

THE CORPORATION OF THE

TOWNSHIP OF ST. CLAIR

BY-LAW NUMBER 34 OF 2011

A by-law to provide standards for the maintenance of the physical condition and occupancy of property in the Township of St. Clair;

WHEREAS the Council of the Corporation of the Township of St. Clair deems it necessary and expedient to pass a by-law pursuant to the provisions of Section 15 of the Building Code Act, S.O. 1992, as amended, for prescribing standards for the maintenance and occupancy of property within the Municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; for requiring property below the standards prescribed in the Bylaw to be repaired and maintained to comply with the standards, or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or leveled condition; and for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this Bylaw; and further that policies and procedures be established for the enforcement of this by-law;

AND WHEREAS the passing of said By-law is desirable for the protection of the safety, health and well-being of the residents;

AND WHEREAS Section 446 of the Municipal Act, as amended, gives a municipality authority to take the appropriate remedial action for any default of the provisions of a by-law and collect the corresponding related costs on the tax roll;

NOW THEREFORE the Council of the Corporation of the Township of St. Clair ENACTS as follows:

That By-law 77 of 2004 be and is hereby repealed when By-law 34 of 2011 comes into force.

SECTION 1 - TITLE, APPLICATION AND SCOPE

1.1 TITLE OF BY-LAW

This By-law may be cited as the "Property Standards By-Law".

1.2 APPLICATION

The provisions of this By-law shall apply to all lands in the Township of St. Clair.

1.3 SCOPE OF BY-LAW

- a) Where other by-laws, regulations, or statutes prescribe standards of maintenance and occupancy already addressed in this By-law, or where a provision of this By-law conflicts with a provision of another by-law in force in the Township of St. Clair, the provisions that establish the higher standard shall prevail.
- b) Should any provision of this By-law be declared invalid for any reason by a court of competent jurisdiction, the remainder of this By-law shall continue in force.

1.4 GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY

- a) The owner or purchaser, under an agreement of sale, shall repair and maintain the property in accordance with the standards prescribed in this By-law to the satisfaction of the Officer.
- b) Notwithstanding subsection a), where the maintenance of any property affected by this By-law is made, by written terms of a lease or by an agreement for occupancy, the responsibility of the occupant, the Officer may, at his/her discretion, require the occupant to repair and maintain the property in accordance with the standards prescribed in this By-law to the satisfaction of the Officer. Such standards include the following:
 - i) Limit occupancy of that part of the premises which he/she occupies or controls to the maximum permitted by this By-law;
 - ii) Maintain that part of the premises which he/she occupies or controls in a clean, sanitary and safe condition;
 - iii) Maintain all plumbing and refrigeration fixtures as well as other building equipment and storage facilities in that part of the premises which he/she occupies or controls in a clean and sanitary condition and provide reasonable care in the operation and use thereof;
 - iv) Provide a smoke alarm in all corridors which provide access to bedrooms;
 - v) Maintain a safe condition and unobstructed exit from the interior of the building to the exterior at the street or grade level;
 - vi) Dispose of garbage, refuse, and waste into receptacles in a clean, sanitary manner, in accordance with the provisions established in this By-law;
 - vii) Exterminate insects, rodents, and other pests;
 - viii) Maintain yards in a clean, sanitary, and safe condition and free from infestation insofar as he/she occupies or controls the yards.
- c) No person shall occupy or let to another for occupancy, any property which does not comply with the regulations of this By-law.

