

**PROPERTY STANDARDS**

**BY-LAW NO. 2012-79**

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

**AND WHEREAS** the Official Plan for the City of Belleville includes provisions relating to property conditions;

**AND WHEREAS** the Council of The City of Belleville is desirous of passing a by-law under Section 15.1(3) of the building Code Act, S.O. 1992, c.23;

**AND WHEREAS** Section 15.6(1) of the Building Code Act, S.O. 1992, c.23, requires that a by-law passed under Selection 15.1(3) of the Building code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

**AND WHEREAS** Part XII Section 391 of the Municipal Act authorizes a Municipality to impose or charge fees for services or activities provided or done by or on behalf of it and for adding the amount of such fees to the Municipal Tax Roll;

**NOW THEREFORE** the Council of the City of Belleville hereby enacts the following:

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## **SECTION 1 - GENERAL**

### **1.1 Short Title**

This By-Law may be cited as the “Property Standards By-Law”.

## **SECTION 2 - DEFINITIONS**

### **2.1 Definitions**

2.1.1 Acceptable shall mean:

- (a) accepted by the Chief Building Official of the Municipality with respect to matters under the Building Code;
- (b) accepted by the Chief Fire Official of the Municipality with respect to matters under the Fire Protection and Prevention Act, and the Fire Code hereunder; or
- (c) accepted by the Property Standards Officer with respect to all other matters regulated by this By-Law.

2.1.2 Accessory Building shall mean a detached building that is not used for human habitation and the use of which is customarily incidental and subordinate to the principal use of building and located on the same lot therewith.

2.1.3 Balustrade shall mean a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, decks, 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.

2.1.4 Basement shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to the undersides of the floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to the underside of the floor joists of the next above storey is less than 1.8 metres (5.91 feet).

2.1.5 Bathroom shall mean a room containing at least a washbasin and toilet and bathtub or shower; or two rooms, which contain in total at least one washbasin and one toilet and one bathtub or shower.

2.1.6 Boarding, Rooming or Lodging House shall mean a dwelling house, in which the proprietor supplies lodging, with or without meals, in return for monetary compensation. For the purposes of this By-Law, a

boarding or rooming house shall not include a motel, motor hotel, hotel, bed and breakfast establishment, group home or hospital.

- 2.1.7 Building shall mean a structure having a roof supported by columns or walls, directly on the foundation and used for the shelter and accommodation of persons, animals or goods.
- 2.1.8 Building Code shall mean the regulations made under Section 34 of the Ontario Building Code Act, 1992 S.O. 1992, c.23, and any amendments thereto.
- 2.1.9 Bulk Container shall mean a refuse container emptied by mechanical means without removal from the property.
- 2.1.10 Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height from finished floor to the underside of the floor joists of the storey next above, below the average finished grade level adjacent to the exterior walls of the building.
- 2.1.11 Commercial Property shall mean a property used for the sale and/or rental of goods and/or services and for the purpose of this By-Law shall include office buildings, public halls, taverns and private clubs, and any building that is used in conjunction with these.
- 2.1.12 Committee shall mean the Property Standards Committee established by the Municipality pursuant to the Building Code Act.
- 2.1.13 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 includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- 2.1.14 Dwelling Unit shall mean a suite of two or more rooms, designed or intended as an independent unit for residential occupancy by humans for living and sleeping purposes, in which sanitary conveniences are provided, in which facilities are provided for cooking or for the installation of cooking equipment, in which a heating system is provided, and, which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-Law, a dwelling unit does not include a hotel, motel or motor hotel.
- 2.1.15 Exterior Property Areas shall mean the property excluding buildings.
- 2.1.16 Fence shall mean a privacy or other screen.
- 2.1.17 Fire Resistance Rating shall mean the time in hours that a material construction or assembly 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 Building Code.

- 2.1.18 Fire Protection and Prevention Act shall mean the Fire Protection and Prevention Act, S.O. 1997, c.4 as amended from time to time.
- 2.1.19 Graffiti shall mean one or more letters, symbols, etchings, figures, inscriptions, pictorial representations, stains or other markings that deface or disfigure a property howsoever made and or affixed.
- 2.1.20 Ground Cover shall mean organic or nonorganic material applied to prevent erosion of the exterior property areas such as concrete, flagstone, gravel, asphalt or grass.
- 2.1.21 Habitable Room shall mean a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sunrooms but not including any space in a dwelling used as a lobby, hallway, closet or bathroom or any room having floor space of less than 4.65 square metres (50.05 sq. ft.).
- 2.1.22 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.
- 2.1.23 Maintenance shall mean the preservation and keeping in repair of a property.
- 2.1.24 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 includes exits or access to exits.
- 2.1.25 Multiple Dwelling shall mean a building containing two or more dwelling units.
- 2.1.26 Multiple Use Building shall mean a building containing both a residential and a non-residential use.
- 2.1.27 Municipality shall mean The Corporation of the City of Belleville.
- 2.1.28 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, communicating corridor, stairway, closet, furnace room, 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.

- 2.1.29 Occupant shall mean any person or persons over the age of eighteen years in possession of the property.
- 2.1.30 Officer shall mean a Property Standards Officer as may from time to time by Council be assigned the responsibility of administering and enforcing this By-Law.
- 2.1.31 Owner shall mean the registered owner of the land and premises or the person for the time being paying the municipal taxes or 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 the property.
- 2.1.32 Property shall mean 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.
- 2.1.33 Public Building shall mean a building, which is staffed by government personnel for the purpose of servicing the public.
- 2.1.34 Repair shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this By-Law. All repairs shall be made in conformity with all applicable codes, standards, regulations and acts.
- 2.1.35 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 and serve meals, and includes any land or buildings that are appurtenant to such an establishment.
- 2.1.36 Roll-off Container shall mean a refuse container, which is required to be transported from the property for the purpose of emptying.
- 2.1.37 Roomer or Lodger shall mean a person harboured, received or lodged in a dwelling in return for compensation.
- 2.1.38 Sewage shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm runoff.
- 2.1.39 Sewerage System shall mean an adequate system of underground conduits, operated either by the Municipality or by the Ministry of the



Environment and Energy, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment and Energy.

