

Amended by By-law 2001-96
Sept 10/01

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW 1999-34

**A BYLAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF NEWMARKET.
(Property Standards)**

WHEREAS Section 15-1 of the *Building Code Act* for the Province of Ontario, authorises the passing of a by-law for prescribing standards for the maintenance and occupancy of property;

AND WHEREAS the Council of the Corporation of The Town of Newmarket deems it expedient to pass a by-law for prescribing standards for the maintenance and occupancy of property within the Town and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property below the standards prescribed in the by-law to be repaired and maintained to comply with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition;

AND WHEREAS the Town of Newmarket has an Official Plan which includes provisions relating to property conditions;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET HEREBY ENACTS AS FOLLOWS:

SCOPE, DEFINITIONS, INTERPRETATION AND SHORT TITLE

SECTION 1.2 DEFINITIONS

- 1.2.1** "Accessory Building" means a subordinate building or structure, on the same lot as the main building or a part of the main building devoted exclusively to a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.
- 1.2.2** "Apartment Building" shall mean a building containing more than four dwelling units, each unit having access from an internal corridor system.
- 1.2.3** "Approved" means approved of by the Property Standards Officer.
- 1.2.4** "Basement" means a storey or storeys of a building located below the first storey.

- 1.2.16** "Fuel burning appliances" means appliances such as, but not limited to furnaces, refrigerators, clothes dryers, water heaters, boilers, fireplaces, wood stoves, charcoal grills, gas ranges and space heaters, which are fired by flammable fuels such as, but not limited to natural gas, propane, heating oil, kerosene, coal, gasoline, wood and charcoal.
- 1.2.17** "Grade" means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.2.18** "Ground Cover" means material organic or non-organic and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- 1.2.19** "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. Such barrier may or may not have openings through it.
- 1.2.20** "Habitable Room" means any room in a dwelling unit used or capable of being used for living, sleeping, cooking or eating purposes.
- 1.2.21** "Injurious" means injurious in the opinion of the Medical Officer of Health or a Public Health Inspector for the Region of York.
- 1.2.22** "Means of Egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of persons from any point in a building, floor area, room or contained open space to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.
- 1.2.23** "Mixed-use Building" means a building used in part for residential purposes and in part for non-residential purposes.
- 1.2.24** "Multiple Dwelling" shall mean a building or portion thereof containing two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established and maintained under the provisions of the Condominium Act or as a Co-operative.
- 1.2.25** "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, for access to and vertical travel between storeys, and a basement or part thereof which does not comply with the standards of fitness for occupancy set out in this by-law.
- 1.2.26** "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 thereto and all outbuildings, fences or erections thereon or therein.

- 1.2.5** "Carbon Monoxide Alarm" means a combined carbon monoxide detector and audible alarm device that:
- a) is designed to sound an audible alarm upon detection of excessive concentrations of carbon monoxide, and conforms to UL2034 or ULC CAN/CGA-6.19-M93 and, where electrically powered, is approved by the Canadian Standards Association; as amended from time to time.
- 1.2.6** "Chief Building Official" means the Chief Building Official as appointed under bylaw by Council.
- 1.2.7** "Clean and Sanitary" means clean and sanitary to the satisfaction of the Medical Officer of Health for the Town or a Public Health Inspector appointed to administer the Health Protection Act and Regulations.
- 1.2.8** "Corporation" means the Corporation for the Town of Newmarket.
- 1.2.9** "Deleterious" means deleterious in the opinion of the Medical Officer of Health or a Public Health Inspector for the Town.
- 1.2.10** "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 or would be intended to be used for such purposes except for its state of disrepair.
- 1.2.11** "Dwelling Unit" means a room or suite of rooms 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.
- 1.2.12** "Exit" means that part of a means of egress including doorways, that leads from the floor area it serves to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.
- 1.2.13** "Fire-resistance rating" means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria or as determined by extension or interpretation of information derived therefrom as prescribed in the *Ontario Building Code*.
- 1.2.14** "First Storey" means the storey with its floor closest to grade and having its ceiling more than 1.8 metres (6 feet) above grade.
- 1.2.15** "Floor Area" means the space on any storey of a building between exterior walls and required firewalls including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.

