

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2002-119

Consolidated on May 21, 2008

Passed by Council on August 27, 2002

Amendments:

1) By-law 2008-076                      May 13, 2008                      Article 2.03

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

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THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2002 - 119

**A BY-LAW TO REGULATE AND GOVERN THE STANDARDS FOR MAINTAINING AND OCCUPYING PROPERTY WITHIN KAWARTHA LAKES.**

**Recitals**

1. Subsection 15.1(3) of the *Building Code Act*, authorizes the passing of a By-law for prescribing standards for the maintenance and occupancy of property.
2. The Council considers it necessary to pass a By-law for prescribing standards for the maintenance and occupancy of property within the City, for prohibiting the occupancy or use of property that does not conform to the standards, and for requiring property that does not conform with the standards to be repaired and maintained (or for the site to be cleared of all Buildings, structures, debris or refuse and left in a graded and leveled condition).
3. The City has an Official Plan (adopted from one of its predecessor municipalities, the County of Victoria), which includes provisions relating to property conditions.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2002-119.**

**Article 1.00: Definitions and Interpretation**

1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Subject to Section 1.02, where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- (a) **“Acceptable”** means acceptable in the opinion of the Property Standards Officer.
- (b) **“Accessory Building”** means a subordinate, detached Building designed or intended for the better or more convenient use of the main Building to which it is accessory, including private garages not attached in any way to the main Building and located upon the lot which such main Building is, or is intended to be erected.
- (c) (i) **“Adequate”** when applied to lighting in halls, corridors, stairs or landings, means sufficient light to provide an average level of illumination of at least thirty-two (32) lux (equivalent to three (3) foot candles) at floor or tread level.  
(ii) **“Adequate and Suitable”** heat means a minimum air temperature within a Dwelling Unit of twenty (20°) degrees Celsius (equivalent to sixty-eight (68°) degrees Fahrenheit).  
(iii) An **“Adequate and Suitable”** supply of hot water is one at the ordinary temperature of at least forty-nine (49°) degrees Celsius (equivalent to one hundred twenty (120°) degrees Fahrenheit) in a quantity of at least one hundred sixty five (165) litres (equivalent to thirty-six (36) gallons) for fifteen (15) minutes with a minimum recovery rate of forty-five (45) litres (equivalent to ten (10) gallons) per hour at the above mentioned temperature.

- (iv) An **“Adequate and Suitable”** supply of water means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities.
- (d) **“Basement”** means a storey or storeys of a building located below the first storey.
- (e) **“Building”** includes:
  - (i) a structure occupying an area greater than ten (10) square metres (equivalent to 108 square feet) consisting of a wall, roof and floor or any of them or a structural system serving that function, including all plumbing, works, fixtures and service systems appurtenant to it;
  - (ii) a structure occupying an area of ten (10) square metres (equivalent to 108 square feet) or less, that contains plumbing, including the plumbing appurtenant to it;
  - (iii) any structure designated in the Ontario Building Code as a “building”.
- (f) **“By-law”** means this by-law, as it may be amended from time to time, including its recitals and any schedules, which are considered integral parts of the By-law.
- (g) **“Cellar”** means the Storey, or portions of Storeys, of a Building in which one-half or more of the height of such Storey, or portions of Storeys, from the floor to the ceiling, is below the average level of the ground adjoining the Storey or portion of a Storey.
- (h) **“City”** means The Corporation of the City of Kawartha Lakes.
- (i) **“Committee”** means the Property Standards Committee established pursuant to Article 2.00 of this By-law.
- (j) **“Clean and Sanitary”** means Clean and Sanitary to the satisfaction of the Property Standards Officer.
- (k) **“Council”** means the elected municipal council for the City.
- (l) **“Disconnect”** includes shut off, remove or discontinue.
- (m) **“Dwelling”** means a Building or structure any part of which is or is intended to be used for the purpose of human habitation and includes a Building that would be used or intended to be used for such purposes.
- (n) **“Dwelling Unit”** means suite operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (o) **“First Storey”** means the Storey with its floor closest to grade and having its ceiling more than one point eight (1.8) metres (equivalent to five foot eleven (5’ 11”)) above grade.
- (p) **“Floor Area”** means the space on any storey of a building between the exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies.
- (q) **“Garage”** means a Building or structure which is used, or is intended for, or is capable of use for the storage or parking of motor vehicles.
- (r) **“Ground Cover”** means organic or non-organic material so applied to prevent the erosion of the soil; e.g. concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.
- (s) **“Guard”** means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another.
- (t) **“Habitable Room”** means any room in a Dwelling Unit used or capable of being used for living, sleeping, cooking or eating purposes which meets the occupancy standards in Article 7.00 of this By-law.
- (u) **“Harmful”** means harmful in the opinion of the Property Standards Officer.
- (v) **“Kawartha Lakes”** means the geographic area within the jurisdiction of the City.

- (w) **“Lot”** means a separately transferable parcel of land.
- (i) **“Rural Lot”** means a Lot which is one (1) hectare (two point four seven eleven (2.4711) acres) in size or larger.
- (ii) **“Urban Lot”** means a Lot which is less than one (1) hectare (two point four seven eleven (2.4711) acres) in size.
- (x) **“Mixed-Use”** in reference to a Building, means a Building used in part for Residential purposes and in part for Non-residential purposes.
- (y) **“Non-Habitable”** means any portion of a Dwelling or Dwelling Unit , which does not comply with the standards of fitness for occupancy set out in this By-law. and includes: bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room or other space for service and maintenance of the Dwelling.
- (z) **“Non-residential Property”** means a Building or structure not occupied or intended to be occupied in whole or in part for the purpose human habitation, and includes the lands and premises appurtenant to the Building or structure, and all outbuildings, fences or erections on the property or in the Building or structure. The term does not refer to agricultural property.
- (aa) A **“Nuisance”** is a condition on one property which interferes with the normal and reasonable use of another property. Examples of Nuisances include: the emission of gas, fumes, dust, sawdust or objectionable odour and the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.
- (bb) **“Owner”** includes: the registered owner of the property in question as revealed in the Land Registry Office of the Ministry of Consumer and Commercial Relations; any occupant of the property in question with authority to act on behalf of the registered owner; any person authorized by the registered owner to act on his or her behalf; any lessee or occupant of the property who, under the terms of a lease or occupancy agreement, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; and any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the property.
- (cc) **“Plumbing Fixture”** means a receptacle or equipment that receives water, liquids or sewage and discharges water, liquid or sewage directly into drainage piping.
- (dd) **“Property Standards Officer”** means a person appointed to enforce the provisions of this By-law.
- (ee) **“Residential Property”** means a Building or structure that is used (or designed or intended for use) as a domicile in which persons could sleep and/or prepare and/or serve meals. The definition includes the lands appurtenant to the Building, and all outbuildings, fences and erections on the lands, whether erected before or after the passing of this By-law. The definition includes hotels and motels.
- (ff) **“Sanitary Unit”** means a water closet, urinal, bidet or bedpan washer.
- (gg) **“Storage Area”** means a room within a Dwelling which is Non-habitable and is used or intended for use for the stowing of goods or materials.
- (hh) **“Storey”** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (ii) **“Yard”** means the land in common ownership with, and around or appurtenant to, a Residential or Non-residential Building which is used or capable of being used in connection with the Property. The definition includes any land which is not in common ownership with the Building but is actually used in connection with the Property.

