

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 94-23

"PROPERTY STANDARDS BY-LAW"

A By-Law to prescribe standards for the maintenance and occupancy of property within the Town of New Tecumseth, and for prohibiting the occupancy or use of such property as does not conform to the standards, and requiring property that does not conform to the standards to be repaired and maintained to conform, or the site of the property to be cleared of all buildings, structures, debris or refuse and left graded and levelled, and to prohibit the removal from any property of any sign, notice or placard placed thereon pursuant to Section 31 of The Planning Act S.O. 1990, C. 1.

WHEREAS Section 31 of the Planning Act R.S.O. 1990 provides that a Council may pass a by-law to:

1. prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
2. require property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;
3. prohibit the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section;

NOW THEREFORE the Council for the Corporation of the Town of New Tecumseth hereby enacts as follows:

SECTION 1 - TITLE AND SCOPE

1.1 Title

This by-law shall be known as The Property Standards By-law for the Corporation of the Town of New Tecumseth and may be cited under the short title of "Property Standards By-law".

1.2 Scope

This by-law applies to all property in the Town of New Tecumseth.

1.3 Repeal Existing By-laws

Any by-law or part of any by-law passed by the former municipalities of the Town of Alliston, Village of Beeton, Township of Tecumseth or Village of Tottenham which are in conflict with the provisions of this by-law, are hereby repealed.

1.4 "Shall" is Mandatory

The word "shall" where used in this by-law shall be construed as mandatory.

1.5 Idem

Unless the contrary intention appears in this by-law, words imparting the singular

number of the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males and the converse. For the purpose of this by-law, words used in the present tense shall include the future

1.6 Severability

Should any section, subsection, clause, paragraph of the provisions of this by-law be declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of the by-law as a whole or any part thereof, other than the provision of part of the Schedule so declared invalid.

1.7 Conflict

Where a provision of this by-law conflicts with a provision of another by-law in force in the Town, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

1.8 Violation and Penalties

1.8.1 The owner, as defined in Section 3.1.22 to this by-law shall repair and maintain property in accordance with the standards for maintenance and occupancy of the property set out in this by-law.

1.8.2 Every owner who fails to comply with any order as set out in Section 2.6 is guilty of an offence and,

1.8.2.1 each day that a breach of this by-law continues shall constitute a separate offence,

1.8.3 An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$10,000 for any subsequent offence. R.S.O. 1990, c. P.13, s. 34(22);

1.8.3.1 notwithstanding subsection 8.3, if a Corporation is convicted of an offence under subsection 8.3, the maximum penalty that may be imposed upon the Corporation is \$10,000 for a first offence and \$50,000 for any subsequent offence. R.S.O. 1990, c. P.13, s.34(23).

1.8.4 Every person who removes a placard referred to in section 2.8 is guilty of an offence and shall, upon conviction be liable to a fine of not more than \$2,000 for a first offence and not more than \$10,000 for any subsequent offence.

1.9 The Planning Act

This by-law shall be read subject to The Planning Act, R.S.O. 1990 Statutes of Ontario, c. P.13, as amended from time to time and whenever the provisions of this by-law conflict or are otherwise inconsistent with the provisions of The Planning Act, the provisions of The Planning Act shall be deemed to be incorporated in this by-law.

1.10 Effective Date

This by-law shall come into force and take effect upon and from the date it is finally passed by the Council of the Corporation of the Town of New Tecumseth.

SECTION 2 - ADMINISTRATION

2.1 Property Standards Officer and Property Standards Committee

2.1.1 This by-law shall be administered by a Property Standards Officer and a

Property Standards Committee of three persons of the Town of New Tecumseth appointed by Council who shall hold office for three years.

2.2 Inspection and Entry

- 2.2.1 When a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.
- 2.2.2 An Officer or any person acting under his instruction such as, but not limited to, a fire inspector, electrical inspector, gas inspector, heating inspector, and a structural engineer may, at all reasonable times and upon producing the proper identification, enter and inspect any property.
- 2.2.3 An Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- 2.2.4 Except under the authority of a search warrant issued under Section 158 of The Provincial Offences Act, R.S.O. 1990, c. P.33, the Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupant after first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- 2.2.5 Schedule "A" attached hereto forms part of this by-law.

