

**BY-LAW NUMBER 141-2002
OF THE CORPORATION OF
THE CITY OF STRATFORD**

Being a by-law of The Corporation of the City of Stratford pursuant to the *Building Code Act, S.O. 1992, c.23*, as may be amended from time to time, for prescribing standards for the maintenance and occupancy of property within the City of Stratford and for prohibiting the occupancy of use of such property that does not conform with the standards and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition and to repeal By-law 92-75 and Amending By-law 96-77, By-law 4953, and By-law 65-73.

WHEREAS there is in effect in the City of Stratford an Official Plan that includes provisions relating to property conditions.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF STRATFORD ENACTS AS FOLLOWS:

1.0 DEFINITIONS:

For the purpose of this By-law,

- 1.1 **Accessory Building** shall mean a detached subordinate building or structure on the same lot as the main building and is not intended for human habitation.
- 1.2 **Approved** means acceptance by the Officer.
- 1.3 **Balustrade** means a row of balusters or spindles surmounted by a railing.
- 1.4 **Basement** means a storey or storeys of a building located below the first storey.
- 1.5 **Bathroom** shall mean a room that contains a shower or bathtub, water closet, and wash basin.
- 1.6 **Boarding & Rooming House** means a single detached dwelling occupied by the owner thereof as his principal residence and contains two or more guest rooms rented or intended to be rented for a weekly or longer period, and includes a rooming house.
- 1.7 **Borders or Roomers** means persons who rent living accommodation, without separate cooking facilities, for a term of not less than one week, within a dwelling unit.
- 1.8 **Brush** means limbs or branches from trees or shrubs.
- 1.9 **Building Code** means O. Reg. 403/97, as amended, made pursuant to the *Building Code Act*.
- 1.10 **Building Code Act** means the *Building Code Act, 1992, S.O. 1992 c. 23*, as amended.

- 1.11 **Chief Building Official** means the Chief Building Official appointed by City Council under Section 3 of the Building Code Act.
- 1.12 **City** means The Corporation of the City of Stratford.
- 1.13 **Committee** means the Property Standards Committee established under this by-law.
- 1.14 **Compost** means a layered structure of kitchen and/or garden refuse, soil, or decayed plants used as a fertilizer, and may only include the materials listed in 2.4 (c).
- 1.15 **Crawl Space** means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1 800 mm (5ft 11 in) in height.
- 1.16 **Dwelling** means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the land and premises appurtenant thereto and all accessory buildings thereon or therein.
- 1.17 **Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 1.18 **Fire Department** means the City of Stratford Fire Department.
- 1.19 **Fire Separation** means a construction assembly that acts as a barrier against the spread of fire, as defined in the Building Code.
- 1.20 **First Storey** means the storey with its floor closest to grade and having its ceiling more than 1.8m (5 ft 11 in) above grade.
- 1.21 **Garbage** means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or drink.
- 1.22 **Good Repair** means that a building, structure or appurtenances thereto, including mechanical & electrical equipment, shall be maintained so as to be:
- ◆ free from injury or health hazard,
 - ◆ free from accident or fire hazard,
 - ◆ structurally sound,
 - ◆ in good working order,
 - ◆ not unsightly by reason of deterioration, neglect, damage or defacement,
 - ◆ able to perform its intended function, and;
 - ◆ protected from freezing
- 1.23 **Guard** means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, retaining walls, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another and such barrier may or may not have openings through it and may or may not include a handrail.
- 1.24 **Habitable Room** means a room which can be used at all times throughout the year and is designed for living, sleeping or dining, and, when used in reference to a dwelling, includes any room other than a non-habitable room as defined in this by-law.