1.02 **Provincial Definitions:** The definitions set out in the Ontario *Building Code Act 1992*, apply to this By-law unless a defined term is otherwise defined in Section 1.01. Definitions found in Section 1 of the *Building Code Act, 1992*, are attached to this By-law as Schedule “A”, for ease of reference. It is important to note, however, that amendments to the definitions in the *Building Code Act, 1992*, if any, apply to the terms in this By-law. That statute should always be resorted to for final analysis, if necessary.

1.03 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender is neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include”, “includes” or “including” are not to be read as limiting the phrases or descriptions that precede it.
- (d) References to “property” or to “Building” or “structure” or “Yard” are to be read as always including one or more parts of the property, Building, structure, or Yard.

1.04 **Citing Legislation & Regulations:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-law was passed. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time, including successor legislation. The “Ontario Building Code” is Ontario Regulation 403/97, as amended, including successor regulations. The “Ontario Fire Code” is Ontario Regulation 388/97, as amended, including successor regulations.

1.05 **Building Code Application:** The provisions of this By-law and of the *Building Code Act, 1992* and the Ontario Building Code apply to all property within Kawartha Lakes. (A copy of sections 15.1 through 16 of the *Building Code Act, 1992* is attached as Schedule “B” to this By-law for information and ease of reference. It is important to note, however, that amendments to the *Building Code Act, 1992*, if any, apply to this By-law, which is subject to that statute. The *Building Code Act, 1992* should always be resorted to for final analysis.)

1.06 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

1.07 **Conflicting By-laws and Regulations:**

- (a) The standards for maintenance and occupancy of the property set forth in this By-law are prescribed and adopted as the minimum standards for the City.
- (b) Nothing in this By-law requires repairs to be made to property when repairs are with respect to matters ordered under the jurisdiction of the *Fire Protection and Promotion Act, 1997*, S.O.1997, c.4, and its regulations.
- (c) Nothing in this By-law requires repairs to be made to property when repairs are matters regulated by the *Health Protection and Promotion Act*, and its regulations.
- (d) Nothing in this By-law shall require repairs to be made to property when repairs are matters regulated by the *Environmental Protection Act*, and its regulations.
- (e) It is the intention of this By-law that its provisions are to be complimentary to the above statutes referred to in this Section 1.06, and to By-laws passed pursuant to the *Municipal Act* and the *Planning Act*. In the event that any other law as referenced in this Section 1.06 provides for a higher standard of maintenance and occupancy than this By-law does, the higher standards will apply.
- (f) This By-law supercedes, replaces, and is paramount to any by-law or any section of any by-law, of any of the predecessor municipalities to the City which deals with the same subject matter.

- 2.01 **Enforcement:** It is the duty of the Property Standards Officer to enforce the provisions of this By-law.
- 2.02 **Property Standards Committee:** A Property Standards Committee is established, consisting of three members of the Council. Council will appoint the members of the Property Standards Committee for terms of office equivalent to the Council's term of office. Council shall also ensure that a member of City staff is assigned the role of secretary to the Committee, with the duties and obligations required by Section 15.6 of the *Building Code Act, 1992*.
- 2.03 **Duties of the Committee:** The Committee has the powers and duties prescribed by Sections 15.1 through 15.8 of the *Building Code Act, 1992*.
- 2.03.01 The Committee shall be governed by the City's Procedural By-law, Purchasing Policy, Land Disposition By-law and hiring practices, as amended from time to time by Council. (2008-076, effective May 13, 2008)
- 2.04 **Offences and Prosecution:** Every person who contravenes or fails to comply with any of the provisions of this By-law has committed an offence and may be prosecuted as provided for by Section 61 of the *Provincial Offences Act*, for each day on which the offence occurs. Persons convicted of offences pursuant to this By-law are subject to the fines and/or other penalties as provided in Section 36 of the *Building Code Act, 1992*. For ease of reference, Schedule "C" is a copy of Section 36 of the *Building Code Act, 1992*. It is important to note, however, that amendments to the *Building Code Act, 1992*, if any, apply to this By-law, which is subject to that statute. The *Building Code Act, 1992* should always be resorted to for final analysis.

### **Article 3.00: Standards For All Properties**

- 3.01 **General Duty to Repair and Maintain Property:**
- (a) Every Owner shall repair and maintain its property in accordance with the standards prescribed in this By-law.
  - (b) 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, the Ontario Fire Code, and the *Fire Prevention and Protection Act*, where applicable.
  - (c) No person shall use or occupy, or permit the use or occupancy of, any Building that does not conform to the standards of this By-law.
  - (d) All repairs and maintenance of property required by the standards prescribed by this By-law shall be carried out by the Owner or occupant, as applicable, in a manner acceptable in the trades concerned and with materials suitable and sufficient for the purpose.
- 3.02 **Structural Adequacy:**
- (a) Every Owner of a Building or structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.
  - (b) If, in the opinion of the Property Standards Officer, there is doubt as to the structural condition and adequacy of a Building or structure, the Property Standards Officer may order that the Building or structure be examined by a professional engineer, licensed to practice in Ontario, at the Owner's expense. The written report, including drawings, signed and sealed by the engineer, and giving details of the findings of the examination shall be submitted to the Property Standards Officer.
  - (c) Details and drawings of all temporary shoring or other work deemed necessary by the professional engineer shall be included with the report required by 3.02(b) above.

- (d) All remedial or temporary work recommended by the professional engineer shall be completed by the Owner in the manner and within the time which shall be specified by the Property Standards Officer.
- (e) On completion of all of the work, the Owner shall cause a report (signed and sealed by the professional engineer, and certifying that all of the work has been completed satisfactorily), to be submitted to the Property Standards Officer.
- (f) Examination and testing of any Building or structure shall be conducted in a manner acceptable to the Property Standards Officer and at the Owner's expense.
- (g) Materials forming part of a Building or structure which show damage, or evidence of decay or other deterioration, shall be repaired or replaced by the Owner in a manner acceptable to the Property Standards Officer.

3.03 **Property Damage:**

- (a) The Owner of any Building or structure damaged by fire, storm or by other causes shall cause it to be demolished or repaired as soon as is practicable.
- (b) The Owner of any Building or structure damaged by fire, storm or by other causes, shall take immediate steps to prevent or remove a condition which might endanger persons on or near the property, and to properly support and/or barricade the Building or structure until the necessary demolition or repair can be carried out.
- (c) The Owner of a Building or structure which is defaced by smoke or by other causes on the exterior wall and surface of the Building or structure (or of the remaining parts of the Building or structure), shall remove the defacing material, and shall refinish the area in a manner acceptable to the Property Standards Officer.

