

Request for Decision

Property Standards By-law Amendments

Presented To:	Policy Committee
Presented:	Wednesday, Nov 16, 2011
Report Date	Tuesday, Nov 08, 2011
Type:	Presentations

Recommendation

That staff provide a by-law for Council's consideration that repeals the Maintenance and Occupancy Standards By-law 2009-100 and replaces it with a new by-law that mirrors a Model Property Standards By-law excluding those sections referring to the maintenance of yards and vacant lots and including a section that requires the removal of graffiti and defacements from exterior surfaces; and that staff monitor the case load of By-law Enforcement Officers and report back with budget options to address any negative impact on enforcement service levels as a result of enforcement of this by-law.

Background

The City of Sudbury passed the "Maintenance and Occupancy Standards By-law", #2009-100 on April 15, 2009. This by-law prescribes minimum standards for which owners of properties of dwelling units must maintain to ensure the occupants a safe, clean living environment, and to ensure that the upkeep of residential properties do not lead to the degradation of the neighbourhood and community. The by-law also prescribes standards for unoccupied buildings and those defined as being a hazard; ensuring that the property is secure from entry by unauthorized persons in order to protect against the risk of fire, accident, or other danger.

On September 14, 2011, Council passed a motion that directed staff "to investigate the amendment of the current Property Standards By-law to include regulations for commercial and industrial property and abandoned buildings, and to report those options to Council's Policy Committee by the end of November, 2011."

Analysis

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Ontario Building Code Act

The Ontario Building Code Act, 1992, S.O. 1992, c. 23, Section 15 authorizes the municipality to pass by-laws prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy of use of such property that does not conform with the standards; and 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 leveled condition.

The Act also sets out the procedure for inspections by a Property Standards Officer, the issuance of an Order to Remedy items of non-compliance and procedures of appeals to the Property Standards Committee. It provides that the Order may be registered on title of the property and provides procedures for the municipality to cause the property to be repaired or demolished as required by an Order that has been confirmed and is in default, and the collection of costs for doing so from the property owner.

The property standards by-law authorized by the Ontario Building Code is meant to be a maintenance by-law for all properties. That it helps to ensure that buildings constructed according to the standards in the building code regulations are maintained to those same standards. It also provides for minimum standards intended to ensure the preservation of municipal housing stock, the removal of derelict buildings and a means of preserving and safeguarding all existing and future buildings in the municipality.

Property Standards By-law

The by-law passed by Council in April of 2009, cited as the "Maintenance and Occupancy Standards By-law" prescribes the standards for the maintenance and occupancy of property zoned for residential use or actually used as residential and for the securing of hazardous or vacant buildings. The by-law specifically states that the regulations do not apply to "any other land".

The maintenance standards in the by-law are specific to buildings used as dwelling units and accessory buildings, fences and retaining walls on properties where a dwelling is situated. It requires that owners maintain the structural integrity of the building and components of the exterior envelope, including foundations, roofs, exterior walls, doors, stairs and landings, including the requirement of protective barriers, guards and handrails. The by-law also requires the removal of graffiti and other defacements on the exterior of buildings used as dwellings.

Elements of the interior of dwellings are also addressed by this by-law, to ensure that the minimum standard of living is provided. This includes the provision of heat, hydro, hot and cold running water, sanitary facilities, cooking facilities and ventilation and ensures the appliances and systems providing these utilities are kept in good repair. It also requires that the interior elements of the dwelling are maintained in good repair, such as stairways, balustrades, floors and walls. The by-law also creates an offence for a property owner to use a non-habitable space, such as a basement or utility room for habitation.

The by-law requires the owners of all vacant buildings, regardless of use, to disconnect utilities and prevent entry by a number of means, including the boarding up of windows, doors and other openings.

Review of this by-law by staff has also identified some items that if amended would improve the living standards of occupants of residential dwelling units, and provide additional tools to promote compliance and the removal of derelict buildings.

1. There are currently no maintenance standards in the by-law that apply to common areas of a multiple dwelling building, such as the foyer, elevators, stairways, laundry rooms, storage facilities and hallways.
2. The by-law does not require the removal of pests, rodents and vermin from any building, such as a

shed or garage, unless the pest is in the dwelling unit.

3. The offence section in the by-law refers to “a fine as provided in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33”. The maximum fine that can be obtained pursuant to this legislation is \$5,000. The Building Code Act which authorizes this by-law also contains a penalty provision whereby the maximum penalty for a person who is convicted for failing to comply with an Order is \$50,000 for a first offence and not more than \$100,000 for subsequent offences and if a corporation is convicted of the same offence the maximum penalty is \$100,000 for a first offence and \$200,000 for subsequent offences. In addition to monetary penalties, the court can also make an order prohibiting the continuation or repetition of the offence by the person convicted. If the penalty provision of the by-law referenced the Building Code Act instead of the Provincial Offences Act, then the increased potential fines may serve as an incentive for voluntary compliance.
4. The Building Code Act provides that a municipality can pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality, and for requiring property not in conformance with the standards to be repaired and maintained to comply. Although the by-law provides for this, there is further enforcement action that the by-law does not provide which the Act authorizes. These powers are as follows; a municipality may require in a property standards by-law that a property may be cleared of all buildings and structures and left in a graded, levelled condition if it is not maintained or repaired to the standards in the by-law. If the by-law is amended to provide this option for dealing with non-compliance, it has an additional tool for removing unsightly, unsafe buildings that may lead to the degradation of a community and neighbourhood.

Model By-law – Ontario Association of Property Standards Officers

The Ontario Association of Property Standards Officers (OAPSO) is an organization that was founded in 1975 to provide training for all municipal personnel who are engaged in the administration or the enforcement of legislation governing the maintenance, occupancy, repair and improvement of property and the environment. This association is a valuable resource for training and maintaining professional standards of Property Standards Officers and assistance to Ontario municipalities in the provision of a “Model By-law” and a standard set of forms.

The Model By-law provides maintenance standards for all property types and uses. It can be amended to exclude the provisions related to grounds and yards as already covered in the City of Greater Sudbury’s Clearing of Lands and Vacant Lots By-law, 2009-101.

The Model By-law does not require the removal of graffiti and other defacements as does the current Maintenance and Occupancy Standards By-law for residential properties. It is recommended to ensure this standard be maintained on all properties that the Model By-law include a requirement for the removal of graffiti and other defacements on exterior surfaces of all property.

The Model By-law also contains provisions that mitigates the deficiencies of the current CGS Maintenance and Occupancy Standards By-law as detailed in the preceeding section of this report.