- 1.25 **Landscape Area** means a deliberately implemented garden which may include perennials, annual flowers, shrubs, grasses, and structures such as rock, retaining walls etc.
- 1.26 **Means of Egress** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.27 **Medical Officer of Health** means the Medical Officer of Health for the City of Stratford.
- 1.28 **Natural Area** means any growth which forms part of a natural garden that has been deliberately implemented, or exists naturally to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed or natural landscape other than a turf grass area or landscaped area.
- 1.29 **Non-Habitable Room** when used in reference to a dwelling, means any room or other area in a dwelling, other than a habitable room, and includes, without limiting the generality of the foregoing, a laundry room, a pantry, a bathroom, a lobby or vestibule, a communicating corridor, a stairway, a closet, a basement recreation room, an unfinished attic or basement, a sunroom, verandah, porch or balcony, a garage, or any space used for the service and maintenance of such dwelling or for vertical travel between storeys.
- 1.30 **Non-Residential Property** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or structures thereon or therein.
- 1.31 **Occupant** means any person or persons over the age of eighteen years in possession of the property.
- 1.32 **Officer** means an inspector appointed by City Council under the authority of the *Building Code Act*.
- 1.33 **Owner** includes:
- a) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether or the person's own account or as agent or trustee of any other person or who would receive the rent if the land and premises were let; and
 - 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.
- 1.34 **Person** means an individual, firm, corporation, association or partnership.
- 1.35 **Plumbing Code** means any Provincial code and any by-laws of the Corporation of the City of Stratford relating to plumbing and drainage.
- 1.36 **Property** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether theretofore or hereafter erected and includes vacant property.

- 1.37 **Repair** includes the provision of facilities, the making of additions or alterations or the taking of any other action that shall cause any system, appliance, equipment or material to perform its intended function and will ensure that a property conforms with the standards established in this by-law. And includes taking any action which the officer, at the direction of the chief building official, considers necessary for the protection of the public.
- 1.38 **Rubbish** means any combustible or non-combustible discarded or waste materials and items, including appliances and furniture, except garbage or brush.
- 1.39 **Sewage** shall mean any liquid waste containing animal, vegetable, or mineral matter in suspension or solution, but does not include storm water.
- 1.40 **Sewage System** means a sewage system as defined in Part 1 of the Building Code.
- 1.41 **Standards** means the standards of physical conditions and occupancy set out in this by-law.
- 1.42 **Suite** means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
- 1.43 **Turf Grass Area** means a regularly maintained area to a maximum height of 20-cm (8 inches) consisting of desirable turf grass species such as blue grass, fescues, perennial ryes and all tall fescues, and may include other types of plant material.
- 1.44 **Vermin** means any small animal, bird or insect that is considered as a pest but shall not mean any domestic animal or pet.
- 1.45 **Weeds** means all noxious and local weeds designated under the provisions of the *Weed Control Act*.
- 1.46 **Yard** means the area of a property not occupied by buildings or structures.
- 1.47 **Zoning By-law** means the City of Stratford Zoning By-law 201-2000 as amended, and any successors thereto.

MAINTENANCE AND OCCUPANCY STANDARDS

2.0 YARDS

- (a) Yards shall be kept free from rubbish, garbage, brush or other debris as well as nests of bees, wasps, hornets, termites, rodents, or other vermin.
- (b) Yards shall be kept clear and free of dilapidated or collapsed structures that are a health, fire or accident hazard.
- (c) Yards shall not contain objects or conditions which could cause a health, fire or accident hazard.
- (d) No person shall alter existing grading so as to negatively impact adjacent properties by causing erosion, ponding or increased ponding of storm water.
- (e) Yards shall be kept free of dead, decaying or damaged trees.

- (f) The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the property from which it originated and discharge to the abutting municipal storm drainage facility. When the natural grade of the land prohibits an immediate discharge from the premises to a storm drainage facility, the run-off shall be directed to its natural course in such a way as to avoid damage to adjacent properties.
- (g) No owner or occupant of property shall allow the growth of turf grass or weeds on his or her property to exceed twenty 20 centimeters (8 inches) in height.
- (h) Landscaped areas shall be maintained in good repair.
- (i) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, machinery or objects or parts thereof shall be placed, stored or left on land, except:
 - (i) where the occupant of the premise is actively carrying on the repair of one vehicle for his own use and not for commercial purpose.
 - (ii) where such articles are required and used for business purposes permitted under the City's land use by-laws and where such articles are placed, stored or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbouring environment or,
 - (iii) where a recreational vehicle and/or its trailer, tent-trailer or a travel-trailer is being stored, it shall be in a manner so as to not create a health or safety problem.
- (j) Surface Conditions of yards shall be maintained so as to:
 - (i) prevent surface & subsurface water run-off from entering basements or cellars
 - (ii) not exhibit an unsightly appearance
 - (iii) be kept free of deep ruts and holes
 - (iv) provide safe passage under normal use and weather conditions, day or night and not to create a nuisance to other property and;
 - (v) prevent erosion
- (k) Pools, spas, hot tubs, ponds or any similar structure and any appurtenance thereto shall be maintained in good repair.
- (l) Yards shall be maintained in good repair.