3.04 **Foundations:** The Owner of a Building or structure shall maintain its foundations and all supporting sills, piers or posts, the foundation walls and the Basement, Cellar or crawl space in good repair and in a structurally sound manner. This maintenance shall include:

- (a) prevention of the entry of moisture and rodents into any Dwelling;
- (b) prevention of settlement of the Building;
- (c) shoring of walls, where necessary;
- (d) installation of sub-soil drains at the footings of any Dwelling, where necessary;
- (e) the grouting of masonry cracks in a Dwelling; and
- (f) the waterproofing of the walls of a Dwelling, where necessary.

3.05 **Exterior Walls:**

- (1) The Owner of a Building on an Urban Lot shall maintain its exterior walls:
  - (a) in good repair;
  - (b) free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco;
  - (c) watertight;
  - (d) free from loose or unsecured objects; and
  - (e) in a manner to prevent deterioration due to weather or insects.
- (2) The Owner of a Dwelling on a Rural Lot shall maintain its exterior walls:
  - (a) in good repair;
  - (b) free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco;
  - (c) watertight;

- (d) free from loose or unsecured objects; and
- (e) in a manner to prevent deterioration due to weather or insects.

(3) The Owner of a Building which is not a Dwelling on a Rural Lot, shall maintain its exterior walls:

- (a) in good repair; and
- (b) free from loose or unsecured objects.

3.06 **Exterior Metals:**

(1) Every Owner of a Dwelling shall keep all metal eavestroughs, rainwater pipes, flashings and all exterior metal ducts free from rust by application of a suitable protective material (such as paint). All applications shall be renewed by the Owner when the application is impractical, ineffective, or requires refreshing.

(2) Every Owner of a Building on an Urban Lot shall keep all metal eavestroughs, rainwater pipes, flashings and all exterior metal ducts free from rust by application of a suitable protective material (such as paint). All applications shall be renewed by the Owner when the application is impractical, ineffective, or requires refreshing.

3.07 **Cladding:** Every Owner shall ensure that the cladding on the exterior walls of all Buildings consists of masonry, stucco, wood, plywood, cement, metal or other materials of equivalent strength, durability and fire endurance.

3.08 **Graffiti:** Every Owner shall remove all unsightly chalk marks, painted slogans and similar markings or defacement on the exterior surfaces of Buildings, walls, and fences. The Owner shall refinish the surfaces or fences when necessary.

3.09 **Decorative Surfaces:** Where the masonry units forming an exterior wall, or part of an exterior wall, of a Building are faced with a glazed or other decorative surface, the Owner shall remove all of those units from which the surface has spalled or broken, and replace them with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance.

3.10 **Surface Coverings:**

(1) On Urban Lots, where the exterior surfaces of Buildings or structures have been previously covered with paint or other protective or decorative materials, the Owner shall maintain that covering in good repair and renew it when it becomes damaged or deteriorated. These repairs shall be made in a manner which presents a uniform and neat appearance.

(2) On Rural Lots, where the exterior surfaces of Buildings which are Dwellings have been previously covered with paint or other protective or decorative materials, the Owner shall maintain that covering in good repair and renew it when it becomes damaged or deteriorated. These repairs shall be made in a manner which presents a uniform and neat appearance.

3.11 **Dwelling Openings:** Owners shall maintain in good repair all exterior doors, windows, skylights and Basement or Cellar hatchways of Dwellings, and ensure that they are weathertight. Every Owner shall renew rotted and defective doors, door frames, window frames, sashes and casings of Dwellings. Every Owner shall replace defective door and window hardware, weather-stripping, caulking, broken glass, and broken screens.

3.12 **Entry by Vermin:**

(1) Every Owner shall protect, by application of suitable materials, the openings in exterior walls (other than doors and windows) of a Dwelling from the entry of rodents, vermin and insects.

(2) Every Owner of a Non-residential Building shall protect, by application of suitable materials, the openings in exterior walls (other than doors and windows) of the Building from the entry of rodents, vermin and insects, unless the Owner satisfies the Property standards Officer that the implementation of this Section would adversely affect the normal operations within that Non-residential Building.

- 3.13 **Balconies, etc.:** Every Owner shall maintain in good repair, and in a Clean and Sanitary condition, all balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment. The Owner shall ensure that these types of attachments are properly and safely anchored and protected against deterioration and decay. Where they are not inherently resistant to deterioration due to weather, the Owner shall periodically apply a weather-resistant material (such as paint).
- 3.14 **Retaining Walls:** The Owner of property shall maintain all retaining walls on that property:
- (a) in good repair;
  - (b) free from all deteriorated, damaged, misaligned or missing parts of the wall, railings or Guards appurtenant to them;
  - (c) by installing subsoil drains where required to maintain the stability of the wall;
  - (d) by grouting any masonry cracks that may form; and
  - (e) by applying a coat of paint or equivalent preservative to all metal or wooden exposed components.
- 3.15 **Air Conditioners and Water Cooled Equipment:** Property Owners shall equip air conditioners with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways, or neighbouring property. Every Owner shall ensure that cooling water from water-cooled equipment is not discharged onto driveways, walkways or other areas used for pedestrian or vehicular traffic, or on neighbouring property, or in a manner that it may cause damage to the walls, foundations or other parts of any Building. The discharge of cooling water from all water-cooled equipment must be made to a proper drainage system. The connections to the drainage system shall be made to comply with all applicable governmental regulations.
- 3.16 **Roofs:**
- (1) The Owner of every Building or structure on an Urban Lot shall maintain the roofs of all Buildings and structures:
- (a) in good repair;
  - (b) in a watertight condition;
  - (c) free from loose or unsecured objects or materials;
  - (d) free from dangerous accumulations of snow or ice or both;
  - (e) free from all other accident, fire or health hazards;
  - (f) so that roof decks and related Guards are in good state of repair;
  - (g) to prevent the discharge of roof drainage directly onto an entranceway, walkway, stair or neighbouring property, or onto any impervious road allowance, or in such a manner that it will penetrate or damage a Building or structure;
  - (h) to prevent the obstruction of roof gutters, eavestroughs and rainwater pipes; and
  - (i) so that eavestroughs, roof gutters and rainwater pipes are properly secured and free from health and accident hazards.
- (2) The Owner of every Dwelling on a Rural Lot shall maintain the roofs of all Buildings and structures:
- (a) in good repair;
  - (b) in a watertight condition;
  - (c) free from loose or unsecured objects or materials;
  - (d) free from dangerous accumulations of snow or ice or both;
  - (e) free from all other accident, fire or health hazards;
  - (f) so that roof decks and related Guards are in good state of repair;
  - (g) to prevent the discharge of roof drainage directly onto an entranceway, walkway, stair or neighbouring property, or onto any

impervious road allowance, or in such a manner that it will penetrate or damage a Building or structure;

- (h) to prevent the obstruction of roof gutters, eavestroughs and rainwater pipes; and
- (i) so that eavestroughs, roof gutters and rainwater pipes are properly secured and free from health and accident hazards.