Comparison of Other Municipalities

All the Northeastern Communities that were surveyed by staff have a Property Standards By-law similar to the Model By-law that prescribes maintenance and occupancy of all property types in the municipality; prohibits the occupancy and use of property that does not conform to the standards, and for requiring property not in conformance with the standards to be repaired and maintained to conform or the site to be cleared of all buildings and structures, debris and refuse and left in a graded condition. Those municipalities surveyed are Township of Baldwin, Northeastern Manitoulin and the Islands, Espanola, Elliot Lake, Sault St. Marie and North Bay. All of the City of Greater Sudbury’s municipal comparators in the Ontario Municipal CAO’s Benchmarking Initiative (OMBI) have the similar provisions in their property maintenance by-laws,

those being; Ottawa, Barrie, Hamilton, London, Thunder Bay, Toronto and Windsor.

Enforcement Resources

Currently six by-law officers assume the role of Property Standards Officers dedicated to specific areas of the City. Enforcement of this by-law is conducted through inspections of the property, contact with the property owner and if voluntary compliance is not obtained, the issuance of an Order. The Order may be appealed which involves the preparation of a report and attendance at a hearing of the Property Standards Committee. If the Order is in default, the officer may register the order on title of the property, prosecute the owner for non-compliance with the order which will include preparation and attendance at court. The officer may also cause the work in the order to be done with the cost of doing so collected in a like manner as taxes, or as a lien upon the land. Officers will also inspect properties upon request and prepare a Certificate of Compliance to those that comply, pursuant to the by-law.

During the past year, department statistics reveal that approximately 17% of the total case load of the Compliance and Enforcement Officers is dedicated to enforcement of the Maintenance and Occupancy Standards By-law. If Council enacts a by-law to expand the enforcement of this by-law to commercial and industrial buildings and/or all buildings within the City, this will have a significant impact on the current work load of the by-law officers, negatively impacting the time of response and case completion of all enforcement requests therefore decreasing expected service levels.

In order to determine how much of an increase in work load may be experienced, staff conducted a survey of all properties containing buildings in Greater Sudbury, and the land area that is designated for each property type, by zones. Currently all property containing buildings in those zones which may contain residential use amounts to approximately 1/2 of the total area of property containing buildings in all other zones. This estimate is one aspect of comparison, however cannot be used as determinant of expected increase in case load at this time.

The additional recommendation in this report is that if Council enacts a by-law to include maintenance and occupancy standards for commercial and industrial and/or for all property types, staff monitor the case load of By-law Enforcement Officers and report back in the future with budget options to address any decrease in enforcement service levels as a result.

Options

Option 1 - Amend By-law Specific to Request in Motion

A by-law may be presented to Council for consideration that amends the current Maintenance and Occupancy Standards By-law to include the same maintenance provisions for owners of commercial and industrial properties as it does for the current owners of residential properties. If this option is selected, the by-law will not provide for amendments that will require the maintenance of common areas in multi-residential buildings, the removal of vermin from areas other than dwellings, increased fines for contravention and the ability to order the demolition of derelict buildings; the details of which are in this report. This option is not recommended because it does not reflect the full potential of the City's tools to ensure residential occupants a safe, clean living environment, and to ensure that the upkeep of residential properties do not lead to the degradation of the neighbourhood and community.

Option 2 - Repeal By-law and Replace with Model Property Standards By-law

The Model Property Standards By-law as recommended by the Ontario Association of Property Standards

Officers provides requirements for the maintenance and occupancy of property of all uses, including commercial and industrial uses.

If this is the preferred option the Model By-law would exclude those provisions pertaining to the maintenance of grounds and yards, as these standards are currently enforced through the Clearing of Lands and Vacant Lots By-law, 2009-101. It is also recommended that the Model By-law be amended to require the removal of graffiti and defacements from exterior surfaces, as in the current Maintenance and Occupancy Standards By-law for residential property.

The Model By-law also addresses the deficiencies identified in the current Maintenance and Occupancy Standards By-law as identified in this report and is consistent with the maintenance standards required in by-laws enacted by the municipalities surveyed.

This option is recommended as it addresses the motion by Council, increases standards for all properties in the City of Greater Sudbury and provides the available options for enforcement.

This option is also consistent with the GGS Official Plan. Section 20.8 of the Plan sets out the policy of Council to ensure that "all property is maintained free of rubbish and in such a manner as to pose no danger to health and safety, and that all structures are maintained in a good state of repair". The accomplishment of this policy is stated further; "Council will use whatever means within its jurisdiction, including the enforcement of the Maintenance and Occupancy Standards By-law under the Ontario Building Code Act, to ensure the good maintenance of property."

Conclusion

In response to the motion carried by Council on September 14, 2011, staff have reviewed the Maintenance and Occupancy By-law, the authorizing legislation, a Model By-law presented by the Ontario Association of Property Standards Officers (OAPSO), and surveyed various municipalities in consideration of a property standards by-law which includes maintenance standards for all properties and/or commercial and industrial properties within the City of Greater Sudbury. Staff also considered the impact that may be experienced by officers tasked with the enforcement of such a by-law and its effect on current enforcement service levels. In order that the City prevent the deterioration of its current building stock, provide additional safety measures for residents in multi-residential buildings, and employ the tools available for enforcement, it is recommended that staff provide a by-law for Council's consideration that mirrors the Model By-law referred to in this report, excluding those sections referring to the maintenance of yards and vacant lots. It is also recommended that staff monitor the case load of By-law Enforcement Officers and report back in the future with budget options to address any negative impact in enforcement service levels as a result.

Ontario Association of Property Standards Officers Inc
Model Bylaw 2010

Bylaw No.

Page 1

BYLAW No. [_____]

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a Bylaw 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 *[Name of Municipality]* includes provisions relating to property conditions;

AND WHEREAS the Council of The *[Name of Municipality]* is desirous of passing a Bylaw 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 Bylaw 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 *[Name of Municipality]* hereby enacts the following:

**PART 1
DEFINITIONS**

**PART 2
GENERAL STANDARDS FOR ALL PROPERTY AND USES**

2.01 SCOPE

~~**2.02 YARDS**~~

~~**2.03 OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE**~~

2.04 GARBAGE RECEPTACLES

2.05 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS.