SECTION 2 - DEFINITIONS

- 2.1 ACCESSORY BUILDING means a building or structure, the use of which is incidental or subordinate to the main use of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises, and which is not intended for human habitation.
- 2.2 ADMINISTRATIVE FEE means all fees associated with a property(s) in contravention of this by-law, including such fees for servants of orders, title searches, By-law Officers' wages and mileage, and any other fees deemed appropriate by Council.
- 2.3 APPROVED means, as applied to a grade, material device or method of construction, approved by the Property Standards Officer under the provisions of this By-law; approved by the Building Inspector under the provisions of the Building Code Act; approved by the Fire Chief under the provisions of The Fire Code, or approved by any other authority designated by law to give approval to the matter in question.
- 2.4 BALUSTRADE means a row of balusters or spindles surmounted by a railing.
- 2.5 BASEMENT means a storey or storeys of a building located below the first storey.
- 2.6 BATHROOM means a room or rooms containing at least one wash basin, a toilet, a bathtub or shower.
- 2.7 BUILDING means any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent.
- 2.8 BUILDING CODE means The Building Code Act, S.O. 1992, as amended.
- 2.9 "CHIEF OF THE FIRE DEPARTMENT" means a Fire Chief appointed by the Corporation of the Township of St. Clair.
- 2.10 COMMITTEE means a Property Standards Committee, established pursuant to Section 15.6 of The Building Code Act, S.O. 1992, as set out in this By-law.
- 2.11 CORPORATION means the Corporation of the Township of St. Clair.
- 2.12 COUNCIL means the Council of the Corporation of the Township of St. Clair.
- 2.13 CRAWL SPACE means a space beneath a floor with clearance of less than 1.5 metres.
- 2.14 DWELLING means a building or structure or part of a building or structure occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons and includes a building that would be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit.
- 2.15 DWELLING UNIT means one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.16 FINISHED GRADE LEVEL means the average elevation of the finished surface of the ground abutting the external walls of the building or structure, exclusive of any embankment in lieu of steps.
- 2.17 FIRE RESISTANCE RATING means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of

- information derived therefrom.
- 2.18 **FIRST STOREY** means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.
- 2.19 **GROUND COVER** means organic or non-organic materials applied to prevent the erosion of the soil, such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- 2.20 **HABITABLE ROOM** means any room in a dwelling unit used or capable of being used for living, sleeping, cooking, or eating purposes, but does not include a bathroom, toilet room, laundry, pantry, foyer, lobby, stairwell, hall, closet, cellar, recreation room, storage room, furnace room or other space for the service or maintenance of a dwelling.
- 2.21 **LAND** means the land around or appurtenant to the whole or any part of a premises and used or intended to be used, or capable of being used in connection with the building.
- 2.22 **MAINTENANCE** means the preservation and keeping in repair of a property.
- 2.23 **MEANS OF EGRESS** means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp 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.
- 2.24 **MULTIPLE DWELLING** means a building containing three or more dwelling units.
- 2.25 **MULTIPLE USE BUILDING** means a building containing both a dwelling unit and a non-residential use.
- 2.26 **MUNICIPALITY** means the Corporation of the Township of St. Clair.
- 2.27 **NON-HABITABLE ROOM** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry room, pantry, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling, for public use, and for access to, and vertical travel between storeys.
- 2.28 **NON-RESIDENTIAL PROPERTY** means a building or structure or part of a building or structure not occupied or not capable of being occupied in whole or in part for the purpose of human habitation, and includes those lands and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- 2.29 **NOXIOUS** means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation of noise, objectionable odour, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Officer to be noxious or offensive.
- 2.30 **OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.31 **OCCUPANT** means any person or persons over the age of 18 years in possession of the property.
- 2.32 **OFFICER** means a Property Standards Officer appointed by the Corporation to administer and enforce this By-law.
- 2.33 **OUTDOOR STORAGE** means the land used for the purpose of storing building supplies or materials salvaged from any demolition of a building either for storage or salvage for reuse or sale.

- 2.34 OWNER means:
- a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word *owner* is used, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land or premises were let, and
 - b) 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.
- 2.35 PERSON includes an individual, firm, corporation, association or partnership.
- 2.36 PLUMBING AND FIXTURES means water heating facilities, water pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment, catch basins, drains, vents, traps, together with all connections to water, sewage, or vent pipes.
- 2.37 PROPERTY means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences, and erections thereon, whether heretofore or hereafter erected, and includes vacant property.
- 2.38 REPAIR means the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
- 2.39 RESIDENTIAL PROPERTY means 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 establishment.
- 2.40 SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.
- 2.41 SEWAGE SYSTEM means the municipal sanitary sewerage system or a private sewage disposal system approved by the Part VIII Director under the Environmental Protection Act or Part 8 of the Ontario Building Code.
- 2.42 STANDARDS means the standards for the maintenance and improvement of the physical condition of property and for the fitness for occupancy prescribed in this By-law.
- 2.43 SUBSTANDARD means a quality less than that required by this By-law.
- 2.44 SUPPLIED means installed, furnished or provided by the owner.
- 2.45 TOILET ROOM means:
- a) In relation to non-residential property, a room containing one or more water closets and wash basins; and
 - b) In relation to residential property, a room containing a water closet.
- 2.46 TWO-UNIT DWELLING means a building containing two dwelling units and includes semi-detached and duplex dwellings.
- 2.47 UNSAFE CONDITION means any condition that would cause undue or unexpected hazard to life, limb, or health of any person authorized or expected to be on or about the premises.
- 2.48 YARD means the land other than publicly-owned land around and appurtenant to the whole or any part of the property and used, or capable of being used, in connection with the property whether or not the land is owned by the owner of the building.