- 3.17 **Discharge of Water:** No Owner shall cause or permit the discharge from any sump pump or water softener or other similar equipment to be discharged directly onto an entranceway, walkway, stair or neighbouring property, or onto any road allowance or street.
- 3.18 **Stairs, Handrails and Guards:** Every Owner shall install and maintain all stairs, handrails, and Guards in accordance with the provisions set forth in the Ontario Building Code.
- 3.19 **Floors:**
- (1) Every Owner shall ensure that the floors of Buildings and structures on an Urban Lot are maintained in a Clean and Sanitary condition, reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards. The Owner shall maintain floor coverings in a safe condition, free from worn, torn, damaged or holed parts in which dirt may collect, or which form a health or accident hazard.
- (2) Every Owner shall ensure that the floors of Dwellings on a Rural Lot are maintained in a Clean and Sanitary condition, reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards. The Owner shall maintain floor coverings in a safe condition, free from worn, torn, damaged or holed parts in which dirt may collect, or which form a health or accident hazard.
- 3.20 **Fire Protection:** Every Owner shall maintain floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection in a manner which affords the fire protective properties required by all relevant governmental regulations.
- 3.21 **Preventative Maintenance on Heating & Ventilating Equipment:** Every Owner shall construct, install and maintain heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment, so as to be free from obstructions, to comply with applicable governmental regulations, and to prevent:
- (a) obstruction to the free passage of persons within a Building;
  - (b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
  - (c) the entrance of smoke or gases into a Building; and
  - (d) fire and accident hazards.
- 3.22 **Storage of Solid or Liquid Fuel:** The Owner of a Building or structure utilizing a heating system, heating equipment or any auxiliary heating units which burn solid or liquid fuel, shall provide and maintain a place or receptacle for the fuel in a safe condition, and in a convenient location so as to be free from fire or accident hazards.
- 3.23 **Fuel Piping:** All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations
- 3.24 **Heating Ventilation:** Every Owner shall connect all fuel burning heating equipment to a chimney, flue or gas vent which leads to the exterior of the Building in which the equipment is installed. Every Owner shall furnish fuel burning heating equipment with an adequate supply of air to ensure proper combustion of the fuel.

- 3.25 **Escaping Smoke/Gas:** Every Owner shall install and maintain chimneys, smoke-pipes, flues and gas vents in use or available for use in a Building so as to prevent the escape of smoke or gases into the Building. Every Owner shall ensure that chimneys, smoke-pipes, flues and gas vents are kept clear of obstructions; that all open joints are sealed; and that all broken and loose masonry is repaired.
- 3.26 **Prefabricated Chimneys/Flues:** Owners must ensure that prefabricated chimneys or flues are of a type suitable for the appliance for which it is being used and is kept in good repair, properly secured and free from fire, health and accident hazards.
- 3.27 **Light Penetration:** Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit on neighbouring property.
- 3.28 **Waste:** Every Owner shall provide and maintain an effective container or barrier to prevent waste, wrappings, debris, and the like from encroaching onto neighbouring property.
- 3.29 **Fire Prevention: Vacant Property:** Where any property is unoccupied, the Owner shall protect Buildings and structures on that property against the risk of fire, accident or other danger.
- 3.30 **Boarding Up Vacant Buildings:** The Owner of a vacant Building shall effectively secure the Building from entry by trespassers. All materials used for boarding up vacant Buildings shall be covered and maintained with a preservative which is colour-co-ordinated to the exterior finish of the Building.
- 3.31 **Extended Vacancies:** Where a Building remains vacant for a period of more than ninety (90) days, the Owner shall properly disconnect or otherwise secure all utility supplies serving the Building to prevent accidental or malicious damage to the Building or neighbouring property. This Section does not apply where utility supply is necessary for the safety or security of the Building.
- 3.32 **Property Clearing After Demolition:** An Owner who has demolished a Building, an Accessory Building, a fence, or another structure on a property shall ensure that the property is cleared of all rubbish, debris, refuse, masonry, lumber and other materials, and left in a graded and leveled condition.
- 3.33 **Partial Demolition:** An Owner who has demolished part of a Building or structure shall ensure that the remaining part of the Building or structure complies with the requirements of this by-law. The Owner shall parge (or otherwise treat) the walls to prevent the entry of water into the Building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, floors and from areas of multicoloured paint or wallpaper.
- 3.34 **Steps to Take During Demolition:** During the process of demolition of a Building, Accessory Building or other structure, the Owner shall take every precaution to protect neighbouring property and members of the public. This includes the erection of fences, barricades, covered ways for pedestrians and any other necessary means of protection.

<b>Article 4.00: Standards for Yards, Parking Areas and Accessory Buildings of all Properties</b>
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4.01 **General Maintenance:**

(1) The Owner of every vacant lot and every Yard on an Urban Lot shall keep the lot or Yard clean and free from:

- (a) dilapidated, collapsed or unfinished Buildings or structures; and,
- (b) injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of those types of pests.

(2) The Owner of every vacant lot and every Yard on a Rural Lot shall keep the lot or Yard clean and free from injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of those types of pests.

- 4.02 **Grading and Paving:** Owners of Urban Lots shall ensure that Yards are graded in a manner which prevents excessive or recurrent ponding of water and/or the entrance of water into a Basement or Cellar.
- 4.03 **Erosion Protection:** Every Owner of an Urban Lot shall ensure that his or her Yard is cultivated or protected with a suitable Ground Cover to prevent erosion of the soil. (It is noted for ease of reference that zoning by-laws passed by the City pursuant to the *Planning Act* may require minimum areas of landscaped open space. Those by-laws are not superceded by this By-law.)
- 4.04 **Parking Areas:**
- (1) The Owner of every Yard which is used for vehicular traffic or parking (including loading areas or bays) and is either on, or adjacent to, an Urban Lot shall:
- (a) adequately grade and drain the Yard to prevent excessive ponding of water;
  - (b) provide sufficient lighting to the area for a level of security commensurate with the property use;
  - (c) provide curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures on the parking area or neighbouring property, and from encroaching on neighbouring property; and
  - (d) maintain the surface area (paved or otherwise) in good condition, and repaired with similar material or renewed when necessary to prevent pot holes, cracks, ruts or other hazards.
- (2) The Owner of every Yard which is used for vehicular traffic or parking (including loading areas or bays) and is on a Rural Lot shall maintain the surface area (paved or otherwise) in good condition, and repaired with similar material or renewed when necessary to prevent pot holes, cracks, ruts or other hazards.
- 4.05 **Public Use Areas:** Every Owner shall maintain exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a Yard in a good state of repair, free from conditions which prevent passage, and free from hazards to any person under normal or expected use and weather conditions.
- 4.06 **Exterior Lighting and Supports:** The Owner of every Yard shall keep any standards supporting artificial lights, all exterior lighting, and the connections to the lights in a safe condition and in good working order.
- 4.07 **Fences:**
- (1) The Owner of every Yard on an Urban Lot who chooses to erect or maintain fences shall erect and maintain any fences with suitable materials. Owners must design and erect fences in an acceptable manner and maintain them so as not to create an unsightly appearance. Owners shall protect fences from deterioration by the application of paint (or other suitable protective materials) of uniform colour, unless the fencing material is inherently resistive to such deterioration.
- (2) The Owner of every Yard on a Rural Lot who chooses to erect or maintain fences shall erect and maintain any fences with suitable materials.
- 4.08 **Structures:** The Owner of every property shall keep all structures appurtenant to that property in good repair, free from health, fire and accident hazards, and capable of performing safely the function for which they are designed.
- 4.09 **Appearance of Accessory Buildings:**
- (1) The Owner of any Urban Lot shall maintain the foundations, walls, roofs, and all parts of Accessory Buildings or other structures appurtenant to the main Building in good repair in order to prevent an unsightly appearance due to settlement and/or sagging of the Building or structure, or any other cause.
- (2) The Owner of any Rural Lot shall maintain the foundations, wall, roofs, and all parts of Accessory Buildings or other structures appurtenant to the main Building which are visible from any Street or from any Dwelling in good repair in order to

prevent an unsightly appearance due to settlement and/or sagging of the Building or structure, or any other cause.