2.1 SEWAGE AND DRAINAGE

- (a) Every plumbing fixture in every building shall discharge water, liquids or sewage into drainage piping which shall be connected to a municipal service or sewage system approved by the City.
- (b) Storm water from the roof or driveway or other surface shall not be drained to the sanitary sewage system.
- (c) Sewage or wastes of any kind shall not be discharged onto the surface of the ground whether into a natural or artificial surface drainage system.
- (d) Water run-off from roof surface shall be discharged by way of eavestroughs or roof gutters, and downpipes, unless it can be demonstrated to an Officer that installation of eavestroughs, roof gutters, and downpipes is not necessary due to

existing site conditions. Where eavestroughs or roof gutters and downpipes are necessary, they shall be maintained in good repair.

2.2 WALKS, DRIVEWAYS, PARKING AND LOADING AREAS

- (a) For non-residential property, all walks, driveways, parking and loading areas shall be surfaced with gravel, bitumen, concrete, brick or similar material, and be designed to carry imposed vehicular loads.
- (b) For residential property, all walks, driveways, parking areas shall be surfaced with gravel, bitumen, concrete, brick or similar material, and be designed to carry imposed vehicular loads.
- (c) For residential property, there shall be a walk surfaced with gravel, bitumen, concrete, brick or similar material leading from every dwelling unit to the curb or to the sidewalk, or driveway whichever is reached first.
- (d) All walks, driveways, parking, and loading areas shall be provided with dust control measures as required.

2.3 GARBAGE, RUBBISH

- (a) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage & rubbish, refuse and ashes that may accumulate in the dwelling unit or on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- (b) All garbage and rubbish, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the City garbage collection by-law.
- (c) Garbage and rubbish storage areas shall be screened from public view.

2.4 COMPOST HEAPS

- (a) The occupant of a residential property may provide for a compost heap provided that the compost heap is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal framed building with a concrete floor, or a commercial plastic enclosed container designed for composting.
- (b) Compost heaps and containers shall be screened from public view.
- (c) Compost may be comprised of the following materials only; leaves, grass clippings, house plants, garden plants, shrub and hedge trimmings branches all fruits and vegetables (peelings, cores and scrapings) coffee grounds and filters, tea bags, egg shells, pasta, bread.

2.5 SIGNS

All signs and billboards shall be maintained in good repair, and be in accordance with the City Sign By-law.

2.6 STRUCTURAL

- (a) Every building and every structural member of a building shall be maintained in good repair so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials, which have

been damaged or show evidence of rot or deterioration shall be removed and replaced with sound material.

- (b) All foundation walls, basement and crawl space floors, piers, columns and beams of a building shall be maintained in good repair and be free from major cracks or breaks that may create a hazardous condition.

2.7 EXTERIOR WALLS

- (a) All exterior walls and their components shall be adequate to support the loads imposed upon them and shall be maintained in good repair, and shall be free from vermin.
- (b) All exterior walls shall have a cladding or covering that is free of holes, cracks or excessively worn surfaces to prevent the entry of moisture into the structure and provide adequate durability.
- (c) Without restricting the generality of subsection 2.7(b) above, the maintenance of such walls and coverings includes painting, restoring or repairing of the walls, doors, glazing, copings, flashings and other component parts thereof.

2.8 EXTERIOR SURFACES

Appropriate measures shall be taken to remove any markings, stains or other defacement, occurring on an exposed exterior surface which detracts from the neighbouring environment, or, where necessary, to restore same as nearly as possible to their appearance before the markings, stains or defacement occurred.