SECTION 3 - MAINTENANCE OF YARD AND ACCESSORY BUILDINGS

3.1 YARDS

All yards, including vacant land, shall be kept in a neat and tidy condition, free from:

- a) Rubbish, garbage, waste, dead animals, and other debris;
- b) Objects and conditions that are health, fire or accident hazards;
- c) Heavy undergrowth and noxious plants, such as ragweed, poison ivy, poison oak, and excessive growth of grass and/or weeds more than 20cm (8 inches) in height and other vegetation out of character with the surrounding environment;
- d) Dead, decaying or damaged trees or other natural growth, and the branches and limbs which create an unsafe or unsightly conditions;
- e) Wrecked, dismantled, inoperative, unused or unlicensed vehicles, trailers, or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment;
- f) Dilapidated or collapsed structures and any unprotected well, old underground tanks, or other unsafe condition or unsightly condition out of character with the surrounding environment.
- g) Injurious insects, termites, rodents, vermin or other pests.

3.2 LANDSCAPING

- a) Hedges, planting, trees or other landscaping, required by the Municipality as a condition of site development, redevelopment or rearrangement, 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.
- b) Suitable groundcover shall be provided to prevent erosion of the soil. Where grass forms a part of the groundcover, and such grass has been killed, such dead areas shall be re-sodded or reseeded as often as required so as to restore the grass to a living condition.
- c) Areas within the yard not covered by buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the abutting and adjoining properties.
- d) All areas used for vehicular traffic, parking, and facilities for loading and unloading shall be maintained in good repair, free of potholes, and adequately drained.

3.3 FENCES

Fences shall be maintained in good repair, free from accident hazards and protected by paint, preservative or other weather resistant material. Fences around swimming pools shall be a minimum of 1.5 metres (5 feet) in height and shall be provided with a latch in good working order.

3.4 RUBBISH

- a) Garbage should be stored under cover or in containers. Rubbish and garbage containers shall be kept and maintained in a clean state.
- b) Every property shall be kept free of such refuse or litter.
- c) Every non-residential building shall provide sufficient receptacles to contain all refuse and litter as may be left by customers or other members of the public.

3.5 PASSAGEWAYS

Passageways, steps, walks, driveways, parking space and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

3.6 DRAINAGE

- a) Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon, and shall be cultivated or protected with suitable groundcover to prevent erosion of the soil.
- b) No downspout or sump pump drainage shall be discharged on sidewalks, stairs or neighbouring properties or into a sanitary sewer.

3.7 SEWAGE

- a) Sewage shall be discharged into the sewerage system and at no time shall sewage be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- b) Notwithstanding subsection a) above, where a municipal sanitary sewer has not been installed, all sewage shall be discharged into a private sewage disposal system approved by the Ministry of the Environment or the Ontario Building Code.
- c) Private sewage systems shall be maintained in accordance with the Ontario Building Code requirements.

3.8 SIGNS

- a) All signs permitted under By-laws of the Corporation shall be maintained in a good state of repair.
- b) Signs which are damaged or broken, or which are excessively weathered or faded, upon which the finish is worn, peeled or cracked, shall, with their fastenings and supporting members, be removed or refinished and put in a good state of repair.

3.9 ACCESSORY BUILDINGS

- a) Accessory buildings including garages, carports, fences and other structures appurtenant to the property shall be kept in good repair and free from health, fire and accident hazards.
- b) Where an accessory building or any condition in a yard harbors noxious insects or rodents, all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance in accordance with the provisions of The Pesticides Act, R.S.O., 1980, Chapter 376 and all regulations passed pursuant thereto.
- c) Where an accessory building is not maintained in accordance with these standards it shall be removed from the yard.