- 4.10 **Safety of Accessory Buildings:** The Owner of any property shall maintain the foundations, walls, roofs, and all parts of Accessory Buildings or other structures appurtenant to the main Building in good repair in order to prevent an unsafe condition.
- 4.11 **Exterior Finishes of Accessory Buildings:** Every Owner of an Accessory Building or other structure appurtenant to the main Building on an Urban Lot shall ensure that the Accessory Building or structure is weather-resistant through the application of a proper weather-resistant material (including paint or other preservatives).

<b>Article 5.00: Supplementary Standards for Non-residential Properties and Mixed-Use Buildings</b>
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- 5.01 **Duties of Owners and Occupants:** Every Owner and occupant in that part of a Non-residential Property that is occupied or controlled by him, her or it shall maintain the property:
- (a) in a clean, sanitary and safe condition;
  - (b) with adequate and appropriate containers for the disposal of litter or refuse;
  - (c) free from objects or conditions which are health, fire or accident hazards; and
  - (d) free from rodents, vermin and injurious insects.
- 5.02 **Utilities for Mixed Use Buildings:** No Owner or occupant of a Mixed-use Building shall disconnect, or cause or permit to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving any residential portion of the Building which is occupied by a tenant or lessee, except for any reasonable period of time as is required for the purpose of repairing, replacing or altering the service or utility.
- 5.03 **Fences:** Every Owner who chooses to fence his, her or its Property shall maintain fences and approved enclosures around or on Non-residential properties in a state of good repair and free from accident, health and fire hazards.
- 5.04 **Ventilation Requirement:** Every Owner of a Non-residential Building shall ensure that it is adequately ventilated by natural or mechanical means and with regard to the operations carried on within the Building, to ensure that persons within the Building are not exposed to conditions Harmful to their health or safety.
- 5.05 **Specifics of Ventilation Requirements:** Ventilation shall be provided for every room in which Plumbing Fixtures are installed, every locker room and clothes drying room, either by means of natural ventilation through openings directly to the outside air, or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.
- 5.06 **Ventilation Equipment:** Every Owner of a Non-residential Building shall ensure that all of the mechanical ventilating equipment and the supports for that equipment are maintained in good repair and in a safe mechanical condition.
- 5.07 **Exhaust of Noxious and Other Substances:** Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8') feet) clear of any skylight, window, ventilator or other opening into that or another Building, and is operated in a manner so as not to constitute a Nuisance.
- 5.08 **Electrical Services and Lighting:** Owners of Non-residential Buildings shall ensure that they are wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power is available to the Building at all times. The Owner shall ensure that the electrical connection to the wiring system of a Non-residential Building is installed and maintained in good working

order, free from fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.

- 5.09 **Levels of Illumination**: Owners of Non-residential Buildings shall ensure that all parts of the Building have a level of illumination provided and maintained which will adequately protect all persons within the Building from health and accident hazards.
- 5.10 **Specific Lighting Requirements**: Owners of Non-residential Buildings must install and maintain artificial lighting in good working order at all times in every stairway, hall and passageway, in every room in which Plumbing Fixtures are installed, and in every furnace room and boiler room.
- 5.11 **Extension Cords**: The Owner of a Non-residential Building shall not use extension cords which are not part of a lighting fixture, machine or device on either a permanent or semi-permanent basis. This restriction does not apply to the use of extension cords for mobile equipment used for temporary purposes only where the connection can be made without risk or hazard. Where an extension cord is permitted, no Owner shall place, attach or cause or permit to be placed or attached, any extension cord:
- (a) through any doorway, transom, ceiling, wall or floor; and/or
  - (b) to any door frame, window frame, ceiling, wall or floor.
- 5.12 **Means of Egress**: Every Owner of a Non-residential Building shall ensure that all of its passageways and storage areas, including any which are used as a means of egress, and all means of egress from the Building are:
- (a) maintained free from all obstructions or impediments;
  - (b) provided with lighting facilities capable of supplying not less than eleven (11) lux (equivalent to one (1) foot candle) of light intensity on the floor surfaces continuously; and
  - (c) provided with clean, clear, unobstructed and readily visible exit signs.
- 5.13 **Interior Walls, Ceilings and Floors**: The Owner of a Non-residential Building shall maintain interior walls, floors and ceilings:
- (a) in good repair and free from holes, large cracks, broken plaster and loose or broken masonry; and
  - (b) in a Clean and Sanitary condition which is reasonable considering the use or operation conducted in the area.
- 5.14 **Noxious Substances in Mixed-Use Buildings**: The Owner of a Mixed-use Building which is occupied by persons or activities which generate noxious fumes, odours or gases or in circumstances where such could be present, must provide gas-tight surfaces separating the Residential portion of the Building from the Non-residential portion of the Building to effectively prevent the passage of noxious fumes, odours or gases through the separation.
- 5.15 **Plumbing Required**: The Owner of every Non-residential Building shall install and maintain Plumbing Fixtures in accordance with the requirements of all applicable governmental regulations. All plumbing, drainpipes, water pipes and Plumbing Fixtures in every Non-residential Building, and every connecting line to the sewage system, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable governmental regulations. All water pipes, drain pipes and appurtenances to them must be protected from freezing.
- 5.16 **Standards for Plumbing Fixtures**: The Owner of every Non-residential Building shall ensure that:
- (a) the installed Plumbing Fixtures are kept in good repair, in a Clean and Sanitary condition and every Sanitary Unit is located and enclosed so as to be easily accessible to, and provide privacy for, the persons using the Sanitary Units;
  - (b) the installed Plumbing Fixtures are connected to a sewage system;
  - (c) the installed Plumbing Fixtures are provided with an Adequate and Suitable supply of potable water; and

- (d) fixtures such as washbasins, dishwashers, showers and other fixtures for which hot water is required, are provided with an Adequate and Suitable supply of hot water.