2.06 UNENCLOSED PORCH - BALCONY

~~**2.07 GRASS-TREES-BUSHES-HEDGES-LANDSCAPING**~~

2.08 GROUND COVER- erosion control

2.09 LOT GRADING-DRAINAGE

2.10 WALKWAYS AND DRIVEWAY

2.11 PARKING LOTS

2.12 SNOW DISPOSAL-STORAGE

2.13 EXTERIOR LIGHTING

2.14 RETAINING WALL

2.15 WELLS -CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

2.16 ACCESSORY BUILDINGS

2.17 FENCE

2.18 TOWER-GANTRIES-MASTS-ANTENNAE

2.19 SIGNS

**PART 3
EXTERIOR PROPERTY AREAS**

- 3.01** STRUCTURAL ADEQUACY-CAPACITY
- 3.02** FOUNDATION WALLS-BASEMENTS
- 3.03** EXTERIOR WALLS-SURFACES-CLADDING-MASONRY
- 3.04** DOORS-WINDOWS-CELLAR-HATCHWAYS
- 3.05** WINDOW SCREENS
- 3.06** CANOPIES-MARQUESS-AWNINGS
- 3.07** ROOF
- 3.08** EAVES TROUGH SYSTEM- METAL DUCTS-FLASHING
- 3.09** CHIMNEY FLUES
- 3.10** GARAGE-CARPORT

**PART 4
INTERIOR OF BUILDINGS STRUCTURES AND DWELLINGS**

- 4.01** INTERIOR STRUCTURE-COLUMNS-BEAMS
- 4.02** WALLS-CEILINGS
- 4.03** FLOORS
- 4.04** STAIRS- HANDRAILS-GUARDS
- 4.05** ELEVATORS
- 4.06** MEANS OF EGRESS
- 4.07** HEATING- AIR CONDITIONING
- 4.08** AIR CONDITIONING
- 4.09** ELECTRICAL
- 4.10** VENTILATION
- 4.11** LIGHTING
- 4.12** PLUMBING
- 4.13** WATER SUPPLY
- 4.14** SEWAGE SYSTEM
- 4.15** VERMIN CONTROL

**PART 5
ADDITION REQUIREMENT FOR RESIDENTIAL OCCUPANCY**

- 5.01** OCCUPANCY STANDARDS
- 5.02** TOILET AND BATHROOM FACILITIES

**PART 6
NON-RESIDENTIAL PROPERTY STANDARDS**

- ~~**6.01**~~ YARDS
- 6.02** MEANS OF EGRESS
- 6.03** GUARDRAILS
- 6.04** SEPARATIONS

- 6.05 VENTILATION
- 6.06 LIGHTING
- 6.07 SALVAGE YARD

**PART 7
VACANT-DAMAGED-DEMOLITION**

- ~~7.01 VACANT LAND~~
- 7.02 VACANT BUILDING
- 7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES
- 7.04 DEMOLISH BUILDING

**PART 8
ADMINISTRATION AND ENFORCEMENT**

- 8.01 BYLAW
- 8.02 MEASUREMENT
- 8.03 NON-COMPLIANCE
- 8.04 CONFLICTS-BYLAWS-STANDARDS-REGULATIONS
- 8.05 VALIDITY
- 8.06 PENALTY
- 8.07 SEVERABILITY
- 8.08 TRANSITIONAL RULES
- 8.09 TITLE

**PART 1
DEFINITIONS**

1.01 In this Bylaw:

- 1) **“Accessory Building”**- means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 2) **“Act”** -means an enactment or statute of the Province of Ontario.
- 3) **“Approved”**- means acceptance by the Property Standards Officer.
- 4) **“Basement”** - shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- 5) **“Building”** - means any structure used or intended to be used for supporting or sheltering any use or occupancy
- 6) **“Building Code”** - means the Building Code Act and any regulations made under that Act;

Ontario Association of Property Standards Officers Inc
Model Bylaw 2010

Bylaw No.

Page 4

- 7) **"Chief Official"** - means the Chief Building Official appointed under Section 3 of the *Building Code Act*, 1992, c. 23 and having jurisdiction for the enforcement thereof.
- 8) **"Citation - Property Standards Bylaw"** This Chapter may be cited as the "Property Standards Bylaw."
- 9) **"City"** - shall mean The Corporation of the City/Township of *[Name of Municipality]* unless the context requires otherwise
- 10) **"Code"** - means a regulation of the Province of Ontario known,
 - a) with respect to matters relating to building, as the Building Code;
 - b) with respect to matters relating to electricity, as the Electrical Safety Code;
 - c) with respect to matters relating to fire, as the Fire Code; and
 - d) with respect to matters relating to plumbing, as the Plumbing Code.
- 11) **"Committee"** - means a Property Standards Committee established under this Chapter.
- 12) **"Council"** - shall mean the Council of the *[Name of Municipality]*.
- 13) **"Dwelling"** - means a building means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- 14) **"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. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.
- 15) **"Exterior property area"** - means the building lot excluding buildings
- 16) **"Fence"** –means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.
- 17) **"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.
- 18) **"Ground cover"** - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- 19) **"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.
- 20) **"Habitable room"** - means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- 21) **"Non-habitable space"** - means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service,

Ontario Association of Property Standards Officers Inc
Model Bylaw 2010

Bylaw No.

Page 5

maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.

- 22) **“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.
- 23) **“Occupant”** - means any person or persons over the age of eighteen years in possession of the property.
- 24) **“Officer”** - means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing the provisions of this Bylaw.
- 25) **“Owner”** – includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- 26) **“Person”** – means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.
- 27) **“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.
- 28) **“Repair”** - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this Bylaw.
- 29) **“Safe condition”**- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
- 30) **“Sewage system”** – means the *[Name of Municipality]* system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the *[Name of Municipality]*;
- 31) **“Sign”** - means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use
- 32) **“Snow disposal site”** -means only those lands on which snow is placed after being brought to the lot from another lot, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot.
- 33) **“Snow storage site”** -means that portion of lands being used for the storage of snow that has been moved to one portion of a lot after being cleared from another portion or portions of a lot.
- 34) **“Vehicle”** – includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
- 35) **“Visual barrier”** – shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone,

bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official.

- 36) **"Waste"**- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all 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 or the weather
- 37) **"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 2

GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

1. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this Bylaw.
2. The owner of any property which does not conform to the standards in this Bylaw shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.
3. 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.
4. All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.
5. 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.

~~2.02 YARDS~~

~~Shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.~~

- ~~1) Every property shall be kept free from garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property~~
- ~~2) Without restricting the generality of this Section, such maintenance includes the removal of:
 - ~~(a) rubbish, garbage, waste, litter and waste;~~
 - ~~(b) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation.~~
 - ~~(c) trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;~~
 - ~~(d) noxious weeds pursuant to the Weed Control Act and any excessive growth of other weeds, grass and bushes;~~
 - ~~(e) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant Bylaws, Chapters or statutes; and~~
 - ~~(f) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.~~~~

~~2.03 OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE~~

- ~~1. No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area.~~

2.04 GARBAGE RECEPTACLES

Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

- 1) Receptacles for garbage shall be:
 - a) made of watertight construction
 - b) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - c) maintained in good condition without holes or spillage; and
 - d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.

- 2) Plastic bags shall be considered acceptable receptacles under subsection above provided they are:
 - a) adequately secured so as to prevent spillage;
 - b) not stored outdoors unless protected from access by animals or vermin: and
 - c) otherwise are maintained in compliance with (1) above.
- 3) Paper receptacles are not acceptable under this Section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection Bylaws.
- 4) Where commercial, industrial, or residential on site garbage containers are visible from a public street or land, or residential properties, the area where the receptacles are stored shall be screened from view.

2.05 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS

1. Garbage chutes, disposal and collection rooms, containers and receptacles shall be washed down, disinfected and maintained to be clean, odour free and in good working order and good repair.