SECTION 4 - MAINTENANCE OF BUILDINGS

4.1 STRUCTURAL CAPABILITY

- a) Every building, accessory structure or any part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use, and materials which show damage or evidence of decay or other deterioration shall be repaired or replaced.
- b) All exterior exposed surfaces not inherently resistant to deterioration shall be treated with a protective coating or paint or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering.
- c) The exterior walls, roofs and other parts of a building shall be free from loose, rotten, warped and broken materials and objects; such materials and objects shall be removed, repaired or replaced.

4.2 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 premises, The Building Code Act shall apply to the extent necessary to abate the unsafe condition.
- b) In the event that strict application of the regulations of The Building Code Act is not practical, the Property Standards Officer may accept alternative measures, provided the standard of safety that results is generally equivalent to the standard provided by the detailed Building Code Act regulations.
- c) 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.
- d) In the event the building or accessory structure is beyond repair or not repaired, the land shall be cleared of all remains and left in a graded, level, and tidy condition.
- e) Materials of an inflammable nature shall be safely stored or removed at once from the property.

4.3 VENTILATION

- a) Every habitable room or room where people work shall have an opening or openings for natural ventilation or a system of mechanical ventilation.

- b) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- c) Every unheated crawl space shall be adequately vented to the outside air.
- d) Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, and closed.
- e) Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading outside has been installed in a dwelling, the system shall be maintained in good working order.

4.4 **COMPOST HEAPS**

The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres (5.9 ft.) in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

4.5 **ELEVATING DEVICES**

Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

4.6 **DISCONNECTED SERVICES**

Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

4.7 **LIGHTING**

- a) Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain.
- b) All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

4.8 **THERMAL INSULATION**

Thermal insulation of buildings to minimize heat losses shall be provided in accordance with the provisions of the Ontario Building Code where necessary and practical.

4.9 **DAMPNESS**

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

4.10 **FOUNDATIONS**

- a) The foundation walls and the basement floor of a building or an accessory structure shall be maintained in good repair and structurally sound as to prevent settlement detrimental to the appearance of the building, and to prevent the entrance of moisture, insects or rodents into the building.

- b) Without limiting the generality of subsection a), the maintenance of a foundation includes:
- i) The jacking-up, underpinning or shoring of the foundation where necessary;
 - ii) Installing subsoil drains below interim grade of basements and crawl spaces where such would be beneficial;
 - iii) The grouting of masonry cracks;
 - iv) Waterproofing the walls and joints;
 - v) The carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
 - vi) Repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
 - vii) Making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment.

4.11 EXTERIOR WALLS

- a) Exterior walls, parapet walls and components thereof shall be maintained in good repair, weather-tight, free from loose or unsecured objects and materials in a manner to prevent deterioration due to weather or infestation or deterioration detrimental to the appearance of the building.
- b) Without limiting the generality of subsection a), the maintenance of exterior walls includes:
- i) The applying of paint or materials to preserve all exterior wood and metal work;
 - ii) The applying of paint or materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
 - iii) the restoring, repairing or replacing of the wall, the bricks and mortar, the stucco, shingles or cladding, the coping, the flashing and the waterproofing and the caulking of the wall and joints.
- c) All canopies, marquees, signs, awnings, fire escapes, stand pipes, exhaust ducts, and similar overhanging extensions shall be maintained in good repair, be properly anchored and shall be protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- d) All cornices, belt courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- e) All air conditioners shall be maintained in a safe mechanical and electrical condition and water condensators directed so as not to create a hazard.
- f) Where mechanical ventilation is used the ventilating duct which is on the exterior wall shall not be located closer than 1.8 metres (6 feet) from a window located in an adjoining building, or in the building in which the ventilating duct is located.

4.12 ROOFS

- a) The roof including a fascia board, soffit and cornice, shall be maintained in a weather tight condition so as to prevent leakage and free from loose or unsecured objects or materials.
- b) Without restricting the generality of subsection a), the maintenance includes repairing of the roof and flashing, applying waterproof coating, installing or repairing eaves trough and rain water piping, and using other suitable means.
- c) Dangerous accumulations of snow or ice or both shall be removed.
- d) Eaves troughs and downpipes shall be kept in good repair, free from obstructions and properly secured to the building.