- 5.17 **Standards for Plumbing Rooms:** Rooms in which Plumbing Fixtures are installed must be maintained in a Clean and Sanitary condition. The Owner of the Building shall ensure that the walls and ceilings are treated with a smooth surface reasonably impervious to water and resistant to chipping or cracking. In these rooms, when paint is used as a surface coating, walls and ceilings shall be repainted as often as necessary to maintain them in a Clean and Sanitary condition.
- 5.18 **Plumbing Separation in Mixed-Use Buildings:** The Owner of a Mixed-Use Building shall ensure that Plumbing Fixtures installed in connection with the Non-residential portion of the Building and/or available for use by members of the public, are separate from the fixtures required by the standards for the Residential portion of the Building.
- 5.19 **Heating System Standards:** Where an Owner provides a heating system in a Non-residential Building, he, she or it shall maintain the system in a safe and good working condition, free from fire, health and accident hazards. The Owner shall ensure that the system is capable of maintaining the desired indoor temperature commensurate with the operations carried on within the Building, and that it is regulated in a manner which prevents unnecessary discomfort.
- 5.20 **Heating Requirement:** In offices, showrooms and all other parts of a Non-residential Building where persons are employed, the Owner shall maintain or shall cause to be maintained a minimum temperature of twenty (20°) degrees Celsius (equivalent to sixty-eight (68°) Fahrenheit) at all times when the premises are occupied between the fifteenth (15<sup>th</sup>) day of September in each year and the thirtieth (30<sup>th</sup>) day of May of the following year.

#### **Article 6.00: Supplementary Standards for Residential Properties**

- 6.01 **Duties of Occupants:** All occupants of a Dwelling Unit shall:
- (a) limit the number of occupants in the Dwelling Unit to the maximum number permitted by this or any By-law of the City, or under any applicable Provincial legislation;
  - (b) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment in the Dwelling Unit in a Clean and Sanitary condition;
  - (c) keep all exits from the Dwelling Unit clean and unobstructed; and
  - (d) maintain the Dwelling Unit in a Clean and Sanitary condition.
- 6.02 **Vermin:** The Owner and the occupant of every Dwelling Unit shall maintain the Dwelling Unit at all times so that it is free of rodents, vermin and insects which may be Harmful to safety or health and from conditions which may encourage infestation by such pests.
- 6.03 **Multiple Dwellings: Garbage Disposals:** The Owner of every Residential Building that contains more than one Dwelling Unit shall wash and disinfect all garbage chutes, garbage disposal rooms, garbage storage areas, garbage containers or receptacles as often as is necessary to maintain a clean and odour-free condition.
- 6.04 **Maintenance of Interior Doors:** The Owner of every Dwelling shall ensure that interior doors and frames are maintained in a condition to ensure the proper operation of the door, and that all doors are a good fit in their frames. All necessary hardware, including any automatic door closers required by law, shall be maintained in good repair or replaced when removed or not readily repairable.
- 6.05 **Access Doors:** The Owner of every Dwelling shall ensure that all doors connecting any Dwelling Unit to the exterior or to an entrance or exit system shared in common with other Dwelling Units have locking devices and other necessary hardware installed and maintained in good repair. All such access doors shall afford the occupants of the Dwelling Unit with a reasonable degree of privacy and safety, and prevent the entry of draughts into the Dwelling Unit.

- 6.06 **Shared Door Panels/Screens:** The Owner of a multiple Dwelling shall ensure that, in the public and/or shared use portions of multiple Dwellings, cracked and broken glass in door panels, glass screens, and windows is promptly replaced with approved glass or similar materials.
- 6.07 **Walls and Ceilings:** The Owner of a Dwelling shall ensure that every wall and ceiling in it is maintained so as to be free of large holes or cracks and loose plaster or other material which is in such condition that it may fall or the Building collapse.
- 6.08 **Plaster Repairs:** The Owner of the property shall complete plaster repairs to the walls and ceilings of a Dwelling or in a Dwelling Unit in an acceptable manner, and each repair shall be finished to match the existing wall or ceiling.
- 6.09 **Walls & Surfaces: Graffiti:** The Owners of multiple Dwellings shall ensure that previously finished walls and other surfaces in the public or shared-use portions of the Building are maintained in good repair and renewed or refinished when necessary to maintain an attractive appearance. Unsightly chalk marks, painted slogans and similar markings or defacements on walls or other surfaces must be removed and the surfaces refinished when necessary.
- 6.10 **Glazing:** The Owners of multiple Dwellings shall keep glazed doors, windows and other transparent surfaces in public and shared-use portions of the Building in a reasonably clean condition.
- 6.11 **Public or Shared-Use Areas of Multiple Dwellings:** The Owners of multiple Dwellings shall maintain the floors, walls, ceilings, staircases and landings, furnishings, fixtures and appliances in public or shared-use portions of the Building in a Clean and Sanitary condition, free from mold and mildew, and free from discarded or unused material, rubbish and debris.
- 6.12 **General Maintenance:** The Owner of every Dwelling shall construct, install, and maintain or cause to be constructed, installed, or maintained, every facility, piece of equipment or appliance in a manner so that it will function safely and effectively, and is in a safe and satisfactory condition.
- 6.13 **Heating of Leased Premises:** The Owner of every Building which is rented or leased as a Dwelling and which, as between the tenant or lessee and the landlord, is heated by or at the expense of the landlord shall, between the fifteenth (15<sup>th</sup>) day of September in each year and the thirty-first (31<sup>st</sup>) day of May of the following year, provide every Dwelling Unit with Adequate and Suitable heat. Every Dwelling and every Dwelling Unit shall be provided with a heating system capable of maintaining a room temperature of twenty-one (21°) degrees Celsius (which is equivalent to sixty-nine point eight (69.8°) degrees Fahrenheit) at one point five (1.5) metres (equivalent to five (5) feet) above the floor level in all Habitable Rooms when the outside temperature is negative seventeen point eight (-17.8°) degrees Celsius (equivalent to zero (0°) degrees Fahrenheit).
- 6.14 **Heating Systems:** The Owner of any Residential Building must ensure that the heating system is constructed, installed and maintained to comply with the requirements of all applicable governmental regulations, and is maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 6.13.
- 6.15 **Separations:** Every Owner shall ensure that a Dwelling Unit is constructed, maintained and protected in a manner which prevents the entry of noxious fumes and gases from any part of the Dwelling that is not used, designed or intended to be used for human habitation.
- 6.16 **Plumbing:** Every Owner shall supply to every Dwelling Unit plumbing, drainpipes, water pipes and Plumbing Fixtures which comply with the requirements of all applicable governmental regulations.
- 6.17 **Minimum Plumbing Fixtures:** Every Owner shall supply every Dwelling Unit with at least a water closet, a wash basin, a kitchen sink and a bathtub or shower. All Plumbing Fixtures shall be connected to a sewage system. The water closet required by this Section must be located within, and be accessible from within, the Dwelling Unit, and must be located and equipped to afford privacy to persons using the water closet.