2.9 FENCES

- (a) A fence on a property or separating adjoining properties shall be maintained:
 - (i) in compliance as required with the requirements of the City's Fence By-law, and
 - (ii) in good repair

2.10 ROOFS, CANOPIES, MARQUEES, AWNINGS AND THEIR DRAINAGE

- (a) All canopies, marquees and awnings shall be properly anchored so as to be kept in good repair and shall be protected from decay and rust by a periodic application of weather-coating material.
- (b) All roof construction components shall be maintained in good repair, and provide adequate support for all loads, and form a suitable base for the roof covering.
- (c) The roof, including the fascia board, soffit, cornice and flashing, shall be maintained in good repair, and be in condition so as to prevent leakage of water into the building.

2.11 STAIRS, PORCHES, FIRE ESCAPES, STAIRWAYS

Every inside or outside stairway and every porch, fire escapes, balconies, landings and appurtenances shall be maintained in good repair.

2.12 GUARDRAILS

- (a) In every building, every stairwell or open stairway with more than three risers shall be equipped with guards and balustrades maintained in good repair so as to

produce adequate protection against accident or injury and where the stair exceeds 1100 mm in width, a handrail shall be installed on both sides.

- (b) Landings, porches, decks, balconies, mezzanines, galleries, raised walkways and roofs used as a deck shall be protected by a guard on every side which is not protected by a wall and where there is a difference in elevation to adjacent surfaces of more than 600 mm. This 600 mm height may be increased to one (1) metre if it can be shown that the location in question does not represent a hazard.
- (c) All guard handrails and balustrades, and appurtenances shall be maintained in good repair.
- (d) Every exterior stair with more than six (6) risers and every ramp shall be protected with a guard and balustrades on the open side where there is a difference in elevation to adjacent surfaces of more than 600 mm.
- (e) The installation and construction of new guards, handrails and balustrades shall comply with the Building Code.

2.13 DOORS AND WINDOWS

- (a) All exterior openings in buildings shall be fitted with doors or windows.
- (b) Windows, exterior doors and basement hatchways shall be maintained in good repair.
- (c) Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.
- (d) Main entrance doors to dwelling units shall be provided with:
 - (i) a door viewer or transparent glazing in the door, or
 - (ii) a sidelight
- (e) All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- (f) All buildings shall be capable of being reasonable secure against unlawful entry.

2.14 EXCLUSION OF VERMIN

- (a) All buildings shall be kept free of vermin at all times and methods used for exterminating vermin shall be in accordance with the provisions of the *Pesticides Act R.S.O 1990 c. P.11*, as amended, and all regulations enacted pursuant thereto.
- (b) Basement windows used or required for ventilation, and any other opening in a basement including a floor drain, that may permit the entry of vermin, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude vermin.

2.15 EGRESS/ EXITS

- (a) Where dwelling units open into a dead end corridor, the dead end corridor is permitted where the travel distance from the most remote point of the dead end portion to a point where it is possible to go in opposite directions to each of two separate exits does not exceed 6 m. and there are no more than four suites leading into the dead-end corridor. All doorways in dead-end corridors shall have self-closing devices installed. Where there are more than four suites leading into the

dead end corridor and the travel distance exceeds 6 m, all suites shall have enhanced early warning devices installed.

- (b) Every dwelling, residential suite and each dwelling unit shall have a safe, continuous and unobstructed means of egress. Means of egress shall be maintained in good repair.
- (c) A window shall be located on the floor area, as required by article 9.7.1.3. of the Building Code, and shall be readily accessible for rescue purposes as determined by the Chief Building Official.

2.16 WALLS AND CEILINGS

- (a) Where suites are separated vertically, the dividing walls shall provide continuous protection through all storeys and such walls shall conform to the fire separation requirements contained in the Building Code.
- (b) Where the suites are separated horizontally, there shall be a finished ceiling separating these occupancies and such ceilings shall conform to the fire separation requirements contained in the Building Code.
- (c) Fire separations shall be maintained in good repair.
- (d) The interior of floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through the exterior wall of roof assembly.
- (e) The interior of floors, ceilings and walls shall be maintained in good repair.