2.06 UNENCLOSED PORCH - BALCONY

1. Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste, or appliances.

2.07 GRASS-TREES- BUSHES-HEDGES-LANDSCAPING

- ~~1. Grass, trees, bushes, hedges and other landscaping, shall be maintained to prevent an unsightly or unreasonable overgrowth in relation to the neighbouring environment.~~
- ~~2. Gras, trees, bushes, hedges and other landscaping, non-organic ground cover and site facilities shall be provided and maintained in living condition or a safe condition.~~

2.08 GROUND COVER- erosion control

1. Suitable ground cover shall be provided and maintained to prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as is required to maintain the grass in a living condition.

2.09 LOT GRADING-DRAINAGE

1. All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawlspace.
2. No roof, driveways or other surface drainage, and the drainage of water from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any highway, or in such a manner that it will penetrate or damage a building, structure or property.

3. Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
4. No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is:
 - (a) a construction site for which a building permit is in effect;
5. No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:
 - a) a construction site for which a building permit is in effect;
 - b) a property being subdivided under subdivision agreement with the *[Name of Municipality]*; or
 - c) property being actively farmed.

2.10 WALKWAYS AND DRIVEWAY

1. Surface conditions of walkways, driveways and yards shall be installed and maintained in a safe condition with non-organic ground cover so as to:
 - a) prevent ponding of storm water;
 - b) not exhibit an unsightly appearance;
 - c) be kept free of garbage and waste;
 - d) be kept free of deep ruts and holes;
 - e) provide for safe passage under normal use and weather conditions, day or night; and
 - f) not to create a nuisance to other property.

2.11 PARKING LOTS

1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.
2. Parking lots, driveways and other similar public access areas of a yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.

2.12 SNOW DISPOSAL-STORAGE

1. A property owner shall cause any snow disposal site or a snow storage site on that property to be:
 - a) maintained so as not to cause a hazard on the property; and
 - b) maintained in such a manner and location on a property so as to prevent a hazard, flooding, erosion and other damage to neighbouring private or public lands.

2.13 EXTERIOR LIGHTING

1. Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
2. All underground parking areas and common areas shall be illuminated so as to provide safe passage.
3. Facilities for lighting shall be maintained in a good state of repair.
4. 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.

2.14 RETAINING WALL

1. All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

2.15 WELLS –CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

1. A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

2.16 ACCESSORY BUILDINGS

1. The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - a) constructed with suitable materials;
 - b) maintained in good repair;
 - c) protected from deterioration by the application of paint or other suitable protective material.

2.17 FENCE

1. A fence erected on a property or separating adjoining properties shall be maintained:
 - a) in good repair; (free from loose or insufficiently secured, rotten, warped or broken materials),
 - b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to.
 - c) shall be free of dangerous objects. and:
 - d) reasonably plumb, unless specifically designed to be other than vertical.
2. The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain a visual barrier not less than 1.2 meters

(4 feet) and not more than 2.0 meters (78 inches) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the enjoyment and good appearance of an abutting residential property.

2.18 TOWER-GANTRIES-MASTS-ANTENNAE

1. Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained:
 - a) reasonably plumb, unless specifically designed to be other than vertical;
 - b) in good repair;
 - c) in a safe and structurally sound condition; and

2.19 SIGNS

1. A sign and any structure connected therewith shall be installed and maintained:
 - a) in good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated;
 - b) in a safe and structurally sound condition; and
 - c) in a reasonably vertical plane unless otherwise approved by the *[Name of Municipality]*. An unused or discarded sign shall be removed from the property or shall be stored within a building.

PART 3 EXTERIOR PROPERTY AREAS

3.01 STRUCTURAL ADEQUACY-CAPACITY

1. All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - a) to be capable of sustaining safely its own weight, and any additional load 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 growth, decay or deterioration; and
 - d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

3.02 FOUNDATION WALLS-BASEMENTS

1. All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.

2. Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

3.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weathertight, free from loose or unsecured objects and maintained in good repair:

1. In good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects; and
2. Shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing, or the installation of termite shields, if required.
3. All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
4. Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

3.04 DOORS-WINDOWS-CELLAR- HATCHWAYS

1. Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building and to minimize heat loss through infiltration.
2. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.
3. All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
4. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

3.05 WINDOW SCREENS

1. When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:

- a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

3.06 CANOPIES-MARQUEES-AWNINGS

1. All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust by a periodic application of weather-coating material.

3.07 ROOF

1. Every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
2. Without restricting the generality of this Section, such maintenance includes:
 - a) removal of loose, unsecured or rusted objects or materials;
 - b) removal of dangerous accumulations of snow or ice;
 - c) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - d) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

3.08 EAVES TROUGH SYSTEM- METAL DUCTS-FLASHING

1. Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.
2. Every eaves trough, roof gutter, rainwater pipe, downspout and flashing shall be properly secured and be kept in good repair, free from obstructions and health hazards.
3. Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
4. Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

3.09 CHIMNEY FLUES

1. Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
 - a) the entrance of smoke or gases into a building
 - b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
 - c) fire, health or other hazards.

2. Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

3.10 GARAGE-CARPORT

1. The construction between an attached or built-in garage or carport and a dwelling unit shall provide an effective barrier to gas and exhaust fumes.
2. A door between an attached or built-in garage and a dwelling unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
3. Garages and carports, including floors, shall be maintained in good repair and free from hazards.

PART 4 INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS

4.01 INTERIOR STRUCTURE-COLUMNS-BEAMS

1. In every building, all structural components, 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.

4.02 WALLS-CEILINGS

1. Every interior surfaces and finishes of walls and ceilings shall be maintained:
 - a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
 - b) free of holes, cracks, loose plaster or other material
 - c) in a safe condition; and
 - d) so as to possess the fire resistant properties required by the Building and Fire Codes.
2. In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

4.03 FLOORS

1. Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
2. Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

3. Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
4. Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

4.04 STAIRS- HANDRAILS-GUARDS

1. Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
2. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
3. Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
4. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

4.05 ELEVATORS

1. Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
2. All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:
 - a) in good working order and good repair; and
 - b) in a safe condition.

4.06 MEANS OF EGRESS

1. Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
2. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

4. The passage required as egress from one **dwelling unit** shall not pass through any other dwelling unit.
5. In every **multi-residential dwelling** where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
6. Where a **non-residential building** contains **dwelling units** located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
7. All means of egress within a **non-residential property** shall be maintained free from all obstructions or impediments;
 - a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
 - b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

4.07 HEATING- AIR CONDITIONING

1. Every **residential dwelling** shall have heating equipment capable of maintaining a temperature of 21°Celsius (70 °Fahrenheit).
2. It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
3. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
4. No rental **residential dwelling unit** shall be equipped with portable heating equipment as the primary source of heat.
5. Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
6. If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
7. Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions
8. Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

4.08 AIR CONDITIONING

1. Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
2. Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
3. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

4.09 ELECTRICAL

1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
2. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
3. Extension cords are not permitted on a permanent basis.