4.13 EGRESS

- a) Every dwelling unit or building shall have satisfactory means of egress to meet Part 11 of the Ontario Building Code.

4.14 EXTERIOR DOORS AND WINDOWS

- a) Exterior doors and windows shall be maintained in good repair, reasonably draft free and weather tight.
- b) Exterior doors shall be kept weather resistant through the use of appropriate weather resistant materials.
- c) Nothing in this Section shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory structure from being protected from damage or to prevent entry, provided that protection of exterior doors and windows is prohibited for unoccupied buildings, unless this protection is fitted and painted or otherwise covered to blend in with the exterior of the building.

4.15 WALLS AND CEILINGS

- a) Interior walls and ceilings shall be maintained in good condition and free of holes or cracks and loose plaster or other material.
- b) Without restricting the generality of subsection a) maintenance includes repairing or filling holes and cracks and removing and replacing loose or defective parts.
- c) Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

4.16 FLOORS

- a) Floors shall be maintained in a clean and sanitary condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which are health, fire or accident hazards.
- b) Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts in which dirt collects or which forms a health or accident hazard.
- c) Lavatory or washroom floors, shower-room floors, toilet room and bathroom floors shall be maintained reasonably impervious to water and in a condition conducive to easy cleaning.

- d) Basements which are served by a stairway leading from inside the building or from outside the building shall have a durable finished floor, and where required, shall have a floor drain located at the lowest point of the said floor, which shall be connected to a storm drain or storm sewer system.
- e) A finished floor in a basement shall be free from major cracks, breaks or such as may create a hazardous condition.
- f) Without restricting the generality of subsection a), b), c), d) and e), maintenance includes installing, repairing, refinishing and replacing a floor or floor covering to the required standards.

4.17 STAIRS & PORCHES

- a) Any inside or outside stair, balcony, porch or canopy shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards.
- b) Without restricting the generality of subsection a), the maintenance includes repairing and replacing of treads or risers that show excessive wear or are broken, warped or loose or otherwise defective and supporting structural members that are rotted or deteriorated. Precast or poured concrete steps shall be maintained in good repair and to correct settlement.
- c) All stairs, balconies, porches and canopies shall be painted or coated with a preservative unless constructed of material inherently resistant to deterioration.
- d) A handrail or guard shall be installed and maintained in good repair on the open side of a stairway and on the open side of a balcony, porch or landing so as to provide protection against accident or injury.

4.18 CHIMNEYS & FIRE PLACES

- a) Every chimney smoke pipe and flue in or on a building, actually in use or available for use, shall be maintained so as to prevent gases from leaking into the building, and at all times shall be kept in good repair and maintained free from loose or broken capping.
- b) Without restricting the generality of subsection a), the maintenance includes clearing the flue of obstructions, sealing open joints and repairing masonry.
- c) Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible material and structure members shall not be heated to unsafe temperatures.
- d) Without restricting the generality of subsection c), the maintenance includes securing the connection to a chimney that complies with the CAN/CSA-B365-M standard of the Ontario Building Code, lining and repairing and relining with fire resistant material, and installing and repairing and replacing the hearth.