2.17 FLOOR

- (a) Every floor in a building shall be kept free from rubbish or garbage, and be maintained in good repair.
- (b) Flammable materials which create a fire hazard shall not be stored anywhere in a building unless in compliance with the *Ontario Fire Code*, or in the absence of such requirements, in conformance with the *National Fire Code*.
- (c) Every floor shall be kept free from excessive dampness arising from the entrance of moisture.

2.18 GARAGES, CARPORTS

Noxious gases including carbon monoxide shall not be permitted to enter a dwelling unit from garages.

2.19 INSULATION

Where reconstruction is occurring the thermal insulation air barrier and vapour barrier requirements of the Building Code shall be met.

2.20 ACCESS

An access opening of a least 550 mm (22 in) by 750 mm (30 in) shall be provided to all attics, crawl spaces and any other enclosed space in every dwelling unit. Enclosed attic, roof and crawl spaces shall be vented in accordance with the Building Code.

2.21 RETAINING WALLS

- (a) All retaining walls, screen walls and ornamental walls shall be maintained in good repair.
- (b) New retaining walls shall comply with subsection 2.1.2., of the Building Code.
- (c) Existing retaining walls greater than 1m in height shall have a guard in conformance with the Building Code requirements.

2.22 FIRE DAMAGED BUILDINGS

Following a fire, the owner of a property shall be responsible for securing the property, including all buildings thereon, as determined by the Fire Department or Chief Building Official immediately against entry by any person.

2.23 DEMOLISHED BUILDINGS

Upon completion of demolition, the entire site shall be cleared and cleaned of all debris, left free from holes or excavations, and shall be graded to prevent erosion, water ponding, and any adverse effects on neighbouring properties. The property shall also be provided and maintained with a suitable ground cover.

2.24 PLUMBING

- (a) Every building shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- (b) Every sink, washbasin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water. All hot water shall be supplied at a minimum of 43° Celsius (109 degrees Fahrenheit).
- (c) Adequate running water shall be supplied to every toilet.
- (d) All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good repair.
- (e) Every dwelling unit except as provided in Subsection 4.2.(f) hereof shall contain the following plumbing fixtures.
 - ◆ a toilet
 - ◆ a kitchen sink
 - ◆ a bathtub or shower
 - ◆ a washbasin
- (f) In a boarding or rooming house, there shall be one toilet, sink and bathtub or shower for each eight persons or less. The facilities shall be located on the same storey or on the next higher or lower storey.
- (g) All bathrooms shall be located within the building and accessible from within and shall be fully enclosed and have a door capable of being locked from the inside to provide privacy for the occupant.
- (h) Where practicable, a washbasin shall be located in the same room as the toilet.
- (i) All kitchen areas shall have a sink with hot and cold running water, storage facilities and counter top work area.
- (j) Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.

- (k) All kitchen facilities shall be maintained in good repair.
- (l) Walls around tubs and showers shall be of water repellent material. All bases for such walls shall be of waterproof material such as greenboard or waterproof assembly.

2.25 HEATING SYSTEMS

- (a) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 70° degrees Fahrenheit (21 degrees Celsius).
- (b) Heating facilities shall be provided which shall be capable of maintaining a temperature not less than 65° degrees Fahrenheit (18 degrees Celsius) in an unfinished basement. Crawl spaces need not be heated.
- (c) Oil-burning, gas-burning and electric equipment shall be installed to conform to the following standards as they may be amended:

C.S.A. B51-97	Boiler, Pressure Vessel and Pressure Piping Code.
C.S.A. B52-95	Mechanical Refrigeration Code
CAN/CSA B-139-M91	Installation Code for Oil Burning Equipment
B140.0 M87 (1991)	General Requirements for Oil Burning Equipment
CAN/CGA –B149.1-M95	Natural Gas Installation Code
CAN/CGA – B149.2-M95	Propane Installation Code
CAN/CGA – B149.2-M89	Code for the Field Approval of Fuel-Related Components on Appliances and Equipment
CAN/CGA – B149.3-M91	Solid Fuel-Fired Central Heating Appliances
CSA – 2CC. 1-98	Canadian Electrical Code, Part 1

- (d) Fuel-burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or a vent or flue. Such chimneys and vents or flues must meet the requirements as outlined in the Subsection above.
- (e) Solid fuel-burning appliances shall conform to the standards as set out in the Building Code.
- (f) Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.
- (g) All flues shall be kept clear of obstructions. All open joints shall be sealed and all broken and loose masonry shall be repaired.
- (h) Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- (i) It is the responsibility of the owner that all heating systems including vent piping, and mechanical systems be maintained in good repair.