4.10 VENTILATION

1. Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
2. Every ventilation system shall be cleaned regularly and maintained:
 - a) in good working condition and good repair
3. When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.
4. An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
5. Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

4.11 LIGHTING

1. Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
2. Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

4.12 PLUMBING

1. All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
2. Plumbing systems on a property shall be provided, installed and maintained:
 - a) in compliance with the respective requirements of any applicable Act or Bylaw;
 - b) in good working order and good repair; and
 - c) in a safe condition.
3. All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.13 WATER SUPPLY

1. Every dwelling and every building to which water is available under pressure through piping shall be provided with:
 - (a) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and
 - (b) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
 - (c) piping for cold water connected to every toilet and hose bib.

4.14 SEWAGE SYSTEM

1. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
2. Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not

exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

3. The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

4.15 VERMIN CONTROL

1. Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

PART 5 ADDITION REQUIREMENT FOR RESIDENTIAL OCCUPANCY

5.01 OCCUPANCY STANDARDS

1. A non-habitable room shall not be used as a habitable room
2. No kitchen shall be used as a bedroom.
3. The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres (97 square feet) of habitable room floor area.
4. The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
5. The minimum area of a bedroom in a dwelling unit used by only one person shall be 6 square metres (64.5 square feet).
6. The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 4 square metres (43 square feet) for each person.
7. Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.
8. No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - b) each habitable room shall comply with all the requirements for ingress, egress,
 - c) light, ventilation and ceiling height set out in this Bylaw;

- d) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water

5.02 TOILET AND BATHROOM FACILITIES

1. Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
2. All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.
3. All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
4. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

PART 6 NON-RESIDENTIAL PROPERTY STANDARDS

~~6.01 YARDS~~

- ~~1. Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain to the standards as described in Part 2 of this Bylaw and:~~
 - ~~a. in a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;~~
 - ~~b. free from objects conditions which are health, fire or safety hazards; and~~
 - ~~c. free from rodents, insects or vermin.~~
- ~~2. 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 unconstructive 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.~~

6.02 MEANS OF EGRESS

1. All means of egress within a non-residential property shall be:
 - a) maintained free from all obstructions or impediments;

- b) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- c) provided with lighting facilities capable of illuminating the means of egress to
- d) ensure the safe passage of persons exiting the building.

6.03 GUARDRAILS

1. 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 or a height of 600 mm (24 inches) 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.

6.04 SEPARATIONS

1. Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

6.05 VENTILATION

1. All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.
2. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
3. Mechanical ventilating equipment and the supports for each equipment shall be maintained in good repair and in safe mechanical condition.

6.06 LIGHTING

1. All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

6.07 SALVAGE YARD

1. Salvage yards shall be effectively screened from public view by a visual barrier.

PART 7
VACANT- DAMAGED-DEMOLITION

~~**7.01 VACANT LAND**~~

- ~~1. Vacant land shall be maintained to the standards as described in Part 2, of this Bylaw.~~
- ~~2. Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.~~

7.02 VACANT BUILDING

1. If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
2. 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.
3. If a building remains vacant for a period of more than **ninety (90) days**, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES

1. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed **ninety (90) days**.
2. Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly.

7.04 DEMOLISH BUILDING

1. Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
2. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

PART 8
ADMINISTRATION AND ENFORCEMENT

8.01 This Bylaw shall apply to all property within the limits of the municipality.

8.02 The imperial measurements contained in this Bylaw are given for reference only.

8.03 NON-COMPLIANCE

1. The owner of any property which does not conform to the standards as set out in this Bylaw shall repair and /or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, waste or refuse and left in a levelled and graded condition.
2. Where any person fails to comply with an order issued, the municipality may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

8.04 CONFLICTS-BYLAWS-STANDARDS-REGULATIONS

1. Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.05 VALIDITY

1. If any provision or article of this Bylaw is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provisions or article shall remain in effect until repealed.

8.06 PENALTY

1. An owner who fails to comply with an order that is final and binding under this Bylaw is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

8.07 SEVERABILITY

1. It is hereby declared that each and every of the foregoing provisions of this Bylaw is severable and that, if any provisions of this Bylaw should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.08 TRANSITIONAL RULES

1. After the date of the passing this Bylaw, **Bylaw No (_____)** as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this Bylaw, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

8.09 TITLE

This Bylaw may be referred to as "The Property Standards Bylaw".

BY-LAW 2009-100

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO PRESCRIBE STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF RESIDENTIAL PROPERTY AND
FOR THE SECURING OF HAZARDOUS OR VACANT BUILDINGS**

WHEREAS the upkeep of property within the City of Greater Sudbury is a concern of the Council of the City of Greater Sudbury;

AND WHEREAS the lack of upkeep of a residential property can lead to the degradation of a neighbourhood and of a community;

AND WHEREAS Section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23, allows the council of a municipality which has an official plan in effect which includes provisions relating to property conditions to pass a By-law prescribing standards for the maintenance and occupancy of property within the municipality and prohibiting the occupancy or use of property that does not conform to the standards, and for requiring property not in conformance with the standards prescribed to be repaired and maintained to conform to the standards or the site thereof to be cleared of all buildings and structures, debris and refuse and left in a graded and levelled condition;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

PART I

INTERPRETATION

Definitions

1. In this By-Law:

“accessory building” means a detached building or structure subordinate to a main building or structure the use of which is incidental to that of a main building or structure, and shall include garages, sheds, barns, and similar storage facilities;

"Committee" means the Planning Committee of the City of Greater Sudbury, sitting as the Property Standards Committee;

"dwelling" means a building or structure, or part of a building or structure which is used, intended to be used, or capable of being used for the purpose of human habitation in whole or in part and includes a building that would be used, is intended to be used, or is capable of being used for such purpose;

"dwelling unit" means one or more rooms connected together but completely separate as a unit from all other rooms in the same structure and constituting an independent housekeeping unit for residential occupancy by humans and containing cooking, eating, living, sleeping and sanitary facilities;

"guard" means a protective barrier, with or without openings, around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another;

"habitable space" means any room or area in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom;

"hazard building" means a building to which two or more of the following criteria apply:

- (a) an application to demolish has been made to Council under s. 33 of the *Planning Act*, unless permission has been granted under that *Act* and demolition of the building has been commenced;
- (b) a building permit for work to be done has been issued under the *Building Code Act, 1992*, and no work has been done under the building permit for a period of at least twelve consecutive months;
- (c) damage of any kind to any part of the building has occurred by reason of fire and the damage has not been repaired;
- (d) the building does not contain an operational heating system capable of maintaining an inside temperature of ten degrees Celsius throughout the building at an outside temperature of minus eighteen degrees Celsius;
- (e) the supply of electrical power has been discontinued and not reinstated;
- (f) a building within which any piping for the flow of water has been ruptured and the piping has not been repaired; or
- (g) damage of any kind has been sustained to any part of a ceiling, floor or wall as a result of the conditions described in items (d), (e) or (f) above and the damage has not been repaired;