2.3 Notice of Non-Conformity

If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

2.4 Contents of Notice of Non-Conformity

2.4.1 The notice shall:

- 2.4.1.1 contain the municipal address or legal description of the property;
- 2.4.1.2 state that the property does not comply with the standards prescribed by the by-law;
- 2.4.1.3 specify the particulars of the non-conformity;
- 2.4.1.4 specify the action required to be taken to bring the property into conformity with the by-law, giving reasonable particulars, or that the land should be cleared and left in a graded and levelled condition;
- 2.4.1.5 stipulate a reasonable time for completion of the work;
- 2.4.1.6 state that any owner who desires to make representations in respect of the property or the work to be done has a right to a

hearing before the Officer or may make such representations in writing;

2.4.1.7 state that any request for a hearing shall be made in writing to the Officer within fourteen (14) days of the date of mailing of the Notice and that any written representations shall be made within the same time, failing which an Order may be issued under Section 2.6 below forthwith;

2.4.1.8 state the name of the Officer giving the Notice and his address.

2.5 Hearing

Any hearing requested by any owner under the provisions of Section 2.4 shall be held by the Property Standards Officer within twenty-one (21) days and the owner shall have the right to make such representation and present such evidence as he desires at the hearing before the Officer.

2.6 Orders

2.6.1 At any reasonable time after the date specified in the Notice of Non-Conformity given under Section 2.3 or the hearing under Section 2.5, the Officer may:

2.6.1.1 issue an Order with regard to a property not in compliance with the standards prescribed by this by-law and,

2.6.1.2 serve the Order in the manner provided in Section 34 of The Planning Act.

2.6.2 Such an order shall:

2.6.2.1 conform with the requirements of the Planning Act, R.S.O. 1990, c.P.13, s.31, sub-section 7 as may be amended from time to time, and

2.6.2.2 state the municipal address or legal description of such property;

2.6.2.3 state reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the Order and Notice that, if such repair or clearance is not so done within the time specified in the Order, the Municipality may carry out the repair or clearance at the expense of the owner.

2.6.2.4 state the final date of giving Notice or Appeal from the Order.

2.7 Order to Be sent to Last Known address

2.7.1 A notice or any Order under section 2.3 or 2.6 sent by registered mail shall be sent to the last known address of the person to whom it is sent.

2.7.2 If the Officer is unable to effect service under Section 2.3 or 2.6 he shall place a placard containing the terms of the Notice or Order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the Notice or Order on the owner.

2.8 Placarding

2.8.1 A Property Standards Officer may cause to be placed in a prominent position on the exterior of any building which does not conform to the standards set out in this by-law,

2.8.1.1 a placard in the form set out in Schedule "A" to this by-law and,

2.8.1.2 when a Notice or Order is personally served by a Property Standards Officer upon any person, or upon the date of placarding of a property as provided in The Planning Act, as amended from time to time.

2.9 Date of Service

2.9.1 When a Notice or Order has been served by a Property Standards Officer upon any person, the date of service shall be deemed to be the date four days hence.

2.9.1.1 upon which the Notice or Order is delivered for Registered Mailing at a Post Office or,

2.9.1.2 of the date of placarding a property as provided in The Planning Act, as amended from time to time.

2.10 Appeal to Property Standards Committee

When an owner or occupant upon whom an Order of the Property Standards Officer has been served is not satisfied with the terms or conditions of the Order, he may Appeal to the Property Standards Committee by sending Notice of Appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the Order. If no Appeal is made the Order shall be deemed to have been confirmed.

2.11 Hearing of Appeal

2.11.1 Where an Appeal has been taken, the Committee shall hear the Appeal within thirty (30) days after receipt of the Notice of Appeal by its secretary.

2.11.2 The Committee shall have all the powers and functions of the Property Standards Officer and may confirm the Order to demolish or repair or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan are maintained.

2.11.3 Notice of a person's intention to appear as a delegation to Appeal an Order, shall be given to the Property Standards Officer and he will also be heard.

2.12 Appeal From Decision of Committee

2.12.1 The Municipality in which the property is situated or any owner or occupant or person affected by a decision under section 2.11.2 may Appeal to a Judge of the County or District Court of the judicial district in which the property is located by so notifying the Clerk of the corporation, in writing, and by applying for an appointment within fourteen (14) days after the sending of a copy of the decisions, and,

- 2.12.1.1 the Judge shall, in writing, appoint a day, time and place for the hearing of the Appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- 2.12.1.2 the appointment shall be served in the manner prescribed; and,
- 2.12.1.3 the Judge on such Appeal has the same powers and functions as the Committee.