SECTION 5 - STANDARDS OF FITNESS FOR OCCUPANCY

5.1 PLUMBING & PLUMBING FIXTURES

- a) All installed plumbing, including plumbing fixtures, drains, vents, water pipes, water closets and connecting lines to the water and sewer systems, shall be maintained in good working order and repair, free from leaks or other defects.
- b) Every dwelling shall be provided with an adequate supply of potable running water from a source approved under the Ontario Building Code.
- c) All dwellings shall have the sanitary facilities connected to a sewage system approved under the Ontario Building Code.
- d) Every self-contained dwelling unit shall be provided with a bathroom and toilet room with provision for privacy that is accessible and available to all occupants having at least:
 - i) One toilet;
 - ii) One bathtub or shower or combination bathtub and shower;
 - iii) One wash basin located in or immediately adjacent to every room containing a water closet or urinal;
that are:
 - iv) In good working order.
 - v) Served with hot and cold running water (only cold water connection required to water closets and urinals).
 - vi) Connected to the drainage system.
- e) The hot water serving the wash basin and bathtub or shower required by subsection d) shall be provided so that it may be drawn from the tap at a temperature of not less than 38 degrees C (100 degrees F) and shall not exceed 49 degrees C (120 degrees F).
- f) Rooms containing sanitary conveniences and toilet facilities shall:
 - i) Be regularly cleaned so as to be maintained in a clean and sanitary condition;
 - ii) Have surfaces reasonably impervious to water;
 - iii) Be kept in a safe and bacteria free condition.
- g) No facilities for the preparation, cooking, storage or consumption of food, or for sleeping, shall be contained within a room that contains a toilet.
- h) Non-residential buildings that are places of employment shall be used in accordance with Subsection 3.7.4 of the Ontario Building Code.
- i) Where toilet, kitchen or bathroom facilities are shared by occupants of residential accommodation other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The number of toilets, kitchens or bathrooms required shall be related to the number of occupants sharing the facility.

5.2 HEATING SYSTEM

- a) Every dwelling unit shall be provided with a heating system which maintains a room temperature of 20 degrees C (68 degrees F) in all habitable rooms, bathrooms and toilet rooms.
- b) The heating system required by subsection a) shall be maintained in good working condition so as to be capable of heating the dwelling safely.
- c) Permanently sealed connections shall be kept between all heating equipment involving combustion and a chimney or flue which provides sufficient outlet for venting to the exterior of all gases so as to prevent any health, fire or accidental hazard.
- d) Approved connections shall be kept between all heating and cooking equipment burning gaseous fuels and the supply line.
- e) A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- f) No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movements of persons within the room where the heater is located.
- g) Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazard and maintained to the standard provided by the Energy Act as amended or other applicable legislation.

5.3 ELECTRICAL SERVICES

- a) Every dwelling unit and, where required by the Building or Electrical Safety Codes, all buildings and accessory structures shall be:
 - i) Connected to an electrical supply system and wired to receive electricity.
 - ii) provided with an adequate supply of electric power available at all times.
- b) The capacity of the connection to the building and the system of circuits distributing the electrical supply within the building shall be adequate for the use and intended use and shall be in compliance with The Electrical Safety Code.
- c) Every habitable room, except a kitchen, shall contain at least one electrical duplex convenience outlet and every kitchen shall contain at least two duplex convenience outlets.
- d) Fuses or overload devices shall not exceed limits set by Hydro-One.
- e) Existing wiring and electrical equipment shall be in good, serviceable and safe condition as required by Hydro-One.

5.4 KITCHENS

- a) Every self-contained dwelling unit shall contain a kitchen area equipped with a sink served with hot and cold water, storage facilities, a countertop work area and space for a stove and refrigerator.
- b) Every kitchen sink shall have a drain area of an impervious surface and shall be connected to an appropriate drain.

- c) Every main cooking space shall have provided an adequate and approved energy source.
- d) All combustible materials in the area of a cooking surface shall meet the standards of the Ontario Building Code.
- e) All habitable rooms, except kitchens, shall be provided with a source of natural light.

5.5 OCCUPANCY STANDARD

- a) A non-habitable room shall not be used as a habitable room.
- b) No portion of a building shall be occupied if it does not meet the requirements of this By-law.
- c) The maximum number of occupants in a dwelling unit shall not exceed one person per 9.3 square metres (100 square feet) of habitable room floor area.
- d) No basement shall be used as a dwelling unit unless it is otherwise permitted and it meets the following requirements:
 - i) The dwelling unit meets all requirements for egress, light and ventilation set out in this By-law;
 - ii) Floors and walls are constructed so as to be impervious to leakage of underground and surface runoff water.

SECTION 6 - VACANT LANDS AND BUILDINGS

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

6.1 VACANT LANDS

Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

6.2 VACANT BUILDINGS

- a) Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- b) The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weather-proof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

SECTION 7 - NON -RESIDENTIAL PROPERTY STANDARDS

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

7.1 **YARDS**

- a) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles.

