

Appendix A – Recommended Amendments to Property Standards Bylaw 2011-277

Part 1: Definitions

Adding definitions for:

Vacant, Vacant Unfinished Building and Designated Heritage Property

Currently, many sections of the Bylaw point to the maintenance of buildings or structures already built, but it does not address partially finished buildings. Clearly defining the term vacant and vacant unfinished building would provide enforcement opportunity and could establish guidelines of timing for completion, the manner of workmanship and appropriate materials for the purpose.

Part 7 Vacant Buildings

Currently this section of the By-law addresses how to manage existing vacant buildings to protect public safety, reduce, prevent unauthorized access, and protect the property in case of demolition or storm damage.

When reviewing the bylaws from our municipal comparators we find that this section of the By-law lacks many provisions associated with vacant buildings in other municipalities. Considering best practice staff recommend adding the following provisions:

- Timing of when a building is declared vacant and how a property is monitored when it is deemed vacant.
- Terms of exemption such as seasonal occupancy, accessory buildings (barns) and buildings owned by the municipality.
- Duties of the property owner with respect to partially finished buildings.
- Requirement to provide a third-party report declaring the vacant building is structurally adequate and or maintained in good order.
- Clarifying roles of responsibility with respect to vacant heritage buildings.

Adding a Section for Designated Heritage Properties

In consultation with Legal and Bylaw Services Divisions staff finds that the Property Standards By-law 2011-277 lacks specific provisions on heritage designated properties. In terms of property standards, pointing to additional legislation is not ideal in providing direction for property owners or enforcement staff. To protect these assets both municipally and privately owned and when considering best practice, staff would recommend amending the current Property Standards By-law 2011-277 to add a new section with the following:

Establish standards in addition to the minimum standards for the maintenance of property to:

- i. Maintain, preserve, and protect the Heritage Attributes to maintain the heritage character, visual and structural heritage integrity of the building or structure.
- ii. Maintain the Property in a manner that will ensure the protection and preservation of the Heritage Attributes and values.
- iii. Where required, obtain a heritage permit prior to performing required work or causing any required work to be performed under this section of the by-law.

- iv. Determine how repairs will be undertaken and what materials may be used or if replacements are required over repairs.
- v. Determine permissions around alteration and demolition.
- vi. Establish the hierarchy for managing conflict between the bylaw and other regulations such as the Ontario Building Code Act and the Ontario Heritage Act.

Administration, Enforcement & Non-Compliance

The current language in this section speaks generally to the failure to comply with an order as being guilty of an offence under Section 36.1 of the Building Code Act (the Act) however it does not include the specific language outlined in Section 30.37(4) the Act that speaks to liable fines, and convictions relating to Part 3 Charges to these offences. When reviewing our municipal comparators, and considering best practice, staff would recommend amending this section to include the following language from the Act:

A person who fails to comply with an order, direction or requirement made under the Building Code Act is guilty of an offence.”

- *“A person who is convicted of an offence is liable to a fine pursuant to the Building Code Act of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.”*
- *“If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.”*

Currently the Property Standards By-law does not definitively address the applicable fines for non-compliance. To support the level of enforcement required to manage these offenses the following amendments are recommended:

- Adding set fines for non-compliance with sited sections of the standards from the Act within the By-law in the amount of \$500 per offense.