“non-habitable space” means any room or area in a dwelling, other than a habitable space, and includes a laundry room, basement, boiler room, furnace room, storage room, garbage room, corridor, foyer, stairway, or lobby;

“occupant” means any person over the age of eighteen years in possession of the property, dwelling or dwelling unit;

“Officer” means a Property Standards Officer or an Officer who has been assigned by By-Law of Council of Greater Sudbury the responsibility of administering and enforcing By-laws passed under the *Building Code Act*;

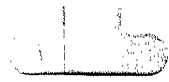
“owner” includes the person for the time being managing or receiving the rent or paying the municipal taxes on the land or premises in question, whether on his or her own account or as agent or trustee of any other person or who would so receive the rent if such land or premises were let, and shall also include a lessee or other person over the age of 18 who is in possession of the property and who, under the terms of a lease, is required to maintain and repair the property;

“person” means and includes any person, firm, partnership, association, corporation, company or organization of any kind;

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, out-buildings, fences, and other erections, and includes property on which the building thereon is situate;

“repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-Law;

“sewage system” means the City of Greater Sudbury sanitary sewer system or a sewage system as defined in Part VIII of the *Environmental Protection Act*;



“standards” means the standards of physical condition and use for occupancy set out in this By-Law;

“vehicle” includes a motor vehicle, trailer, boat, motorized snow vehicle, and mechanical equipment, whether operable or not, and whether licensed or not:

“washroom” means an area containing a toilet, urinal, bathtub, shower or washbasin;

“waste material” means material that, in the opinion of an Officer:

- a) appears to have been cast aside, discarded or abandoned, or
- b) appears to be worthless or of no practical value, or
- c) appears to be used up, in whole or in part, or expended or worn out in whole or in part; and

“yard” means an area of land which is appurtenant to and located on the same lot as a building or structure.

Interpretation

2. (1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended or replaced from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

PART II

ADMINISTRATION AND ENFORCEMENT

Short Title

3. This By-Law may be cited as the "Maintenance and Occupancy Standards By-Law".

Application

4. (1) Part III of this By-Law applies to all property that is zoned for residential use under any existing zoning By-law of the City or its predecessor municipalities, or any property actually used for residential purposes in the City of Greater Sudbury even if zoned otherwise, but does not apply to any other land.

(2) Part IV of this By-law applies to all property within the City of Greater Sudbury.

(3) This By-law applies to land owned or used by the City of Greater Sudbury.

Duty to Repair and Maintain

5. (1) No person being the owner of any property shall fail to repair and maintain that property and buildings thereon in accordance with the standards prescribed by this By-Law.

(2) Subject to the provisions of any lease, no person being a tenant or occupant of a dwelling or dwelling unit shall fail to maintain that part of the property which he or she occupies or controls in a clean, sanitary, safe and operable condition, and shall maintain all plumbing fixtures and appliances as well as other building equipment and

storage facilities in that part of the premises which he or she occupies or controls in a clean and sanitary condition, and shall take reasonable care in the operation and use thereof.

Application to Dwelling extends to Dwelling Unit

6. Where any standards imposed by this By-Law are thereby made applicable to a dwelling or a dwelling unit, such standards shall apply to the extent applicable by the context both to a dwelling and to a dwelling unit.

Enforcement Officer

7. This By-Law shall be administered by the Manager of Enforcement Services and enforced by the Greater Sudbury Police Service or by Municipal Law Enforcement Officers of the City of Greater Sudbury appointed by By-law.

Certificate of Compliance

8. The fee for a Certificate of Compliance with the standards prescribed in this By-Law issued at the request of an owner and in accordance with the *Building Code Act, 1992*, shall be Seventy Dollars, which fee must be paid to the City of Greater Sudbury before the Certificate is issued.

Appeal

9. The Planning Committee of the City of Greater Sudbury is hereby appointed the Property Standards Appeal Committee.

Conflict

10. Where a provision of this By-Law conflicts with the provisions of another By-Law in force in the City of Greater Sudbury, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Offence

11. Every owner who is in contravention of an Order issued by a Property Standards Officer, that is final and binding is guilty of an offence and on conviction is liable to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33.

PART III

PROPERTY STANDARDS - DWELLINGS

Accessory Buildings/Fences/Retaining Walls

12. No person being the owner of a property on which a dwelling is situate shall fail to keep all accessory buildings, fences and retaining walls on that property in good repair and protected by paint, preservative or other weather resistant material.

Parking

13. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) all areas on that property used for vehicular traffic or parking are
 - (i) kept free of potholes, dirt, dust and litter;
 - (i) adequately drained,
 - (ii) in good repair;
 - (iii) maintained so as to afford safe passage under normal use and weather conditions; and
- (b) steps, walks and similar areas of the property are maintained so as to afford safe passage under normal use and weather conditions.

Sewage and Drainage

14. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) all sanitary sewage is discharged from that dwelling into an approved sanitary sewage system;
- (b) no roof drainage is directly discharged onto sidewalks or stairs; and
- (c) no roof drainage is directly discharged onto neighbouring property.

Pest Prevention/Control

15. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) any dwelling on that property is kept free of rodents, vermin and insects at all times; and
- (b) any method used for exterminating rodents, vermin or insects or any combination thereof is compliant with the provisions of *The Pesticides Act*, R.S.O. 1990, Chapter P.11.

Basement Floors

16. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) any basement, cellar, or crawl space in any dwelling on the property has a concrete floor, and, where necessary, has a floor drain located at the lowest point of the said floor and connected to a sewage system; and
- (b) any concrete floor in a basement in a dwelling on the property is free from major cracks and breaks that create a hazardous condition.

Foundations

17. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that the foundation walls and the basement, cellar or crawl space floor of any dwelling on the property are maintained in good repair and are structurally sound, and where necessary, so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and water-proofing of the walls or floor.

(2) Subject to Subsection 17(3), no person being the owner of a property on which a dwelling is situate shall fail to ensure that every dwelling on the property is supported by foundation walls or piers which extend below the frost line or to solid rock and all footings, foundation walls, piers, and slabs-on-grade are of masonry or other suitable material.

(3) Subsection 17(2) does not apply to:

- (a) an accessory building on the property; or
- (b) a building which is of a slab-on-grade type construction.

(4) No person being the owner of a property on which a dwelling is situate shall fail to ensure that every foundation wall of a dwelling on the property is maintained so as to prevent the entrance of moisture, insects, and rodents, which maintenance shall include shoring of the wall where necessary, installing subsoil drains at the footing, grouting masonry cracks, and waterproofing the wall and joints.