2.26 ELECTRICAL SERVICE

- (a) Electrical installations, including the service capacity of the installation and the number and distribution of circuits shall conform to O. Reg. 164/99, as amended, made pursuant to the *Electricity Act, 1998*, being the *Electrical Safety Code*.
- (b) Every building shall be wired for electricity and lighting equipment shall be installed throughout to provide illumination.

- (c) Fuses or overload devices shall not exceed limits set by O. Reg. 164/99, as amended, made pursuant to the Electricity Act, 1998, being the Electrical Safety Code.
- (d) An electrical light fixture shall be installed in every bathroom, bedroom, laundry room, furnace room, kitchen, hall and stairway, basement, non-habitable work or storage room, living room, dining room, and vestibule.
- (e) Every entrance to buildings with residential occupancy shall have a light fixture and shall be maintained in good repair.
- (f) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good repair. All electrical services shall conform to the regulations established by O. Reg. 164/99, as amended, made pursuant to the *Electricity Act, 1998*, being the Electrical Safety Code.
- (g) If an Officer determines that a system is not in good repair, the Officer may require a Hydro Inspection report from the owner of the property.

2.27 LIGHT AND VENTILATION

- (a) Windows shall be provided in a dwelling unit in accordance with the Building Code.
- (b) Ventilation shall be provided in a dwelling unit in accordance with the Building Code, except as required in section 2.27 (e) of this by-law.
- (c) An opening for natural ventilation may be omitted from a bathroom where a system of automatic mechanical ventilation has been provided such as an electrical fan with a duct leading to outside the building.
- (d) Every unheated crawl space not accessible from the basement shall be adequately vented to the outside air by means of screened windows which can be opened, or, by louvers with screened openings, the area of which shall not be less than one percent of the floor area for basements and 645 cm² (100 in²) for every 48 m² (517 ft²) of crawl space area.
- (e) Every basement, crawl space and similar space shall be adequately drained and ventilated.
- (f) Ventilation, as required by the Building Code, shall be provided and maintained within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

2.28 LIGHTS

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets in such a manner as to not confuse persons driving vehicles on such streets, and not cause a nuisance to adjacent properties.

2.29 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 repair in accordance with applicable legislation.

2.30 DISCONNECTED UTILITIES

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.

2.31 OCCUPANCY STANDARDS FOR DWELLINGS, DWELLING UNITS OR RESIDENTIAL SUITES

- (a) No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- (b) The occupant load of a dwelling unit, residential suite shall be determined based upon a minimum two persons per bedroom.
- (c) No person shall use, permit the use of, rent or offer for rent any dwelling that does not conform to the standards set out in this by-law.
- (d) No basement space shall be used as a habitable room unless it meets the following requirements;
 - (i) floor and walls are constructed so as to be impervious to leakage to underground and surface run off water and be treated to prevent dampness and be insulated.
 - (ii) each space intended to be used as a habitable room meets all requirements for light, ventilation and ceiling height set out by the Building Code.
 - (iii) each space intended to be used as a habitable room shall be separated from the heating equipment, incinerators or other equally hazardous equipment as required by the Building Code and;
 - (iv) access to each residential suite or dwelling unit shall be gained without the passage through a furnace or boiler room.

2.32 RESPONSIBILITIES OF THE OWNER OR LESSEE

- (a) The owner shall be responsible for all items in this by-law except that where the owner is not the occupant of a dwelling or dwelling unit then the occupant of a dwelling or dwelling unit shall:
 - (i) limit occupancy of that part of the premises, which he occupies or controls to maximum number of people permitted by this by-law.
 - (ii) maintain in good repair that part of the premises, which he occupies or controls free from rubbish, garbage, vermin.
 - (iii) maintain a safe, continuous, unobstructed exit from the interior of the building to an open space with access to a public thoroughfare at street or grade level and;
 - (iv) place all garbage containers behind the established building line(s) and kept in a neat and tidy condition.