- 6.18 **Maintenance of Plumbing:** Every Dwelling Unit Owner must ensure that all Plumbing Fixtures, and the appliances associated with them, within a Dwelling Unit are installed and maintained in good working condition. Every Dwelling Unit occupant must ensure that all Plumbing Fixtures, and the appliances associated with them, within the Dwelling Unit, are maintained in a Clean and Sanitary condition.
- 6.19 **Connecting Lines & Water Pipes:** Every Owner shall ensure that every connecting line from Plumbing Fixtures to the sewage system is installed, constructed and maintained in good working order, free from leaks and defects, and that all water pipes, drainpipes and appurtenances to them are protected from freezing.
- 6.20 **Water Supply:** Every Owner of a Dwelling Unit must provide the sinks, laundry facilities, wash basins, bathtubs, and showers within the Dwelling Unit with an Adequate and Suitable supply of both hot and cold running water. Every Owner of a Dwelling Unit must provide the Dwelling Unit Plumbing Fixtures, including Sanitary Units, with an Adequate and Suitable supply of running water.
- 6.21 **Potable Water:** The Owner of every Dwelling Unit shall provide it with an Adequate and Suitable supply of potable running water from a source approved by a District Health Inspector.
- 6.22 **Electrical Supply:** The Owner of every Dwelling Unit shall connect it to an electric supply system and wire it for electricity.
- 6.23 **Electrical & Fuel Supply Installation:** The Owner of every Dwelling Unit shall ensure that the electrical wiring, pipes for conducting fuel, and all electrical equipment and appliances for use in a Dwelling Unit or accessory Building is installed and maintained in good working order so as not to cause a fire or electrical shock hazard, and in accordance with all applicable governmental regulations.
- 6.24 **Lighting:** The Owner of every Dwelling shall ensure that Adequate artificial light is available to the Dwelling at all times, in all rooms and in every stairway, hall, Storage Area, Garage, Cellar and Basement. In multiple Dwellings, every stairway, hall, exit and entrance and all other parts of the Dwelling used by the public, or by the occupants collectively, shall be adequately lighted at all times.
- 6.25 **Windows in Habitable Rooms:** The Owner of every Dwelling shall install and maintain in good repair, in every Habitable Room in the Dwelling (except a kitchen), an outside window or windows or a glazed area within a door which:
- (a) if designed to open, is easily openable and closeable at all times; and
  - (b) is provided with suitable hardware and effective locking devices.
- 6.26 **Screens:** The Owner of every Dwelling shall screen every opening in an exterior wall of the Dwelling which is not protected by a door or window with wire mesh, metal grille or other suitable material to protect the Dwelling from the entry of vermin or rodents.
- 6.27 **Ventilation of Dwelling Units:** The Owner of a Dwelling Unit shall provide adequate ventilation to all Habitable Rooms, bathrooms and toilet rooms in the Dwelling Unit. Where a system of mechanical ventilation or air conditioning is provided, the Owner shall maintain it in good working condition.
- 6.28 **Ventilation of Multiple Dwellings:** The Owner of a Dwelling containing more than one Dwelling Unit shall provide adequate ventilation to all laundry rooms, garbage rooms, corridors, boiler rooms, Storage Areas, Garages, and all parts of the Building used by the public or by the occupants as a shared use area. Where a system of mechanical ventilation or air conditioning is provided, the Owner shall maintain it in good working condition.
- 6.29 **Means of Egress:** The Owner of every Dwelling and every Dwelling Unit shall install, construct and maintain in good repair, a safe, continuous and unobstructed passage from the interior of the Dwelling Unit and the Dwelling to the outside at street or grade level. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.

- 6.30 **Latches**: Where an Owner installs or permits to be installed, latches and other devices provided to open doors in the direction of exit travel, these latches or devices must be of a type easily identified and operated even in darkness.
- 6.31 **Trespassers in Multiple Dwellings**: The Owner of every Dwelling containing more than one Dwelling Unit shall take every reasonable precaution to prevent unauthorized persons from entering the Dwelling or a Garage or any accessory Building to the Dwelling.
- 6.32 **Doors to Multiple Dwellings**: The Owner of every Dwelling containing more than one Dwelling Unit shall ensure that every door used as an entrance to, or a means of egress from, the Dwelling (or from a Garage which is not open and available for use by the general public), is kept closed and locked. The Owner shall provide each of these types of doors with approved self-closing and self-locking mechanisms and shall not cause or permit these doors to be secured in an open position, except in an emergency situation.
- 6.33 **Exit Ways in Occupied Multiple Dwellings**: The Owner of a Dwelling which contains more than one Dwelling Unit must ensure that, during all times when the area in question is occupied, doors used as a means of egress from the Dwelling, any Storage Area or a Garage are arranged so as to be readily opened, without the use of a key, in the direction of exit travel.
- 6.34 **Voice Systems**: The Owner of a Dwelling with more than one Dwelling Unit who has installed a voice communications system between one or more Dwelling Units and the front lobby, and/or security locking and release facilities for the entrance controlled from one or more Dwelling Unit, shall maintain those facilities in good repair and in operative condition
- 6.35 **Disconnecting Utilities**: No Owner shall Disconnect, or cause or permit to be Disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities for Residential property occupied by persons, except for whatever reasonable period of time is required for the purpose of repairing, replacing or altering the service or utility. (A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay those rates with the result that the service or utility is Disconnected, is deemed to have caused or permitted the Disconnection.
- 6.36 **Window Catches on Upper Level Dwelling Units**: The Occupant of any Dwelling Unit located above the first Storey shall equip the windows of the Dwelling Unit with safety devices which meet the requirements of the Building Code and prevent the opening of any part of the window to a width in excess of one hundred (100) millimeters (equivalent to four (4) inches) if there are resident children of the Dwelling Unit under the age of seven (7) years.
- 6.37 **Guards on Upper Level Windows**: The Owner of every Dwelling with more than one Dwelling Unit shall protect all windows located above the first Storey, which are within corridors, stairways, and/or other public or shared use areas of the Building, with a Guard designed in accordance with the requirements of Section 6.36 of this By-law.

<b>Article 7.00: Occupancy Standards</b>
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- 7.01 **Habitability**: No Owner or Occupant of a Dwelling Unit shall cause or permit any person to sleep, eat, or spend recreational time in a Non-habitable Room.
- 7.02 **Sleeping Arrangements**: The Occupants of a Dwelling Unit shall ensure that all sleeping areas are Habitable Rooms and that no kitchen, bathroom, or hallway is used as a bedroom.
- 7.03 **Minimum Bedroom Floor Areas**: The Occupants and Owners of a Dwelling Unit shall ensure that the minimum Floor Area of a room used by only one person for sleeping is five point six (5.6) square metres (equivalent to sixty (60) square feet)). The Occupants and Owners of a Dwelling Unit shall ensure that the minimum Floor Area of a room used by two or more persons for sleeping is three point seven (3.7) square metres (equivalent to forty (40) square feet) for each person so using the room.

- 7.04 **Density**: The Owner of a Dwelling, and the Occupants of Dwelling Units, shall ensure that the maximum number of persons residing in each Dwelling Unit does not exceed one person for each nine point three (9.3) square metres (equivalent to one hundred (100) square feet) of the combined Floor Areas of all Habitable Rooms within the Dwelling Unit.
- 7.05 **Characteristics of Habitable Rooms**: Habitable Rooms must:
- (a) have a minimum width of two (2) metres (equivalent to six feet six inches (6' 6")); and
  - (b) have a ceiling height of at least two point one (2.1) metres (equivalent to seven (7) feet) (except that at least one half of any Habitable Room located directly beneath a roof having a sloping ceiling, shall have a ceiling height of at least that measurement).
- 7.06 **Basements & Cellars**: No Owner of a Dwelling shall cause or permit any part of any Basement or Cellar to be used as part of a Dwelling unless it meets the following requirements:
- (a) each Habitable Room complies with all requirements for ingress, egress, light, ventilation, and ceiling height set out in this By-law;

- (b) the floors and walls are constructed so as to be impervious to leakage of underground and surface run off water;
- (c) each Habitable Room is separated from the fuel-fired central heating equipment, or other similarly hazardous equipment by a partition having a fire resistance of at least one (1) hour; and
- (d) access to each Habitable Room is gained without passage through a furnace room, boiler room or Storage Area.