2.13 Order to be Final and Binding

The Order, as deemed to have been confirmed pursuant to Section 2.9 or as confirmed or modified by the Committee pursuant to Section 2.11.2 or in the event of an Appeal to the Judge pursuant to Section 2.12 as confirmed or modified by the Judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the Order and upon the town if it entails a modification of the by-law or any clause thereof.

2.14 Power of Corporation to Repair, Demolish

2.14.1 If the owner or occupant of property fails to repair the property or to demolish in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies;

- 2.14.1.1 shall have the right to repair or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property, and
- 2.14.1.2 shall not be liable to compensate such owner, occupant or any other persons having an interest in the property by reason of anything done by or on behalf of the Corporation under the provisions of this subsection,
- 2.14.1.3 shall recover the expense incurred by the Corporation for repair or demolition by action, or the same may be recovered in like manner as taxes.

2.15 Issuance of Certificate of Compliance

2.15.1 Following the inspection of a property, the Property Standards Officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this by-law.

2.15.2 If a Certificate of Compliance is issued at the request of the owner, the owner shall pay a fee of twenty (\$20.00) dollars.

SECTION 3 DEFINITIONS

3. For the purpose of this by-law:

3.1 "**Accessory Building**" shall mean a building not used for human habitation customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building and shall include a boat house.

- 3.2 "**Balustrade**" shall mean a protective barrier that acts as a guard 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; such barrier may or may not have openings through it.
- 3.3 "**Basement**" shall mean that portion of a building below the first storey and which is partially below the average level of ground adjacent to the exterior walls of the building.
- 3.4 "**Bathroom**" shall mean a room containing at least a wash basin and water closet and bathtub or shower, or two rooms which contain in total at least one wash basin and one water closet and one bathtub or shower.
- 3.5 "**Boarding House**" shall mean a building or portion thereof other than a hotel where lodging with or without meals is provided for compensation to not more than six persons, exclusive of the proprietor and his family.
- 3.6 "**Building**" means a structure occupying an area greater than nine (9) square metres, consisting of a wall, roof, floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, and includes such other structures as are designated in the regulations made under The Building Code Act, R.S.O. 1980 Chapter 51 as amended, but does not include a structure used directly in the extraction of ore from a mine.
- 3.7 "**Building Principal**" shall mean the building or structure in which is carried on the principal use which the building lot is used. In a residential zone, the dwelling is the principal building.
- 3.8 "**Commercial Property**" shall mean a property used for the sale of goods and/or services and for the purpose of this by-law shall include office buildings, public halls, licensed premises and private clubs, and any buildings that are used in conjunction with these.
- 3.9 "**Committee**" shall mean the Property Standards Committee as established under this by-law pursuant to Section 31(1)(a) of the Planning Act, Statutes of Ontario, R.S.O. 1990, Chapter P.13.
- 3.10 "**Corporation**" shall mean the Corporation of the Town of New Tecumseth.
- 3.11 "**Dwelling**" shall mean a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and included the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- 3.12 "**Dwelling Unit**" shall mean one or more habitable rooms designed for use by and occupied by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 3.13 "**Fire Resistance Rating**" shall mean the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria as stated in The Ontario Building Code.
- 3.14 "**Habitable Room**" shall mean a room commonly used for living purposes, including a bedroom and a kitchen.

- 3.15 "**Industrial Property**" shall mean a property used for the manufacturing and/or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.
- 3.16 "**Medical Officer**" of Health" means the Medical Officer of Health for Simcoe County.
- 3.17 "**Means of Egress**" shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, window or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space and include exits or access to exits.
- 3.18 "**Multiple Dwelling**" shall mean a building containing three or more dwelling units other than a semi-detached building.
- 3.19 **Multiple Use Building** shall mean a building containing both a dwelling unit and a non-residential property.
- 3.20 "**Non-Habitable Space**" shall mean any space in a dwelling or dwelling unit other than a habitable room and includes any bathroom, toilet room, laundry, pantry, lobby, hallway, communicating corridor, stairway, closet, boiler room or other space for service and maintenance or common use and for access to and vertical travel between storeys; and any unfinished basement.
- 3.21 "**Occupant**" shall mean any person or persons over the age of eighteen years in possession of the property.
- 3.22 "**Officer**" shall mean a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law.
- 3.23 "**Owner**" includes 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 so receive the rent if such 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.
- 3.24 "**Principal Use**" shall mean the main use to which the premises are devoted and the main purpose for which the premises exist.
- 3.25 "**Property**" shall mean a building or structure or part of a building or structure and include 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.
- 3.26 "**Public Building**" shall mean a building which is staffed by government personnel for the purpose of serving the public.
- 3.27 "**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 with the standards established in this by-law.
- 3.28 "**Residential Property**" shall mean any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare meals, and includes any land or buildings that are appurtenant to such an establishment.