Structural Soundness

18. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that every part of any dwelling on the property is maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional loads that may reasonably be expected;

(2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) all exterior walls, roofs, and other parts of any dwelling on the property are free from loose and unsecured objects and material, which shall be removed, repaired or replaced;

- (b) all exterior exposed surfaces on any dwelling on the property which are not inherently resistant to deterioration are treated with a protective coating or paint or otherwise repaired, coated, sealed, or treated to protect them from deterioration or weathering;
- (c) the exterior walls and surfaces of a dwelling on the property and their components shall be maintained so as to prevent deterioration due to weather and dryrot, by the painting, restoring or repairing of the walls, coping or flashing, by the water-proofing of joints, water-proofing, or caulking of the wall itself;
- (d) all canopies, awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar overhang extensions on the property are:
 - (i) maintained in good repair;
 - (ii) properly anchored; and
 - (iii) protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment;
- (e) markings, stains, graffiti, painted slogans, smoke damage or other defacement appearing on any exterior surface are removed, and the surface of exterior surfaces are restored, resurfaced and co-ordinated to the exterior finish of the building or structure; and
- (f) roofs, including fascia boards, cornices, eaves and soffits of buildings on the property are maintained in a water-tight condition so as to prevent leakage into the dwelling, including repairing of the roof and flashing, applying waterproof coatings and installing or repairing eavestroughing and rainwater piping, and including removing dangerous accumulations of snow or ice from the roofs of any buildings on the property.

Dampness

19. No person being the owner of a property on which a dwelling is situate shall fail to ensure that the interior floors, ceilings and walls of any dwelling on the property are kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a cellar, basement or crawl space floor.

Doors and Windows

20. No person being the owner of a property on which a dwelling is situate shall fail to ensure with respect to every dwelling or dwelling unit on the property that:

- (a) all exterior openings are fitted with doors or windows;
- (b) windows, exterior doors, and basement or cellar hatchways are maintained in good repair so as to prevent the entrance of wind or moisture into the dwelling;
- (c) rotted or damaged door and window frames, sashes, casings, weather stripping, broken glass, screens and defective hardware are repaired or replaced;
- (d) all doors and window openings are provided with the means of being latched or secured from within;
- (e) all windows that can be or are required to be openable in a dwelling unit are, at the request of the tenant or occupant, provided with screens to effectively prevent the entry of insects; and
- (f) living-rooms, dining rooms, and bedrooms are provided with one or more windows and/or skylights that have a total light transmitting area of 10% of the floor area in the case of living and dining rooms, and 5% of the floor area in the case of bedrooms.

Protective Barriers, Guards and Handrails

21. No person being the owner of a property on which a dwelling is situate shall fail to ensure with respect to any dwelling on the property that:

- (a) Exterior landings, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs, are protected by a guard with a minimum height of .9 metres (3 feet) on each side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than .6 metres (2 feet), but less than 1.8 metres (6 feet);
- (b) every exterior stair with more than 6 risers and every ramp is protected with guards measuring not less than .9 metres (3 feet) on all open sides where the difference in elevation between the adjacent ground level and the stair or ramp exceeds .6 metres (2 feet);
- (c) every interior stair with more than 2 risers is protected with guards on all open sides having a minimum height of .8 metres (2.6 feet) measured vertically from a line drawn through the outside edge of the stair nosing, provided however, that a stair within a dwelling unit serving an unfinished basement need only have a guard or a wall on one side;
- (e) guards in every dwelling or dwelling unit have no openings which would permit the passage of a spherical object having a diameter of 100 mm (4 inches) unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard; and
- (f) a handrail is provided and maintained on all stairs having more than three risers, with the handrail having a maximum uniform height of not less than .8 metres (2.6 feet) and not more than .965 metres (3.2 feet).

Floors, Stairs, Porches, Decks and Balconies

22. No person being the owner of property on which a dwelling is situate shall fail to ensure that every floor, stair, porch, deck and balcony on any dwelling on the property and all supporting structural members of such are maintained so as to be free from defects which might constitute possible accident hazards, including the repairing or replacing of:

- (a) landings, treads or risers, including finishes such as linoleum and carpet, that show excessive wear or are broken, warped, loose, or otherwise defective; and
- (b) supporting structural members that are rotted or deteriorated.

Interior Walls etc.

23. No person being the owner of a property on which a dwelling is situate shall fail to ensure that every interior wall, ceiling and finishes in a dwelling are maintained so as to be free of holes, cracks, loose plaster or other coverings, or defects which may cause injury.

Water and Plumbing

24. No person being the owner of a property on which a dwelling is situate shall fail to ensure with respect to every dwelling on the property that:

- (a) all plumbing, drain pipes, water pipes, toilet and other plumbing fixtures and every connecting line to the sewage system are maintained in good working order, and free from defects including leaks and that all water pipes and appurtenances thereto are protected from freezing;
- (b) all toilets are provided with cold running water, and that all wash basins, bath, tubs, showers and kitchen sinks are provided with an adequate supply of cold and hot running water supplied at a minimum temperature of 43.5° C. (110°F.); and

(c) every dwelling unit in the building contains:

- (i) a toilet;
- (ii) a kitchen sink;
- (iii) a washbasin; and
- (iv) a bathtub or shower.

Washrooms

25. No person being the owner of a property on which a dwelling is situate shall fail to ensure that every washroom on the property is enclosed and has:

- (a) a water-resistant floor;
- (b) walls and ceilings with finished surfaces;
- (c) a door that can be secured from the inside; and
- (d) a water-resistant wall around the bathtub or shower.

(2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a toilet or urinal used by the occupants of more than one dwelling unit is accessible only from a common hall.

(3) No person being the owner of a property on which a dwelling is situate shall fail to ensure that there are no facilities for sleeping, or for the preparation, cooking, storage or consumption of food contained within a room in a building on that property that contains a toilet or urinal.

Cooking Space

26. No person being the owner of a property on which a dwelling is situate shall fail to ensure that each dwelling unit in a building on the property has cooking facilities:

- (a) equipped with a sink that:
 - (i) is provided with potable hot and cold water; and
 - (ii) is maintained in workable order;
- (b) equipped with electrical, fuel or utility outlets suitable for a refrigerator and cooking stove;
- (c) equipped with an impervious splashback and counter top around the kitchen sink; and

- (d) containing any provided refrigerator or cooking stove in a fully operational state and maintained to a standard to avoid any danger to any person.

Heating System

27. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that every dwelling on the property is provided with a heating system capable of maintaining a room temperature of 21°C. (70°F.), in all habitable spaces.

(2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that the heating system in any dwelling on the property is maintained in good working order so as to be capable of heating the dwelling safely.

(3) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a heating system or part of it or any ancillary heating system in a dwelling on the property which burns solid or liquid fuel has a place or receptacle for the storage of the fuel maintained in a convenient location and maintained in a safe condition.

(4) No person being the owner of a property on which a dwelling is situate shall fail to ensure that portable heating equipment is not used as a primary source of heat.

(5) No person being the owner of a property on which a dwelling is situate shall fail to ensure that any heating system, including a wood stove, fireplace, heating appliance, chimney or other equipment provided to supply heat, is maintained.

Electrical and Lighting

28. No person being the owner of a property on which a dwelling is situate shall fail to ensure that:

- (a) the capacity of the connection to and the system of circuit and electrical outlets distributing the electrical supply within a building are installed and maintained in conformity with the regulations of the Ontario Electrical Code;

- (b) a lighting outlet with fixture controlled by a wall switch has been provided in kitchens, bedrooms, living rooms, dining rooms, washrooms, vestibules and hallways in dwelling units on the property provided however that in the case of a bedroom or a living room, a receptacle controlled by a wall switch is acceptable instead of a lighting outlet with fixture controlled by a wall switch;
- (c) a lighting outlet with a fixture has been provided and maintained in every laundry room, furnace room, garbage room, utility room, storage room, service room, unfinished basements on the property and in every exit or corridor providing access to exit for the public on the property; and
- (d) every dwelling unit and non-habitable space on the property has sufficient windows, skylights and electrical lighting adequate to provide sufficient levels of illumination to prevent health or accident hazards available at all times in normal use as set out under the *Ontario Building Code*.

Ventilation and Air Conditioners

29. (1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that ventilation is provided and maintained:

- (a) for every habitable space except for a living room and dining room with:
 - (i) natural ventilation which:
 - 1. consists of an opening or openings with a minimum aggregate unobstructed free flow area of 0.278m² (3 square feet), and
 - 2. is located in the exterior walls or through openable parts of skylights, or
 - (ii) mechanical ventilation which changes the air once each hour.

- (b) for every washroom with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights, with all such openings having a minimum aggregated unobstructed free flow area of 0.092 m² (1 square foot), or with a system of mechanical ventilation such as an exhaust fan with a duct leading to outside the dwelling;
 - (c) for every enclosed attic or roof space with openings to the exterior to provide at least 0.092 m² (1 square foot) of unobstructed vent area for every 27.9 m² (300 square feet) of attic or roof space;
 - (d) for a crawl space or non-habitable basement space with ventilation to the exterior by natural or mechanical means; and
 - (e) for every non-habitable space in a building with adequate ventilation.
- (2) No person being the owner of a property on which a dwelling is situate shall fail to ensure that air conditioners on the property are equipped with proper devices to prevent condensation draining onto public sidewalks, walkways, entrances and other pedestrian routes, and that all air conditioners on the property are maintained in a safe mechanical and electrical condition.

Standards for Occupancy

30.-(1) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a non-habitable space is not used as a habitable space.

(2) For the purposes of this By-Law the minimum height of a habitable space shall be in compliance with the *Building Code Act* in effect at the time of construction of the building.

(3) No person being the owner of a property on which a dwelling is situate shall fail to ensure that a basement in a building on that property is not used as a dwelling unit or as a habitable space unless:

- (a) the dwelling unit or habitable space meets all of the light, ventilation, and ceiling heights set out in this By-Law; and
- (b) the floor and walls are impervious to leakage of underground and surface run-off water.

PART IV

PROPERTY STANDARDS – VACANT AND HAZARD BUILDINGS

31. –(1) No person being the owner of a property shall fail to ensure that any unoccupied building on the property is secure from entry by unauthorized persons, in order to protect against the risk of fire, accident, or other danger, as set out in this Section.

(2) If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:

(a) by covering all windows, doors, and other openings in the building that provide a means of entry with plywood or an equivalent material securely fastened and tight-fitting

(i) with a thickness not less than 12mm., and
(ii) affixed, if covering a wooden door frame or window frame, by steel wire nails of not less than 50mm. in length, or, if covering a metallic door frame or window frame, by self-tapping screws of not less than 38mm. in length, and such nails or screws shall be spaced at intervals of not more than 150mm. over the entire length of each vertical and horizontal portion of each door frame or window frame, or

(b) by blocking up all windows, doors, and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.

(2) All materials used for securing unoccupied buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building.

32. No person being the owner of a property shall fail to ensure that any building on that property, other than a hazard building, which is vacant for a period of more than 90 consecutive days, has been disconnected from all utilities serving the building, or that all such utilities have been secured, to prevent accidental or malicious damage to property.

33. No person being the owner of a property shall fail to ensure that any building on that property, other than a hazard building, which is vacant for a period of more than 90 consecutive days, is protected from entry in accordance with the standards in Section 31.

34. No person being the owner of a property shall fail to ensure that any hazard building is protected from entry of unauthorized persons in accordance with the standards in Section 31.

PART V

REMEDIAL WORK

35. No person being the owner of a property shall fail to ensure that all remedial work done on a property is to the standards set out in Part IX of *the Building Code Act, 1992*.

PART VI

REPEALS

Repeal

36.-(1) By-laws 2001-51 and 2001-200 of the City of Greater Sudbury and all amendments thereto are hereby repealed.

(2) Where a by-law is repealed by this By-law, the repeal does not:

- (a) affect the previous operation of any by-law so repealed;
- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed;

(c) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or

(d) affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

37. This By-Law comes into force and takes effect upon final passage.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 15th day of April,

2009

Rodriguez Mayor
A. Haché Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN

COUNCIL this 15th day of April, 2009

Rodriguez Mayor
A. Haché Clerk

INDEX TO BY-LAW 2009-100

PART I

INTERPRETATION

1. Definitions	Page 1
2. Interpretation.....	4

PART II

ADMINISTRATION AND ENFORCEMENT

3. Short Title	5
4. Application	5
5. Duty to Repair and Maintain	5
6. Application to Dwelling extends to Dwelling Unit	6
7. Enforcement Officer.....	6
8. Certificate of Compliance.....	6
9. Appeal Committee	6
10. Conflict.....	6
11. Offence	7

PART III

PROPERTY STANDARDS - DWELLINGS

12. Accessory Buildings, Fences, Retaining Walls	7
13. Parking.....	7
14. Sewage and Drainage	7
15. Pest Prevention/Control	8
16. Basement Floors.....	8
17. Foundations	8
18. Structural Soundness.....	9
19. Dampness.....	12
20. Doors and Windows.....	12
21. Protective Barriers, Guards and Handrails.....	13
22. Floors, Stairs, Porches, Decks and Balconies	14
23. Interior Walls, etc.	14
24. Water and Plumbing	14
25. Washrooms.....	15
26. Cooking Space.....	15
27. Heating System.....	16
28. Electrical and Lighting	16
29. Ventilation and Air Conditioners.....	17
30. Standards for Occupancy	18

PART IV

PROPERTY STANDARDS - VACANT AND HAZARD BUILDINGS.....	19
---	----

PART V

REMEDIAL WORK	20
---------------------	----

PART VI

REPEALS	21
---------------	----