- 2.1.40 Sign shall mean a structure or advertising device having illustrations affixed thereto or displayed thereon in any manner, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, profession, enterprise, industry or business, or which displays or includes any letter, work model number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement.
- 2.1.41 Standards shall mean the standards of physical conditions and occupancy set out in this By-Law.
- 2.1.42 Toilet Room shall mean a room containing a water closet and washbasin.
- 2.1.43 Unsafe Condition shall mean:
- (a) structurally inadequate or faulty for the purposes for which it is used or intended to be used; or
  - (b) in a condition that could pose a hazard to:
    - (i) persons in the normal use of a building;
    - (ii) persons authorized or expected to be on or about the property; or
    - (iii) persons or property in the immediate vicinity of the subject condition.
- 2.1.44 Wall shall mean the solid vertical structure forming any one of the sides of the building and/or partition forming the side of a room.
- 2.1.45 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 said property.

## **SECTION 3 - MAINTENANCE OF ACCESSORY AND UNOCCUPIED BUILDINGS AND YARDS**

### **3.1 ACCESSORY BUILDINGS AND STRUCTURES**

- a) Accessory buildings and structures shall be kept in good repair and free from health, fire and accident hazards.
- b) The exterior of any accessory building shall be weather-resistant through the use of proper weather-resistant material.

### **3.2 UNOCCUPIED BUILDINGS**

- 3.2.1 Where any property is unoccupied the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons, and shall protect against weather damage.
- 3.2.2 The owner 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 half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.
- 3.2.3 Where a building remains vacant and unattended for a period of more than sixty (60) days, the owner or his agent shall ensure that all utilities serving the property are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.
- 3.2.4 Section 3.2.3 does not apply where such utilities are necessary for the safety security or maintenance of the building.
- 3.2.5 Despite the provisions relating to unoccupied buildings in section 3.2 of this by-law the owner of any property on which is situate a building, or part thereof, that is boarded up for a period exceeding three (3) months shall either:
  - a) repair the building and bring it into conformity with sections 4 through 6 of this by-law within the next three (3) succeeding months, or
  - b) demolish all buildings and structures on the property and remove all debris and refuse and leave the property in a graded and leveled condition.”

### **3.3 DRAINAGE**

- 3.3.1 Storm water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.
- 3.3.2 All reasonable means shall be employed to prevent the erosion of the soil in the yard.

3.3.3 No roof drainage, pump discharge or surface water shall be discharged on sidewalks, stairs or directed to neighbouring property.

### **3.4 FENCES**

Every fence shall be kept:

- a) protected by paint, preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or enclosure are enhanced by the lack of such material; and
- b) in a structurally sound condition; and
- c) free from objectionable markings, painted slogans, stains or other defacement; and
- d) in good repair and free of accident hazard.

### **3.5 TREES AND SHRUBS**

No person shall have, plant, grow, maintain or permit on his property any fence, hedge, shrub, or plant or tree which does or may:

- a) obstruct the safety of the public; or
- b) affect the safety of vehicular or pedestrian traffic; or
- c) constitute an obstruction of view for vehicular traffic; or
- d) wholly or partially conceal or interfere with the use of any hydrant or water valve; or
- e) overhang or encroach upon any sidewalk or pavement or travelled portion of any street or highway, so as to interfere with the function of the sidewalk or highway.

### **3.6 GARBAGE DISPOSAL**

3.6.1 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 City of Belleville regulations. Where private containerized garbage pickup is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.

3.6.2 Where a separate garbage storage room for use by the tenants is not provided inside a multiple dwelling building, exterior receptacles, bins or containers of sufficient size shall be provided for the storage of garbage and refuse.

3.6.3 Without limiting and in addition to the generality of Sub-section 3.6.1., the collection, handling, storage and disposal of refuse shall comply with the following:

- a) it shall facilitate collection and disposal as required by the municipal corporation or private collecting agency, as applicable; and
- b) refuse storage facilities shall be readily accessible to all occupants for whom the storage facility is required to be provided, or in the alternative be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto; and
- c) refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition, and
- d) it shall not obstruct an emergency route, recreation facility, parking area, driveway, walkway, or opening into a building.

3.6.4 Where refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage and place for disposal shall;

- a) be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility; and
- b) be screened if less than 60 metres (196.85 feet) from a public highway, street, walkway, park or residential property so as not to be visible from such locations.

3.6.5 Nothing in this Section shall require screening:

- a) whose only purpose is to screen a refuse collection area from another refuse collection area on the same or abutting properties; or
- b) between each occupancy in a multiple occupancy building; or
- c) that reduces the width of an access route to less than 10 metres (32.81 feet); or
- d) in regard to the placement of refuse for imminent pickup and disposal in compliance with the refuse collection by-law of the Municipality; or
- e) in relation to a residence building containing less than three dwelling units.