- (b) Where an order of an officer is directed to an owner to repair or demolish and the property affected is used or occupied by a person or persons holding such property under the provisions of a lease, oral or written, the occupant of the said property shall afford entry to the owner or his agent at all reasonable times so that the owner or his agent may carry out the required repairs.
- (c) The owner, or the occupant of any property to the extent that the occupant is made responsible by the lease or agreement under which he occupies the property, shall be required to repair and maintain the property in accordance with this by-law or demolish the whole or any part of the property.
- (d) Where an order of an officer is directed to an owner to demolish, the owner of the property shall make sure that the property is vacated prior to commencement of demolition.
- (e) 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 Building Code where applicable.
- (f) It is the responsibility of the owner of the property to obtain any permits required prior to commencement of repair or demolition.

2.33 VACANT LANDS AND BUILDINGS

- (a) Vacant land shall be maintained to the standards as described in section 2.0-2.1 of this by-law.
- (b) Vacant buildings shall be kept cleared of all garbage, rubbish and debris, vermin, and shall have all water, electrical and gas services tuned off except for those services that are required for the security and maintenance of the property.
- (c) The owner or agent of a vacant building shall board up the building by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

2.34 PROPERTY STANDARDS COMMITTEE

- (a) A Property Standards Committee is hereby established. The Committee shall consist of five persons who shall be the same five persons as are the members of the City's Planning and Heritage Sub-Committee and the term of membership on the Property Standards Committee shall coincide with the term of membership on the Planning and Heritage Sub-Committee.
- (b) The duties of and procedures of the Property Standards Committee shall be in accordance with the requirements and provisions of the *Building Code Act*.
- (c) The fee for an appeal to the Property Standards Committee of an order made under subsection 15.2(2) of the *Building Code Act* is set out in Schedule "B" of this by-law.

ENFORCEMENT & ADMINISTRATION

3.0 APPLICATION OF BY-LAW

Where a provision of this by-law conflicts with a provision of any other applicable legislation or by-law in force in the City, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

3.1 COMPLIANCE

The owner of any property which does not conform to the standards as set out in this by-law shall repair and / or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a levelled and graded condition.

3.2 COMPLIANCE DIFFICULT – ALTERNATIVE APPROACH

Following discussions with the Officer concerning why compliance with requirements in this by-law is impracticable due to structural or construction difficulties, the owner may obtain the services of a Designer, Professional Engineer, Architect or, in a specific case, the services of a Fire Protection Engineer, to review the situation and present a "compliance alternative" to the requirements in this by-law. The "compliance alternative" shall not reduce the performance level of the building after construction to less than the performance level of the building prior to construction. The "compliance alternative" proposed shall also be acceptable to the Chief Building Official.

3.3 CERTIFICATE OF COMPLIANCE

Following the inspection of a property an officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion the property is in compliance with the standards and a fee shall be payable for a certificate issued in accordance with section 15.5(3) of the *Building Code Act*. Fees required for issuance of a certificate of compliance are set out in Schedule "A" of this by-law.

3.4 NON-COMPLIANCE WITH ORDER

- (a) If an order of an officer made under section 15.2 of the Building Code is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge of the Ontario Court (General Division), the City may cause the property to be repaired or demolished accordingly. The City shall have a lien on the land for the amount spent on the repair or demolition and the amount shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- (b) In accordance with section 36 of the *Building Code Act*:
 - (i) a person is guilty of an offence if, amongst other matters, the person fails to comply with an order, direction or other requirement made under the Building Code Act;
 - (ii) a person who is convicted of an offence is liable to fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence;
 - (iii) if a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence and not as provided in subsection (b)(ii).

3.5 INVALID PROVISIONS

SCHEDULE "A" to By-law 141-2002

FEE SCHEDULE FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE

Residential Units

Charge

\$25.00 per suite
minimum \$75.00

Non-Residential Units

Charge

22 cents per square metre (2 cents per square
foot)
minimum of \$75.00

SCHEDULE "B" to By-law 141-2002

FEE SCHEDULE TO APPEAL A PROPERTY STANDARDS ORDER

\$75.00 PER APPEAL