**Article 8.00: Demolition or Repair by the City**

- 8.01 **Council Approval:** The servants and agents of the City shall not demolish or repair any property in accordance with the provisions of Section 15.4 of the *Building Code Act, 1992* without first obtaining direction to do so from Council, unless immediate danger is discovered.
- 8.02 **Emergency Circumstances:** When immediate danger is discovered, the Property Standards Officer may take whatever steps are appropriate to remedy the condition without necessity of Council's approval otherwise required by Section 7.01.

**Article 9.00: Transitional Provisions**

- 9.01 **Effect of Pre-existing By-laws:** Any By-law which was in effect in Kawartha Lakes on the date of passage of this By-law which covers the same subject matter shall remain in effect only for the purposes of the completion of any procedure that was commenced under that by-law.

**Article 10.00: Repeal of Historic By-laws; Effective Date**

- 10.01 **Repeals:** Except for the purposes set out in Section 9.01 the following by-laws are repealed:

	<u>Predecessor Municipality:</u>	<u>By-law Number(s):</u>
(a)	The Corporation of the Municipality of Bobcaygeon Verulam	5-83
(b)	The Corporation of the Township of Emily	1984-6
(c)	The Corporation of the Village of Omemee	1983-21
(d)	The Corporation of the Town of Lindsay	98-140
(e)	The Corporation of the Township of Mariposa	98-29
(f)	The Corporation of the Township of Manvers	87-19
(g)	The Corporation of the Village of Sturgeon Point	89-6
(h)	The Corporation of the Village of Fenelon Falls	84-18

- 10.02 **Effective Date:** This By-law shall come into force and take effect on the date it is passed.

By-law read a first, second and third time, and finally passed, this 27<sup>th</sup> day of August, 2002.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Schedule "A" to By-law 2002-119  
List of Definitions from the *Building Code Act, 1992*  
Applicable to this By-law

***Important Notice: This Schedule is for ease of reference only. Refer to the Current Edition of the Statute to ensure that no amendments have been made since the date of passage of By-law 2002-119.***

"chief building official" means a chief building official appointed or constituted under section 3 or 4;

"construct" means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning;

"demolish" means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning;

"Minister" means the Minister of Municipal Affairs and Housing;

"plumbing" means a drainage system, a venting system and a water system or parts thereof;

"regulations" means regulations made under this Act.

Schedule "B" to By-law 2002-119  
Property Standards Provisions in the *Building Code Act, 1992*

***Important Notice: This Schedule is for ease of reference only. Refer to the Current Edition of the Statute to ensure that no amendments have been made since the date of passage of By-law 2002-119.***

15.1 (1) In sections 15.1 to 15.8 inclusive,

"committee" means a property standards committee established under section 15.6;

"occupant" means any person or persons over the age of 18 years in possession of the property;

"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 on 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;

"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 heretofore or hereafter erected, and includes vacant property;

"repair" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit.

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4).

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with.

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) 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;

- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - (d) indicating the final date for giving notice of appeal from the order.
- (3) 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.
- (4) The order may be registered in the proper land 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 day on which the order was served under subsection (3) 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 the order.
- 15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- (2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed.
- (3) If an appeal is taken, the committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,
- (a) confirm, modify or rescind the order to demolish or repair;
  - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.
- (4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3) may appeal in a judge of the Ontario Court (General Division) [Superior Court of Justice] by notifying the clerk of the corporation in writing and by applying to the Ontario Court (General Division) [Superior Court of Justice] for an appointment within 14 days after the sending of a copy of the decision.
- (5) A judge of the Ontario Court (General Division) [Superior Court of Justice] shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.
- (6) On the appeal, the judge has the same powers and functions as the committee.
- (7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.
- 15.4 (1) If an order of an officer under section 15.2(2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.
- (2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property.
- (3) Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1).
- (4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the

collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

15.5 (1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner.

(2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located.

(3) A council of a municipality may set a fee for the issuance of a certificate.

15.6 (1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish.

(2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee.

(3) The members of the committee shall be paid such compensation as the council may provide.

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair.

(5) A majority of the members constitutes a quorum for transacting the committee's business.

(6) The members shall provide for a secretary for the committee.

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 74 of the Municipal Act applies with necessary modifications to the minutes and records.

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths.

(9) The committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable.

15.7 (1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 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 non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

(2) The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property.

(3) After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant.

(4) Despite subsection 31(2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3).

(5) If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

- (6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken.
- (7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Ontario Court (General Division) [Superior Court of Justice] for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose.
- (8) The judge in disposing of an application under subsection (7) shall,
  - (a) confirm, modify or rescind the order; and
  - (b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.
- (9) The disposition under subsection (8) is final.
- (10) The amount determined by the judge to be recoverable shall be a lien on the land and shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

- 15.8 (1) For the purposes of an inspection under section 15.2, an officer may,
- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
  - (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to a property or part thereof;
  - (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
  - (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
  - (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.
- (2) The officer shall divide the sample taken under clause (1)(e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
  - (3) If an officer takes a sample under clause (1)(e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
  - (4) An officer shall provide a receipt for any document or thing removed under clause (1)(b) and shall promptly return them after the copies or extracts are made.
  - (5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals.

Schedule "C" to By-law 2002-119  
Section 36 of the *Building Code Act, 1992*

***Important Notice: This Schedule is for ease of reference only. Refer to the Current Edition of the Statute to ensure that no amendments have been made since the date of passage of By-law 2002-119.***

36. (1) A person is guilty of an offence if the person,
- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
  - (b) fails to comply with an order, direction or other requirement made under this Act; or
  - (c) contravenes this Act, the regulations, a by-law passed under section 7 or a condition imposed under section 9.
- (2) Every director or officer of a corporation who knowingly concurs in the furnishing of false information, the failure to comply or the contravention under subsection (1) is guilty of an offence.
- (3) A person who is convicted of an offence is liable to a 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.
- (4) 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 (3).
- (5) For the purposes of subsections (3) and (4), an offence is a subsequent offence if there has been a previous conviction under this Act.
- (6) Every person who fails to comply with an order made by a chief building official under subsection 14(1) or clause 15(5)(a) is guilty of an offence and on conviction, in addition to the penalties mentioned in subsections (3) and (4), is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired.
- (7) If this Act or the regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this Act, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (8) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.
- (9) If an offence under this section has been committed within a municipality, the proceeds of a fine imposed under this section shall be paid to the treasurer of that municipality, and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply in respect of the fine.