- 3.6.6 Where an exterior bulk or roll-off container refuse disposal system is used it shall:
- a) be equipped with covers or similar devices which shall be readily openable but not left open except when actively being loaded; and
  - b) be large enough to contain all refuse generated between collections by the occupants served; and
  - c) not be loaded beyond the top of the container.
- 3.6.7 Sub-section 3.6.6 a) shall not apply to the storage of industrial or other reclaimable refuse that will not materially deteriorate by weathering or pests.
- 3.6.8 Where refuse is stored or placed for disposal inside the enclosing walls of a building, the storage and placement for disposal shall:
- a) comply with the Building Code and the Fire Protection and Prevention Act, and the Fire Code thereunder; and
  - b) be large enough to contain all refuse generated between collections by the occupants served.
- 3.6.9 Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained operative, except that acceptable alternatives may be provided if readily accessible to all occupants.
- 3.6.10 Refuse shall be deemed to be stored inside a building when:
- a) a bulk or roll-off container is used; and
  - b) connected to the building by a system of enclosed chutes such that the loading of refuse thereto is directly from within the building utilizing manual, compaction or other methods of handling; and
  - c) the components outside the building are screened from view and maintained as prescribed in Sub-section 3.6.4.
- 3.6.11 Notwithstanding the requirements of this Section, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:
- a) it is removed frequently and in its entirety from the property; and
  - b) it will not cause risk to the health or safety of any persons; and
  - c) it is not stored in such a manner as to be deleterious to the neighbouring environment.

### **3.7 NOXIOUS PLANTS**

All properties shall be kept free from noxious plants, including ragweed, poison ivy, poison oak and poison sumac and comply with the specifications of the Weed Control Act, R.S.O. 1990, as amended, and regulations and by-laws established there under.

### **3.8 PARKING, WALKWAYS AND SAFE PASSAGE**

- 3.8.1 Areas used for vehicle traffic and parking shall be paved with bituminous, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonable dust free substance, and shall be free from ponding and otherwise in good repair.
- 3.8.2 Paved communal parking areas shall be provided with suitable markings, such as painted lines, to indicate parking spaces, means of entry and egress for vehicles and shall be maintained so as to be clearly visible.
- 3.8.3 In yards of multiple dwellings and non-residential properties sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways.
- 3.8.4 Artificial lighting standards and fixtures shall be kept in safe condition, in working order and in good visual condition.
- 3.8.5 Communal walkways, driveways, ramps, parking areas and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces.
- 3.8.6 Walkways shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth and safe surface for pedestrian traffic.

### **3.9 SEWAGE**

- 3.9.1 Sewage or organic waste shall be discharged into the municipal sewage system or a septic tank system subject to the requirements of the Building Code, latest edition.
- 3.9.2 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

### **3.10 YARDS**

- 3.10.1 All yards shall be kept clean and free from rubbish, garbage, brush, or other debris and from objects or conditions that might create a health, fire or accident hazard.

- 3.10.2 The occupant of a residential property may store limited quantities of firewood provided that it is stored in a safe manner. Such storage shall be for the occupant's sole use and shall not be located between a building and the front lot line.
- 3.10.3 Any vehicle, including a trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard but this shall not prevent the occupant of any premises from repairing one vehicle for his own use but not for commercial purposes, while such repair is actively carried out.
- 3.10.4 All yards shall be kept reasonably free of weeds and heavy undergrowth. Noxious weeds shall be eliminated.
- 3.10.5 Grasses shall be maintained at a reasonable length.
- 3.10.6 All yards and vacant lots shall be kept clean and free from termites, rodents, vermin and other pests and any conditions which might result in the harbouring of such pests.
- 3.10.7 All yards and vacant lots shall be free of dilapidated or collapsed structures or accumulation of materials, inoperative machinery, or any parts thereof or any other unsafe condition or unsightly condition out of character with the surrounding environment.
- 3.10.8 All yards and vacant lots shall be free of holes or excavations or any unprotected wells that might create an accident or health hazard.
- 3.10.9 All yards shall be protected by suitable ground cover, which prevents erosion of the soil.
- 3.10.10 All composting associated with a residential dwelling unit shall be neatly kept in a suitable enclosure located in a rear yard or side yard, not closer to the front lot line than the front of the dwelling, and not closer than 1.0 metre to a side or rear lot line.
- 3.10.11 All trees on the property shall be kept pruned so as to be free from dead branches. Dead trees and shrubs shall be removed from the property.

### **3.11 BUFFERING**

- 3.11.1 Premises which, because of their use or occupancy, or for any other reason, create a nuisance to adjacent premises 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.

3.11.2 Without limiting the generality of the foregoing, such buffering shall include:

- a) the provision and maintenance of an effective barrier to prevent wind-blown waste, wrappings, debris and the like from encroaching on the adjacent premises; and
- b) the provision and maintenance of a visual screen, appropriate to the nature of the adjacent uses, to minimize the visual impact of nuisances to persons at grade adjacent to the property; and
- c) to prevent lighting and vehicle headlights in parking areas from shining directly into dwelling unit windows; and
- d) to screen transformers and other similar structures and/or equipment; and
- e) to provide a safe route for persons and vehicles.

### **3.12 PEDESTRIAN ACCESS**

A safe pedestrian access shall be provided to the principal entrance of every residential building.

### **3.13 RETAINING WALLS**

3.13.1 Retaining walls shall be maintained in a structurally sound condition, in good repair, and free of accident hazards.

3.13.2 Without restricting the generality of Sub-section 3.13.1, the maintenance includes:

- a) redesigning and rebuilding to the requirements of the Building Code, or replacing of all deteriorated, damaged, misaligned or missing portions of the wall or railings and guards appurtenant thereto; and
- b) installing subsoil drains where required to maintain the stability of the wall; and
- c) grouting masonry cracks; and
- d) applying a coating of paint or equivalent preservative to prevent deterioration or an unsightly appearance deleterious to the neighbouring environment.



### **3.14 GANTRIES AND ANTENNAE**

Gantries, antennae and similar structures shall be maintained:

- (a) plumb, unless specifically designed to be other than vertical; and
- (b) in good repair and free of fire and accident hazards; and
- (c) in a relatively rust free condition; and
- (d) so as not to present an unsightly appearance deleterious to the neighbouring environment.

### **3.15 SIGNS**

3.15.1 Signs shall be repaired and maintained:

- a) so as not to cause any unsafe condition; and
- b) in a vertical plane unless otherwise erected and approved, in which case the sign shall be maintained as erected and approved; and
- c) without any visible deterioration of the sign and its structure when viewed from any property other than the property on which the sign is situated; and
- d) in conformance with the requirements of the Sign By-law of the Municipality, if applicable.

3.15.2 Signs and sign structures that are unused, not cared for or discarded shall be removed from the property or shall be stored within a building.

3.15.3 When the sign face or other part of a sign has been removed, the remaining portion of the sign including the sign structure shall be maintained in a safe condition and so as not to create an unsightly appearance deleterious to the neighbouring environment, or be removed.

## **SECTION 4 - MAINTENANCE OF BUILDINGS AND STRUCTURES**

### **4.1 STRUCTURALLY SOUND**

- 4.1.1 Every part of a property 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.
- 4.1.2 Materials, which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.1.3 The factors of safety specified in the Building Code are the minimum standards.
- 4.1.4 Where an owner disputes the need for repairs under this Section, he may submit a written report signed and sealed by a professional engineer licensed to practice in the relevant discipline in the Province of Ontario on the matters thereto.
- 4.1.5 The Officer may accept the findings in the report pursuant to Sub-section 4.1.4 as the requirements for compliance with the required repairs provided he is satisfied all deficiencies have been identified and appropriately dealt with by the report.
- 4.1.6 The Property Standards Officer may require an engineer's report of a building or structure if in his opinion the building or structure is not structurally sound, such engineer's report to be at the expense of the owner(s).

### **4.2 PEST PREVENTION**

- 4.2.1 Buildings shall be maintained reasonably free of rodents, vermin and insects at all times, and methods used for exterminating rodents, vermin and/or insects shall be in accordance with provisions of all applicable statutes and regulations of any authority having jurisdiction.
- 4.2.2 Basement and cellar windows or ventilators used or required for ventilation, and any other openings in a building including a floor drain that might permit the entry of rodents, shall be screened with wire mesh, metal grille or other durable material which will effectively exclude rodents, vermin or other animals or pests.

### 4.3 FOUNDATIONS

- 4.3.1 Foundations shall be of masonry, concrete or other acceptable materials and designed to adequately support the loads imposed and provide a dry basement or crawl space. They shall be free of leaks and defective mortar joints or masonry. Foundation walls shall be reasonably waterproof and damp proof to prevent the entry of moisture or water into the basement, cellar or crawl space.
- 4.3.2 Foundations shall be maintained in good repair. The maintenance and repair includes:
- a) extension of the wall foundations below grade or regrading to provide adequate frost cover; and
  - b) installing subsoil drains where such would be beneficial; and
  - c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports; and
  - d) grouting, waterproofing, cladding or replacing as necessary so as to be weather tight; and
  - e) where insects and rodents are detected, the treatment by acceptable methods to deter their entrance; and
  - f) the replacement, cladding or treatment with other methods to restore the wall to its original or acceptable equivalent appearance; and
  - g) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear; and
  - h) the restoring, or replacing of:
    - i) the foundations, walls, columns, beams, floor and floor slabs; and
    - ii) components, claddings, finishes, and trims forming a part thereof;
  - i) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the structural integrity or appearance of the building; and
  - j) removing or replacing loose or unsecured objects and materials.

#### **4.4 BASEMENT AND CELLAR FLOORS**

- 4.4.1 Where a basement or cellar has a concrete or masonry floor, such floor shall be maintained in good condition.
- 4.4.2 Where a basement, cellar or crawl space has an earthen floor, adequate ventilation shall be provided.
- 4.4.3 Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar including a floor drain, shall be screened with wire mesh, metal grille or other durable material which will effectively exclude rodents.
- 4.4.4 Where equipment requiring service such as plumbing, clean outs, traps and furnaces is located in crawl spaces, safe and adequate access shall be provided.

#### **4.5 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 cellar, basement or crawl space floor.

#### **4.6 INSULATION**

- 4.6.1 The insulation requirements of the Building Code shall be complied with where necessary and practical.
- 4.6.2 Every dwelling shall be provided with sufficient thermal insulation to prevent moisture condensing on the interior surfaces of walls, ceilings and floors during the winter.

#### **4.7 EXTERIOR WALLS, COLUMNS AND BEAMS**

- 4.7.1 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.
- 4.7.2 All exterior surfaces shall be of materials, which provide adequate protection from the weather and insects.
- 4.7.3 The exterior walls and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing and by the waterproofing of joints and of the walls themselves and by the installing or repairing of terminate shields or other suitable methods.

- 4.7.4 Graffiti on the exterior of any property shall be prohibited and the surface of the property shall be restored to as near as possible the original appearance before the graffiti was applied.
- 4.7.5 Exterior surfaces of a building shall be kept clean.
- 4.7.6 Exterior surfaces of materials used for the temporary barricading of openings to the interior of a building shall be surfaced with a finish compatible with the surrounding finishes.
- 4.7.7 Exterior columns and beams shall be maintained in a good state of repair and any decorative trim shall be maintained in a safe condition. Where necessary, such columns, beams and trim shall be restored, repaired or replaced and suitably protected against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the building.

#### **4.8 ROOF**

- 4.8.1 All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering. The roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building and where necessary shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.
- 4.8.2 Every roof including related roof structures, eavestroughs, roof gutters, downpipes, guards and lightning arrestors shall be maintained, repaired or replaced so as to properly perform the intended function and be of acceptable appearance.
- 4.8.3 Without restricting the generality of Subsections 4.8.1 and 4.8.2 the maintenance and repair includes:
- (a) removal of obstructions or loose, unsecured objects and materials, and;
  - (b) removal of dangerous accumulations of snow and ice, and;
  - (c) removal of other accident and fire hazards, and;
  - (d) the overhaul or provision of flashings.
- 4.8.4 Chimneys, smoke or vent stacks and other roof structures shall be maintained in good repair so as to be free from:
- (a) loose bricks, mortar, and loose or broken capping, and;
  - (b) loose or rusted stanchions, guy wires, braces and attachments, and;
  - (c) any fire or accident hazard, and;
  - (d) unsightly objects and conditions detrimental to the appearance of the building.

## **4.9 DOORS AND WINDOWS**

- 4.9.1 All exterior door openings shall be fitted with exterior grade doors and all exterior window openings shall be fitted with exterior grade windows.
- 4.9.2 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 4.9.3 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.
- 4.9.4 Without restricting the generality of Sub-section 4.9.3, the maintenance and repair includes:
- (a) the refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens; and
  - (b) reglazing cracked, broken or missing glass; and
  - (c) replacing or repairing defective or missing hardware; and
  - (d) rescreening or weatherstripping where such is defective or missing; and
  - (e) painting or the applying of a similarly effective preservative.
- 4.9.5 When an 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) a wire mesh screen, metal grille or other equivalent durable material; or
  - (b) other protection so as to effectively prevent the entry of rodents or Vermin.
- 4.9.6 All doors and opening windows in a dwelling unit shall be provided with the means of being latched or secured from within, and shall be maintained in an operable condition.

#### **4.10 FLOORS, STAIRS, VERANDAS, PORCHES, DECKS, BALCONIES, HANDRAILS AND LANDINGS**

- 4.10.1 Every floor, stair, verandah, porch, deck, balcony and every appurtenance and surface finishing attached or laid thereto shall be maintained, reconstructed, repaired, cleaned or replaced so as to properly perform the intended function and be of acceptable appearance.
- 4.10.2 Without restricting the generality of Sub-section 4.10.1, the maintenance, reconstructing or repair includes:
- (a) repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet which contain depressions, protrusions, deterioration, or are broken, torn, warped, loose or otherwise defective; and
  - (b) renewing or strengthening structural members that are rotted, deteriorated or loose; and
  - (c) providing or renewing balustrades, guardrails and railings; and
  - (d) restricting openings in and climbability of guards to which small children have access, to the requirements of the Building Code; and
  - (e) painting or the applying of other equivalent preservative.

#### **4.11 WALLS AND CEILINGS**

- 4.11.1 Every wall and ceiling finish shall be maintained so as to be free of holes, cracks, loose coverings or other defects. Such maintenance shall include appropriate finishing of all joints and surfaces.
- 4.11.2 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 deck shall be tightly sealed by caulking, mineral wool or similar non-combustible material, and such walls shall conform to the fire resistance ratings contained in the Building Code.

#### **4.12 EGRESS**

- 4.12.1 Every required exit from a residential building shall open directly to a street or outer court. In the case of a one unit dwelling, there shall be at least two exits suitably remote from each other, from the first storey.
- 4.12.2 Every dwelling, which contains dwelling units located, other than on the ground floor shall be provided with a second means of safe continuous and unobstructed egress.

- 4.12.3 In the case of a multiple dwelling, wherever there are not two means of egress from each apartment, suitably remote from each other, there shall be ready access to at least two means of egress leading to separate and independent exits or safe place of rescue.
- 4.12.4 A required exit shall not pass through an attached garage, or built-in garage or an enclosed part of another dwelling unit.
- 4.12.5 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 Building Code, for the appropriate group and division.
- 4.12.6 All commercial, institutional and industrial buildings shall be provided with emergency lighting facilities capable of ensuring a safe means of egress.
- 4.12.7 All commercial, institutional and industrial buildings shall be provided with clean, clear, unobstructed and readily visible exit signs where such exit signs would be required to locate means of egress.

#### **4.13 AIR CONDITIONERS**

All air conditioners (including heat pumps) shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of condensation drainage.

#### **4.14 ELEVATING DEVICES**

Elevating devices shall be maintained:

- (a) in accordance with the requirements of the Technical Standards and Safety Act, 2000, S.O. 2000, c.16 as amended from time to time, and all regulations made thereunder; and
- (b) with all parts including, but not limited to, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational.

#### **4.15 FIRE AND ACCIDENT PREVENTION**

- (a) When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a premises, the Building Code shall apply to the extent necessary to abate the unsafe condition.
- (b) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.



- (c) In the event the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded and tidy condition.
- (d) Materials of an inflammable nature shall be safely stored or removed at once from the property.

## **SECTION 5 - STANDARDS FOR USE AND OCCUPANCY OF BUILDINGS**

### **5.1 CLEANLINESS**

Every floor, wall, ceiling and fixture in any building shall be maintained in a clean and sanitary condition and the building shall be kept free from rubbish, debris or conditions, which constitute a fire, accident or health hazard.

### **5.2 WATER**

5.2.1 Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of drinkable running water from a source approved by the Medical Officer of Health.

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

5.2.3 Adequate running water shall be supplied to every water closet.

### **5.3 PLUMBING**

5.3.1 Sewage shall be discharged into the municipal sewerage system, or a system conforming to the building code.

5.3.2 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order and be protected from freezing.

5.3.3 The plumbing system shall provide an adequate and potable hot and cold water supply, drainage, venting and operation of fixtures.

5.3.4 Every water heater shall have sufficient capacity to provide an adequate supply of hot water at a temperature of not less than 43 degrees Celsius (109.4 degrees F) at all times in all parts of every building, dwelling unit, or shared facility.

5.3.5 All plumbing fixtures and piping shall conform to all Federal and Provincial legislation and regulations and to Municipal By-laws.

### **5.4 TOILET AND BATHROOM FACILITIES**

5.4.1 Every dwelling unit except as provided in Sub-section 5.4.2 hereof, shall contain plumbing fixtures consisting of at least:

1. water closet
2. a kitchen sink
3. a wash basin
4. a bathtub or shower

5.4.2 In a boarding, lodging, or rooming house there shall be a water closet, wash basin and bathtub or shower for not more than eight persons and these facilities

shall be located on the same storey as, or on the next storey up or down from the storey on which the room is located.

- 5.4.3 Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation.
- 5.4.4 All bathrooms and toilet rooms shall be located within and be accessible from within the building, which it serves.
- 5.4.5 All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.
- 5.4.6 Where practical a washbasin shall be located in the same room as the water closet, or shall be conveniently adjacent to the room containing the water closet.
- 5.4.7 No facilities for the preparation, cooking, storage or consumption of food or for sleeping shall be within a room that contains a water closet.
- 5.4.8 In a building containing dwelling units, the sanitary conveniences and toilet facilities used in connection with the residential portion of the building shall be separated from any facilities and conveniences used in connection with any non-residential portion.
- 5.4.9 Rooms containing sanitary conveniences and toilet facilities shall:
  - (a) be regularly cleaned so as to be maintained in a clean and sanitary condition; and
  - (b) have smooth surfaces reasonably impervious to water.

## **5.5 KITCHENS**

- 5.5.1 Every kitchen area shall be equipped with a sink served with hot and cold running water, storage facilities and counter top work area having minimum dimensions of 1.20 metres (3.94 feet) in length by 0.56 metres (1.84 feet) in width and space shall be provided for a stove and refrigerator.
- 5.5.2 The splash back and counter top around the kitchen sink shall have an impervious surface.
- 5.5.3 Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes and there shall be at least 0.76 metres (2.49 feet) clear space above any exposed cooking surface. Clear space may be reduced in compliance with the requirements of the Building Code.

## **5.6 GARBAGE, REFUSE STORAGE ROOMS AND CHUTES**

Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, free of pests or vermin, odour free and in good working order and good repair.

## **5.7 HEATING, VENTILATING AND MECHANICAL SYSTEMS**

- 5.7.1 Every dwelling and/or dwelling unit shall be provided with a heating system capable of maintaining an indoor air temperature of 21 degrees Celsius (69.8 degrees F) in all areas of the dwelling or dwelling unit except that in an unfinished basement or cellar and common areas such as common hallways and laundry rooms, the heating system shall be capable of maintaining an indoor air temperature of not less than 15 degrees Celsius (59.0 degrees F) from the 15th day of September in each year to the 31st day of May of the following year at the outside winter design temperature specified in the Building Code. Crawl spaces need not be heated.
- 5.7.2 The heating system required by Section 5.7.1 shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.
- 5.7.3 Any heating appliance or device shall be located with reference to clear space requirements on all sides in accordance with the Building Code and shall not be placed so as to impede the free movement of persons within the room where it is located.
- 5.7.4 A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- 5.7.5 Where a heating system, or part of it, or any auxiliary heating system burns solid or liquid fuel, a space or receptacle for the storage of the fuel or residue shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 5.7.6 Fuel burning equipment shall be vented by means of a connection leading to a chimney or a vent or flue which conforms to building and safety standards.
- 5.7.7 Every chimney, smoke pipe and flue shall be maintained so as to prevent the contents from leaking into the dwelling.
- 5.7.8 All flues shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 5.7.9 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 and maintained so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.

5.7.10 In multiple dwellings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance ratings as required by the Building Code.

5.7.12 Heating, ventilating and mechanical systems including factory built stoves, fireplaces and chimneys, fans, pumps, filtration and other equipment provided to supply heat or other services shall be maintained:

- (a) operational in accordance with manufacturers specifications; and
- (b) for spaces provided for human habitation, with a heating capacity in accordance with the indoor/outdoor design temperatures as required by the Building Code; and
- (c) free of hazards that could cause an accident.

5.7.13 Ventilation systems shall be:

- (a) regularly cleaned and maintained in good repair, working order and in a safe condition at all times; and
- (b) in conformance with the requirements of the Building Code; and the Fire Protection and Prevention Act and the Fire Code thereunder.

## **5.8 Electrical Service**

5.8.1 Electrical installations, including the service capacity of the installations and the number and distribution of circuits, shall conform to the Ontario Electrical Safety Code.

5.8.2 Every habitable room, except for a kitchen, shall contain at least one electrical duplex convenience outlet. Additional duplex convenience outlets shall be provided in accordance with the requirements of the Ontario Electrical Safety Code, as amended from time to time.

5.8.3 Every kitchen shall have at least two electrical duplex convenience outlets, which shall be on separate circuits. One such outlet shall be provided over the counter top work surface and one shall be provided at the refrigerator space. In addition, an outlet shall be provided in a dining area forming part of a kitchen.

5.8.4 Fuses or overload devices shall not exceed limits set by the Ontario Electrical Safety Code, as amended from time to time.

5.8.5 An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, stairwell, basement and cellar.

5.8.6 Extension cords shall not be permitted on a permanent basis.

5.8.7 The electrical wiring and all electrical fixtures located or used in any building shall be installed and maintained in good working order and in conformance with the Ontario Electrical Safety Code, as amended from time to time.

5.8.8 Every dwelling and every dwelling unit shall be wired for and provided with electricity and lighting fixtures shall be installed.

5.8.9 In apartment buildings where a voice communication system exists and or where a security locking and release system for the entrance is provided and is controlled from each dwelling unit such systems shall be maintained operational and in good repair.

## **5.9 LIGHT**

5.9.1 Every habitable room, except for a kitchen, shall have a window or windows, skylights or translucent panels that face directly outside at least .15 metres (0.49 feet) above the adjoining finished grade with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.

5.9.2 Every public hall and stair and outside entrances in all buildings shall be illuminated at all times so as to provide safe passage.

5.9.3 Where a window in a building is located less than 0.91 metres (2.99 feet) from an adjacent building, wall, fence or similar structure, such window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room in which the window is located.

## **5.10 VENTILATION**

5.10.1 Every habitable room shall have an opening or openings for natural ventilation from the outside. Such opening or openings shall have a minimum aggregate unobstructed area of 0.28 square metres (3.01 square feet) and shall be located in the exterior walls or through openable parts of skylights.

5.10.2 Openings for natural ventilation may be omitted from a kitchen, living or living-dining room, basement, cellar and crawl space if mechanical ventilation is provided which changes the air once every hour.

5.10.3 Every bathroom or room containing a water closet, shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights except said openings may be omitted where a system of mechanical ventilation has been provided, such as an electrical fan with a duct leading to outside the dwelling.

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

5.10.5 Every basement, cellar, and unheated crawl space shall be adequately vented to the outside air by means of screened windows, which can be opened, or by louvres with screened openings.

5.10.6 In multiple dwellings, every laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated and where a system of mechanical ventilation is used, it shall be maintained in good working condition.

5.10.7 Where insulation is installed so that there is a space between the insulation and the roofing, the roof space shall be ventilated.

## **SECTION 6 - OCCUPANCY STANDARDS FOR DWELLINGS**

- 6.1 Every occupant of a dwelling shall, in that part of the dwelling that he occupies or controls:
- (a) limit the number of occupants thereof to the maximum number permitted by this By-law; and
  - (b) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean, safe and sanitary condition; and
  - (c) keep all exits clean and unobstructed; and
  - (d) maintain the dwelling in a clean, sanitary and safe condition.
- 6.2 A dwelling shall be at all times kept free of rodents, vermin and insects which may be deleterious to safety or health and from conditions which may encourage infestation by such pests.
- 6.3 In a residence unit, openings in the exterior walls or roof shall be fitted and maintained as to protect all habitable space from water and weather entry and so as to make such space reasonably free from drafts.
- 6.4 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 6.5 The maximum number of occupants in a dwelling or dwelling unit shall not exceed one person per 9.28 square metres (100 square feet) of habitable room floor area.
- 6.6 For the purpose of computing the maximum number of occupants in Sub-section 6.5 any child under twelve years of age shall be deemed one-half occupant.
- 6.7 No room in any dwelling shall be used for sleeping purposes unless there is a minimum width of 2 metres (6.56 feet) and a minimum floor area of 7 square metres (75.35 square feet). At least one half of the required minimum floor area shall have a ceiling height of 2.13 metres (7.0 feet) and no floor area with a ceiling height of less than 1.37 metres (4.50 feet) shall be counted.
- 6.8 A bedroom shall be a habitable room, and notwithstanding Section 2.1.21, a kitchen shall not be used as a bedroom.



- 6.9 For the purpose of computing the habitable room space in Sub-section 6.7, the floor area under a ceiling, which is less than 2.13 metres (7.0 feet) high, shall not be counted. If a finished ceiling is not applied to the underside of the joists, then the bottom of the joists shall be deemed to be a ceiling for the purpose of establishing this measurement.
- 6.10 The minimum floor area of a room used by two or more persons for sleeping shall be 3.72 square metres (40 square feet) for each person so using the room.
- 6.11 Food shall not be stored or prepared in a room that contains a water closet.
- 6.12 Every room in which meals are prepared shall have a sink.
- 6.13 No portion of a building shall be occupied if it does not meet the requirements of this By-law.

## SECTION 7

### ADMINISTRATION AND ENFORCEMENT

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

#### **OFFICERS**

- 7.1 The Council of the Municipality shall appoint a Property Standards Officer(s) [herein referred to as a "Property Standards Officer"] to be responsible for the administration and enforcement of this By-Law.

#### **PROPERTY STANDARDS COMMITTEE**

- 7.2 Council shall appoint at large, by a Resolution, (or By-Law) of Council no fewer than three (3) persons of the Municipality to the Property Standards Committee for a term of office concurrent with Council.
- 7.3 Every person who initiates an appeal of an Order made under Section 15.2(2) of the Building Code Act, S.O. 1992, c23, shall submit a notice of Appeal in the time frame and the manner as prescribed in section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment of one hundred (\$100.00) dollars.

#### **OFFENCE AND PENALTY PROVISIONS**

- 7.5 Any property that does not meet the standards set by this Bylaw shall be repaired and maintained to conform with the standards set by this Bylaw or the site shall be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition.
- 7.6 An owner who fails to comply with an order issued by a Property Standards Officer \Provincial Offences Officer is guilty of an offence and upon conviction is subject to a fine/penalty as provided by the Building Code Act, 1992, S.O. 1992, c.23 as amended from time to time.
- 7.7 If this Bylaw is contravened and a conviction entered, the Court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.8 If the owner fails to do the remedial or maintenance work necessary to meet the requirements of this Bylaw or an order issued pursuant to this Bylaw the Municipality may do the required remedial or maintenance work at the owner's expense and the Municipality may recover the costs of doing such work by action or by adding the cost to the tax roll and collecting the costs in the same manner as property taxes. The aforesaid costs shall include an administrative fee of \$150.00 plus \$50.00 for each inspection that is made following the issuance of the City Action Letter, and interest calculated on the costs and the administrative fee at the rate of 15%, calculated for the period commencing on the day the

Municipality incurs the costs and ending on the day the costs, including interest, are paid in full.

- 7.9 The Municipality shall have a lien on the owner's land for the amount spent on the repair or demolition under an order issued by a Property Standards Officer/Property Offences Officer and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001 as amended from time to time.

**VALIDITY**

- 7.9 Where a provision of this By-Law conflicts with the provision of another By-Law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

**NOTICE OF APPEAL**  
**TO PROPERTY STANDARDS COMMITTEE**  
Pursuant to Section 15.3-(1) of the Ontario Building Code Act

Date

**To the Secretary**  
**Property Standards Committee**  
**Corporation of the City of Belleville**  
**169 Front Street**  
**BELLEVILLE, Ontario**  
**K8N 2Y8**

**RE: Order to Remedy Violation of Standards of  
Maintenance and Occupancy at:**

\_\_\_\_\_

(Description and Location of Property in Violation)

**TAKE NOTICE** of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above referenced Order to Remedy Violation of Standards of Maintenance and Occupancy served upon the undersigned on

\_\_\_\_\_.