- 3.29 "**Roomer or Lodger**" shall mean a person harboured, received or lodged, in a lodging house or boarding home in return for compensation.
- 3.30 "**Sewage System**" means the sanitary sewerage system or a private sewage disposal system approved by the Medical Officer of Health.
- 3.31 "**Standards**" shall mean the standards of physical conditions and occupancy set out in this by-law.
- 3.32 "**Toilet Room**" shall mean a room containing a water closet and a wash basin.
- 3.33 "**Wall**" shall mean the solid vertical structure forming any one of the sides of a building and/or a partition forming the side of a room.
- 3.34 "**Yard**" shall mean the land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with the said property.

SECTION 4 - MAINTENANCE OF YARDS, PROPERTIES AND PARKING AREAS

4.1 General Maintenance

- 4.1.1 All property and yards shall be kept clean and free from rubbish or other debris and from objects or conditions that create or might create a health, fire or accident hazard.
- 4.1.2 All property and yards shall be graded in a manner satisfactory to the Property Standards Officer to prevent hazardous conditions.
- 4.1.3 Heavy undergrowth and noxious plants, defined in The Weed Control Act, R.S.O. 1990, c. W.5 and amendments thereto shall be eliminated from vacant property and yards.
- 4.1.4 No vehicle including a trailer, or any part of such vehicle or trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned conditions shall be parked, stored or left outdoors on any property in the Town of New Tecumseth with the following exceptions:
- 4.1.4.1 where it is part of an automotive repair establishment use, an automotive sales establishment (new or used) use or a vehicle compound use permitted by any Zoning By-law passed pursuant to Section 34 of The Planning Act, S.O. 1983, c.1.
- 4.1.4.2 where it is part of any legal non-conforming automotive repair establishment use, automotive sales establishment (new or used) use, vehicle compound use or salvage yard use.
- 4.1.4.3 where the vehicle is at least 20 years of age and has been restored or is in a state of being restored as an antique vehicle that is substantially unchanged or unmodified from the original manufacturer's product.
- 4.1.4.4 where the vehicle is operative and has been licensed pursuant to the provisions of the Highway Traffic Act. R.S.O. 1980, c. 198 within the immediately preceding period of one year.
- 4.1.4.5 dismantled, inoperative vehicles, boats or trailers that are unlicensed in the current year, which are being privately

renovated, repaired or restored by their owner and where such vehicles or trailers are stored within a fully enclosed building.

4.1.5 All property shall be kept clear of dilapidated or collapsed structures or erections or accumulation of materials, machinery, or any parts thereof, or any other unsafe condition or unsightly condition.

4.1.6 All property shall be kept free of, or protected from holes or excavations or wells that might create an unsafe condition.

4.2 Drainage

4.2.1 Exterior property areas shall not be graded and maintained:

4.2.1.1 to encourage excessive or recurrent ponding of storm water thereon, and

4.2.1.2 shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil.

4.2.2 All catch basins and swales shall be installed and maintained so as to not impede the natural flow of water.

4.2.3 The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a storm sewer or to a natural or artificially created swale, ditch or watercourse.

4.3 Landscape, Maintenance Under Site Plan Development

Hedges, tree planting or other landscaping, required by the Municipality as a condition of site plan development or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance.

4.4 Exterior Lighting

In yards of multiple dwellings and non-residential buildings, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways.

4.5 Artificial Fixtures

Artificial fixtures shall be kept in a safe condition, in working order and in good visual condition.

4.6 Recreational Areas

Recreational areas shall be well kept and equipment provided in connection therewith shall be safe and operable.

4.7 Walkways

Walkways shall be at all times, maintained in a reasonably safe condition for pedestrian traffic.

4.8 Buffering

Properties which, because of their use or occupancy, or for other reasons, create a nuisance to adjacent properties or to the neighbourhood or to the users of streets or

parks shall be buffered from such premises or public areas so as to minimize the effect of the nuisance. Without limiting the generality of the foregoing, such buffering shall include:

- 4.8.1 the provisions and maintenance of an effective barrier to prevent lighting and vehicle headlights from shining directly into a dwelling or rooming unit; and
- 4.8.2 the provision and maintenance of an effective barrier to prevent the wind-blown waste, wrappings, debris and the like from encroaching on the adjacent premises; and
- 4.8.3 the provision and maintenance of a visual screen, appropriate to the nature of the adjacent uses, to minimize the visual impact adjacent to the property.

4.9 Accessory Building

- 4.9.1 The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the principal building shall be maintained in good repair so as to prevent an unsafe condition and an unsightly appearance.
- 4.9.2 In the event a building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level and tidy condition.

4.10 Fences

Fences, barriers and retaining walls shall be kept in good repair so as to prevent an unsafe condition.

4.11 Garbage Disposal

- 4.11.1 All garbage, rubbish and other debris from a property shall be promptly stored in receptacles and made available for removal or removed in accordance with the Town of New Tecumseth Regulations.
- 4.11.2 Where private containerized garbage pick-up is provided, such containers shall be placed where possible, behind the building line and kept in a neat and tidy condition.

4.12 Signs

Signs and sign structures shall be maintained so as not to cause an unsafe or unsightly condition.

SECTION 5 - MAINTENANCE OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL AND RECREATIONAL BUILDINGS AND STRUCTURES

5.1 Structurally Sound

- 5.1.1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- 5.1.2 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

5.2 Foundations

Foundations shall:

5.2.1 be of masonry, concrete or other acceptable materials, and designed to adequately support the loads imposed and provide a dry basement or crawl space, and

5.2.2 be waterproof to prevent the entry of moisture or water into the basement or crawl space.

5.3 Basement and Cellar Floors

Every basement shall:

5.3.1 have a floor of concrete, masonry or other impervious material, and

5.3.2 where a floor drain is necessary, it shall be located at the lowest part of the said floor and connected to the storm sewer system, if possible.

5.3.3 basements or crawl space which are not served by a stairway leading from the building or from outside the building may have a dirt floor provided it is covered with a moisture proof covering.

5.4 Dampness

The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a basement or crawl space floor.

5.5 Exterior Walls

The exterior walls, and other parts of the building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

5.5.1 All exterior surfaces shall be of materials which provide adequate protection from the weather.

5.5.2 The exterior walls and components shall:

5.5.2.1 be adequate to support the loads upon them, and

5.5.2.2 have an acceptable cladding or covering, free from any holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability, and

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

5.6 Roof

5.6.1 All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering.

5.6.2 The roof including the fascia board, soffit, cornice and flashing, shall:

5.6.2.1 be maintained in a water-tight condition so as to prevent leaking of water into the building, and

5.6.2.2 where necessary shall be maintained by the repair of the roof and flashing, or by applying water proof coatings or coverings.

5.7 Doors and Windows

- 5.7.1 All exterior openings shall be fitted with doors or windows.
- 5.7.2 Windows, exterior doors, and basement hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 5.7.3 Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass, and missing or defective door and window hardware shall be repaired or replaced.

5.8 Stairs, Porches and Handrails

- 5.8.1 Every inside or outside stair, and every porch landing appurtenant to it, shall be maintained so as not to cause an unsafe condition.
- 5.8.2 Every stairwell or open stairway with six or more risers leading to a higher storey or to a basement and every balcony or landing exceeding four feet in height shall be equipped with handrails or balustrades, and maintained in a safe condition.

5.9 Walls and Ceilings

- 5.9.1 Every wall and ceiling finish shall be maintained so as to be free of holes, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.
- 5.9.2 Where dwelling units are separated vertically, the divided walls from the top of the footings to the underside of the roof deck, and any space between the top of the wall and the roof shall:
 - 5.9.2.1 be tightly sealed by caulking, mineral wool or similar non-combustible material, and
 - 5.9.2.2 such walls shall conform to the fire resistance ratings contained in The Ontario Building Code.

5.10 Floors

Every floor shall be maintained and be of sufficient strength so as to facilitate the intended load of the applicable occupancy.

5.11 Egress

- 5.11.1 Every required exit from a residential building shall open directly to a street or outer court.
- 5.11.2 A required exit shall not pass through an attached garage, or built-in garage or an enclosed part of another dwelling unit.
- 5.11.3 All commercial, institutional and industrial buildings shall be provided with exits of size and number so as to be in compliance with the requirements of the Ontario Building Code as amended from time to time for the appropriate group and division.

5.12 Water

- 5.12.1 Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of potable water.

5.12.2 Every sink, wash basin, bathtub and shower required by this by-law shall have an adequate supply of hot and cold running water and every water closet required by this by-law shall have an adequate supply of cold running water.

5.12.3 Notwithstanding Section 5(12.2) to the contrary, the provision of hot running water shall not apply to dwellings or dwelling units used as seasonal cottages.

5.13 Plumbing

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 be protected from freezing.

5.14 Toilet and Bathroom Facilities

5.14.1 Every dwelling unit shall contain plumbing fixtures consisting of at least:

- 5.14.1.1 a water closet
- 5.14.1.2 a kitchen sink
- 5.14.1.3 a wash basin
- 5.14.1.4 a bathtub or shower

5.14.2 Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial Legislation.

5.14.3 No facilities for the preparation, cooking, storage or consumption of food or for sleeping shall be within a room that contains a water closet.

5.15 Kitchens

5.15.1 Every kitchen area shall be equipped with a sink, storage facilities, counter top work area and adequate space shall be provided for a stove and refrigerator.

5.15.2 Every kitchen shall be provided with an adequate and approved gas or electrical or other fuel supply for cooking purposes and there shall be at least 76 centimetres clear space above any exposed cooking surface.

5.16 Garbage, Refuse Storage Rooms and Chutes

Where garbage, refuse storage rooms and chutes are provided they shall be in conformity with the Ontario Building Code and maintained in a safe and clean condition.

5.17 Heating System

5.17.1 Every dwelling and dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 20 degrees Celsius at - 20 degrees Celsius outside at one and one-half metres above floor level and one metre from exterior walls in all habitable rooms, bathrooms and toilet rooms.

5.17.2 All heating appliances or devices shall be installed and/or located in accordance with the manufacturer's specifications.

5.17.3 Where a heating system or part of it burns liquid fuel, the receptacle for the

storage of the fuel shall be maintained so as not to create an unsafe condition.

5.17.4 Fuel burning equipment shall be vented to a duct by means of a connection leading to a chimney or a vent or flue which conforms to building and safety standards.

5.17.5 In multiple dwellings with a central heating system, such heating equipment shall be located in a separate room having walls, ceilings and doors with a fire resistance rating of not less than one hour.

5.17.6 A space which contains a heating unit shall have natural or mechanical means of supplying sufficient combustion air.

5.17.7 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into a dwelling and all flues shall be kept clear of obstruction.

5.17.8 Fireplaces and similar construction used or intended to be 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.

5.18 Electrical Service

5.18.1 Electrical installations, including the service capacity of the installations and the number and distribution of circuits, shall conform to the Ontario Electrical Safety Code made pursuant to the Power Commission Act of Ontario.

5.18.2 The electrical wiring and all electrical fixtures located or used in any building shall conform to the regulations of Ontario Hydro and the Ontario Building Code and shall be maintained in good working order.

5.19 Ventilation

5.19.1 Every habitable room shall be provided with adequate ventilation.

5.19.2 Every bathroom or room containing a water closet, shall be provided with adequate ventilation.

5.19.3 All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

5.20 Occupancy

No person shall use or permit the use of a non-habitable room in a dwelling for a habitable purpose.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF MARCH, 1994.

MAYOR

CLERK

CORPORATION OF THE TOWN OF NEW TECUMSETH

NOTICE

This property has been found to be not in conformity with the standards set out in the Property Standards By-law No. 94-23.

Any person who pulls down or defaces this placard is guilty of an offence and upon conviction is liable to a penalty not exceeding \$5,000.00

DATED AT NEW TECUMSETH THIS

___ DAY OF _____, 19__.

PROPERTY STANDARDS OFFICER

BY-LAW NO. 94-23

THE PROPERTY STANDARDS BY-LAW

FOR THE

CORPORATION

OF THE

TOWN OF NEW TECUMSETH

BY-LAW NO. 94-23

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