7.2 **STRUCTURAL SOUNDNESS**

- a) Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- b) Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

SECTION 8 - ADMINISTRATION AND ENFORCEMENT

8.1 **PROPERTY STANDARD OFFICER**

This By-law shall be administered and enforced by a Property Standards Officer appointed by the Township of St. Clair.

8.2 **ADMINISTRATION AND ENFORCEMENT**

The administration and enforcement of this By-law is to be carried out in accordance with Section 15 of the Building Code Act, S.O. 1992.

- a) When any lands are not maintained pursuant to the requirements of this By-law, the By-law Enforcement Officer or designated person shall send Notice to the current or registered property Owner on title at the subject address listed on title. Such notice, in the form of an Order to Comply, shall detail the violation and allow the owner 14 days (unless otherwise stated by Council) from time of receipt to correct the violation. Such notice shall be deemed received, if delivered other than by hand, within five days after the date of the notice.
- b) If the Owner of any property fails to comply with anything required to be done accordance with this by-law, the Township of St. Clair in addition to all other remedies, shall:
 - i) Have the right to proceed with appropriate measures in order to bring the property into compliance with this By-law, and for this purpose with its servants and agents from time-to-time to enter in and upon the property.
 - ii) Not be liable to compensate such owner or any other person having an interest in the property by reasons of anything done by or on behalf of the Township of St. Clair under provisions of this subsection, and
 - iii) Have the right to recover from the Owner of the property any amount expended by or on behalf of the Township of St. Clair under the authority of this section together with an administrative fee representing 100% of the amount expended by or on behalf of the municipality.
- c) It is hereby declared that each and every of the foregoing provisions of the By-law is servable and that, if any provisions of this By-law should, for any reasons, be declared invalid by any court, It is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.3 NOTICE OF VIOLATION

- a) If, after inspection, the Officer is satisfied that in any respect the property does not conform to the standards prescribed in this By-law, he/she may make an order,
 - i) Stating the municipal address or legal description of the property;
 - ii) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - iii) indicating the time for complying with the terms and conditions of the order and giving notice that, if such repairs or clearance are not carried out within the time, the Municipality may carry out the repairs or clearance at the expense of the owner; and
 - iv) Indicating the final date for giving notice of appeal from the order.
- b) The order shall be served on the owner of the property and such other persons affected by it as the Officer determines and a copy of the order may be posted on the property.
- c) The order may be registered in the proper registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served and when the requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

8.4 RIGHTS OF APPEAL

- a) When an owner or occupant upon whom an order has been served in accordance with this By-law is not satisfied with the terms or conditions of the order, he/she may appeal by registered mail to the Secretary of the 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.
- b) The Secretary of the Committee, in receipt of a notice of appeal, shall determine the date, place and timing of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the foresaid notice and shall give notice in writing of the date, place and time of the hearing to the appellant and the Officer who issued the order.
- c) When an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the 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 or policy statement are maintained.
- d) The Committee shall give a copy of its written decision to the appellant and the Officer who issued the order.
- e) The Municipality in which the property is situate or any owner or occupant or person affected by a decision of the Committee may appeal to a Judge of the Ontario Court (General Division) 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 decision and:
 - i) the Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his/her appointment, may direct that it shall be served upon such persons, and in such manner as he/she prescribes;
 - ii) The appointment shall be served in a manner prescribed;

- iii) The Judge on such appeal has the same powers and functions as the Committee.
- f) The order as deemed to have been confirmed by the Officer or as confirmed or modified by the committee or, in the event of an appeal to the judge 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.

8.5 EMERGENCY ORDER

Despite any other provisions of this By-law, if upon inspection of a property the Officer is satisfied there is nonconformity with the standards prescribed in the By-law to such extent as to pose an immediate danger to the health or safety of any person the Officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

8.6 EMERGENCY POWERS

After making an order under section 8.3 of this By-law, the Officer may, either before or after the order is served, take or cause to be taken any measures he/she considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

- 8.7 The Provisions of this By-law do not apply to municipally owned or controlled property.


SECTION 9 - ENACTMENT

This By-law shall come into force and take effect on the day of its passing.

Read a First and Second time this 4th day of July, 2011.

READ A THIRD TIME and finally passed this 4th day of July, 2011.


MAYOR


CLERK