Name (Owner or Agent)

Address

Telephone Number

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

**An owner or occupant who has been served an order and is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a NOTICE OF APPEAL, along with a fee in the amount of \$100.00 payable to the City of Belleville, by registered mail to the Secretary of the Property Standards Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.**

"REGISTERED MAIL"

**ORDER OF THE  
PROPERTY STANDARDS OFFICER  
OF THE CITY OF BELLEVILLE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_

**RE: Belleville, Ontario**

Your property described above and in Schedule "A" does not conform to the standards prescribed in the City of Belleville Property Standards By-Law 2012-79 as amended, particulars of which are as set out in Schedule "B" attached hereto.

**IT IS HEREBY ORDERED:**

1. Your property be repaired and maintained in accordance with the requirements in Schedule "B", such work to be completed no later than fourteen (14) days after the date of this Order and if such repairs are not carried out within such time, or the property is not maintained as required, the City of Belleville may carry out the repairs and maintenance work at your expense. Should further repairs and maintenance work be necessary at a later time as a result of your failure to maintain and keep your property in repair in accordance with the requirements in Schedule "B", the City of Belleville, without further notice to you, may carry out such further repairs and maintenance work at your expense.

You may appeal this Order to the Property Standards Committee by sending Notice of Appeal, accompanied by a non-refundable cheque in the amount of One Hundred Dollars (\$100.00) payable to the City of Belleville, by registered mail to the Secretary of the Property Standards Committee by the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**DATED AT THE CITY OF BELLEVILLE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.**

\_\_\_\_\_  
PROPERTY STANDARDS OFFICER

Attachment

**SCHEDULE "A"**

In the City of Belleville, County of Hastings,

Plan \_\_\_\_\_, Lot \_\_\_\_\_, Part Lot \_\_\_\_\_

Registered Plan \_\_\_\_\_, Lot \_\_\_\_\_, Parts \_\_\_\_\_

Municipally known as \_\_\_\_\_

**SCHEDULE "B"**

**\* INFORMAL NOTICE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_ :

**RE:** \_\_\_\_\_

Be advised that on \_\_\_\_\_ an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-Law No. 2012-79.

Schedule "A", attached hereto, sets out the work required to remedy such violation(s) and to bring the property into compliance with the By-Law.

**Be advised that By-Law No. 2012-79 gives the Municipality the authority to issue an ORDER TO COMPLY pursuant to Section 15.2-(2), Ontario Building Code Act 1992. It is desired that you comply with this informal notice so that the aforementioned procedural step will not be necessary.**

A re-inspection of this property will take place on or about \_\_\_\_\_ to ascertain compliance. If compliance cannot be gained by this date, please contact the undersigned as soon as possible. My office hours are 8:30 - 9:30 a.m. and 1:00 - 2:00 p.m. Monday through Friday. My direct telephone line is 967-3200 extension 3233.

Should you require further information pertaining to this matter, please do not hesitate to contact the undersigned during normal business hours.

Yours truly

PROPERTY STANDARDS OFFICER

**\*NOTE:** AN INFORMAL NOTICE IS NOT REQUIRED UNDER PROVINCIAL STATUTE. HOWEVER, IT MAY BE GIVEN AS A COURTESY.

**SCHEDULE "A"**



**ORDER TO REMEDY VIOLATION OF  
STANDARDS OF MAINTENANCE  
AND OCCUPANCY**

**"REGISTERED MAIL "**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir/Madam:

**RE:** \_\_\_\_\_

WHEREAS on \_\_\_\_\_ you were served with an Informal NOTICE that required you to remedy certain violations of standards of maintenance and occupancy at your property, described above.

AND WHEREAS you have failed to remedy the noted violation(s) as set out in Schedule "B", attached hereto and which forms part of this ORDER.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in Schedule "B" be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-Law No.2012-79 on or before \_\_\_\_\_.

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the Municipality may correct such violations at the expense of the owner. Should further repairs and maintenance work be necessary at a later time as a result of your failure to maintain and keep your property in repair in accordance with the requirements of Schedule "B", the City of Belleville, without further notice to you, may carry out such further repairs and maintenance work at your expense.

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

An owner or occupant who has been served an order and is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a NOTICE OF APPEAL, along with a fee in the amount of \$100.00 payable to the City of Belleville, by registered mail to the Secretary of the Property Standards Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

**FINAL DATE OF APPEAL:** \_\_\_\_\_.

\_\_\_\_\_  
PROPERTY STANDARDS OFFICER

**SCHEDULE "A"**

In the City of Belleville, County of Hastings

\_\_\_\_\_, Part Lot \_\_\_\_\_

Registered Plan \_\_\_\_\_, Part \_\_\_\_\_

Municipally known as \_\_\_\_\_

**SCHEDULE "B"**

**CITY ACTION**

Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

**RE: Order of the Property Standards Officer**

**Dated** \_\_\_\_\_

Please be advised this office is now prepared to take whatever steps necessary to satisfy the captioned "Order". All costs and Administration fees incurred will be collected as taxes.

If you wish to undertake the required remedial action yourself contact the undersigned no later than \_\_\_\_\_. If we do not hear from you by this date the Municipality will proceed to complete the work and add all costs to your Municipal Tax Bill.

Sincerely,

Property Standards Officer

THAT By-Law Number 2000-45 and all other By-Laws or parts thereof inconsistent herewith be and the same are hereby rescinded.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this 14<sup>th</sup> day of **May, 2012**.

Read a second time this 14<sup>th</sup> day of **May, 2012**.

Read a third time and finally passed this 14<sup>th</sup> day of **May, 2012**.

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NEIL ELLIS

MAYOR

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JULIE ORAM

CITY CLERK