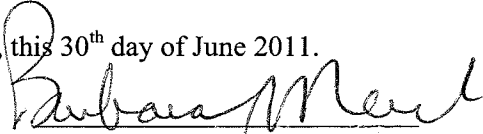
**Repeal:**

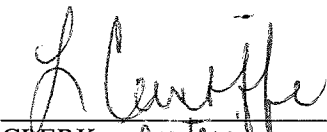
7.13 Clean and Clear By-law No. 08-35 is hereby repealed.

**Title:**

7.14 This By-Law may be referred to as "The Property Standards By-Law".

READ a first, second and third time, finally passed, signed and sealed, this 30<sup>th</sup> day of June 2011.

  
HEAD OF COUNCIL.

  
CLERK. *centurion*

Schedule "A" to By-law 11-61  
Property Standards Provisions in the *Building Code Act, 1992*

**Important Notice: This Schedule is for ease of reference only. Refer to the Current Edition of the Statute to ensure that no amendments have been made since the date of passage of By-law 11-61**

15.1 (1) In sections 15.1 to 15.8 inclusive,

"committee" means a property standards committee established under section 15.6;

"occupant" means any person or persons over the age of 18 years in possession of the property;

"owner" includes,

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

"property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

"repair" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit.

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4).

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with.

- (2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,
    - (a) stating the municipal address or the legal description of the property;
    - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
    - (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
    - (d) indicating the final date for giving notice of appeal from the order.
  - (3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
  - (4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, 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.
- 15.3 (1)** An owner or occupant who has been served with an order made under subsection 15.2(2) 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 14 days after being served with the order.
- (2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed.
  - (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 with 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.
  - (4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3) may appeal in a judge of the Ontario Court (General Division) [Superior Court of Justice] by notifying the clerk of the corporation in writing and by applying to the Ontario Court (General Division) [Superior Court of Justice] for an appointment within 14 days after the sending of a copy of the decision.
  - (5) A judge of the Ontario Court (General Division) [Superior Court of Justice] 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.
  - (6) On the appeal, the judge has the same powers and functions as the committee.
  - (7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), 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.

15.4 (1) If an order of an officer under section 15.2(2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.

(2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

(3) Despite subsection 31(2), a municipal corporation 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 subsection (1).

(4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

15.5 (1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner.

(2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located.

(3) A council of a municipality may set a fee for the issuance of a certificate.

15.6 (1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish.

(2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee.

(3) The members of the committee shall be paid such compensation as the council may provide.

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair.

(5) A majority of the members constitutes a quorum for transacting the committee's business.

(6) The members shall provide for a secretary for the committee.

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 74 of the Municipal Act applies with necessary modifications to the minutes and records.

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths.

(9) 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.

15.7 (1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 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 other work to be carried out immediately to terminate the danger.

- (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 shall be posted on the property.
  - (3) After making an order under subsection (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 municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant.
  - (4) Despite subsection 31(2), a municipal corporation 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 subsection (3).
  - (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 subsection (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 municipality and providing details of the amount expended in taking the measures.
  - (6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken.
  - (7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Ontario Court (General Division) [Superior Court of Justice] for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose.
  - (8) The judge in disposing of an application under subsection (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.
  - (9) The disposition under subsection (8) is final.
  - (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 by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- 15.8 (1)** For the purposes of an inspection under section 15.2, 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;
  - (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.
- (2) The officer shall divide the sample taken under clause (1)(e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
  - (3) If an officer takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

- (4) An officer shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made.
- (5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals.