

Property Standards By-law

Presentation to
Policy Committee

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Background

- Maintenance and Occupancy By-law 2009-100
 - Passed April 15, 2009
- Motion passed by Council on Sept 14/11
 - “to investigate the amendment of the current Property Standards By-law to include regulations for commercial and industrial property and abandoned buildings”

Authorizing Legislation

Building Code Act, Section 15

- By-law may be passed
 - Prescribing standards for the maintenance and occupancy of property
 - Prohibiting the occupancy of property that does not conform to those standards
 - Requiring the property be repaired or demolished and cleaned of debris

Procedures for Enforcement

- Set out in the Building Code Act
 - Inspection powers by Enforcement Officer
 - Issuance of an Order
 - Appeal of Order – Property Standards Committee
 - Registration of Order on Title of Property
 - Conducting work of Order upon Default
 - Recovery of Costs

Purpose of By-law

- Ensures building code standards are maintained
- Occupants are safe
- Preservation of building inventory
- Removal of derelict buildings
- Prevents degradation of a neighbourhood and community

Recommended Option

- Model Property Standards By-law
 - Sections related to grounds and yards removed – CGS Clearing of Yards and Vacant Lots, 2009-101
 - Include the removal of graffiti and other defacements
 - Applies to all property types
 - Consistent with the CGS Official Plan
 - Section 20.8 - maintenance of all property and structures in good repair
 - Has standards for walkways, driveways, garbage chutes and containers, snow disposal, exterior lighting, pits and excavations, fences, towers and signs
 - Contains enforcement provisions from Building Code Act

Municipal Comparison

- All municipalities surveyed have a Property Standards By-law applicable to all property types
- Consistent enforcement – OBCA
- CBO policy decision on Order to Demolish
- May seek Committee or SMT decision to carry out work when Order in Default when cost is high or if in risk of not recovering costs

Challenges

- Increase in workload for officers resulting in decrease of service levels in enforcement of by-laws
- Recovery of costs if property in tax arrears
- ICI properties may have environmental issues

Model By-law

Exterior

Cracked or broken masonry units –
window sills

Broken windows

Door missing

Previously painted surfaces must
be maintained

Parking and driveway surfaces
must be maintained

Vacant Building

Prevent Entry

Board up building – paint boarding
in a color compatible with
surrounding walls

If vacant for longer than 90 days –
utilities must be disconnected



Model By-law

Exterior Walls

- In good repair free from cracked or broken masonry units
- Surfaces previously covered with paint or other decorative materials, maintained in good repair and renewed when it becomes damaged and deteriorated

Windows and Doors

- maintained in good repair (not broken or missing) preventing the entrance of wind, snow or rain into the building



Model By-law

Covering of all exterior surfaces shall be maintained in good repair

- Free from defective or deteriorated wood or metal siding or trim
- Installation of weather tight finishing

Windows in good repair

- prevent the entry of wind, snow or rain
- if capable of being opened must contain a screen

Defacements – removal of graffiti

Vacant Buildings

Board up building to prevent entry – paint boarding in a color compatible with surrounding walls

If vacant for longer than 90 days – utilities must be disconnected



Conclusion - Recommendation

- Staff prepare a By-law for Council's consideration that
 - Mirrors the Model Property Standards By-law
 - Excluding requirements for grounds and yards
 - Including requirements for the removal of graffiti and similar defacements on exterior surfaces
- Staff report back to Council if enforcement service levels decrease as a result of increased work load.