- 1.2.27** "Noxious Weeds" means any weed classed as noxious by the Noxious Weeds Act of the Province of Ontario.
- 1.2.28** "Nuisance" shall mean an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.
- 1.2.29** "Occupant" means any person or persons over the age of eighteen years in possession of the property.
- 1.2.30** "Officer" means a Property Standards Officer appointed by Council for the purposes of administering and enforcing this by-law.
- 1.2.31** "Owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such premises were let, and shall also include a lessee or occupant of the property who, under the terms of lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 1.2.32** "Person" means an individual, firm, corporation, association or partnership.
- 1.2.33** "Plumbing Fixture" means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water, liquid or sanitary sewage directly into drainage piping.
- 1.2.34** "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant property.
- 1.2.35** "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- 1.2.36** "Residential Property" means a building or structure or part of a building or structure, that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands and premises appurtenant thereto and all outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant residential property.
- 1.2.37** "Sanitary Unit" means a water closet, urinal, bidet or bed-pan washer.
- 1.2.38** "Sewage System" means the sanitary sewer system or a private sewage disposal system.

- 1.2.39 "Sign" means any surface upon which there is printed, projected or attached any announcement, declaration, or insignia used for direction, information, identification, advertisement, business promotion or promotion of products, activity or services, and includes a structure, whether in a fixed location or designed to be portable or capable of being relocated, or part thereof specifically designed for the foregoing uses. Furthermore, this includes flags, banners, advertising devices or any object intended for advertisement purposes.
- 1.2.40 "Standards" means the standards of physical condition and of occupancy prescribed for property in this by-law.
- 1.2.41 "Storage Garage" means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles but does not include a garage or carport forming part of a single dwelling unit.
- 1.2.42 "Storey" means the 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.
- 1.2.43 "Supplied" means installed, furnished or provided by the owner.
- 1.2.44 "Toilet Room" means a room in which sanitary units are installed.
- 1.2.45 "Town" means the Corporation of the Town of Newmarket.
- 1.2.46 "Yard" means the land, other than publicly owned land, around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

SECTION 1.3 *INTERPRETATION*

- 1) Imperial measurements in this by-law are provided for convenience only. The requirements of this by-law are set out in metric measurements.
- 2) Where a provision of this by-law conflicts with a provision of any other by-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

SECTION 1.4 *SHORT TITLE*

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

ADMINISTRATION

SECTION 2.1 *PROPERTY STANDARDS COMMITTEE*

2.1.1 A Property Standards Committee is hereby established consisting of three persons to be appointed by Council for three year terms. A person will be eligible to be considered by Council for appointment to the Committee provided on the date set by Council for the submission of applications for such appointments, the person is an individual who:

- 1) is either a resident of the Town or the owner or tenant of land in the Town;
- 2) is a Canadian citizen;
- 3) has attained the age of eighteen years; and
- 4) is not disqualified by statute or otherwise prohibited by law from voting in an election of Council.

2.1.2 The first three appointments shall be for terms of one, two and three years respectively, so that thereafter there shall be one vacancy each year and Council will each year fill the vacancy which occurs.

2.1.3 Where a member of Committee:

- 1) resigns;
- 2) is unable for any reason to perform the duties of the Committee for a period of ninety days or more without being authorised so to do by a resolution of the Committee;
- 3) ceases to be:
 - i) either a resident of the Town or the owner or tenant in the Town
or
 - ii) a Canadian citizen;
- 4) becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or
- 5) dies, before the expiry of his or her term of office the member will immediately cease to be a member of the Committee and Council shall appoint in his or her place another eligible person for the unexpired portion of the term.

SECTION 2.2 THE PROPERTY STANDARDS OFFICER

2.2.1 The Council of the Town shall, appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law.

2.2.2 Any building, housing, plumbing, heating or public health inspector or fire prevention officer of the Town is hereby authorised and directed to act as an assistant to the Officer from time to time.

SECTION 2.3 STANDARDS OF OCCUPANCY

2.3.1 No person shall use or occupy or permit the use or occupancy of any property that does not conform to the standards set out in this by-law.

- 2.3.2** The owner of any property which does not conform to the standards shall repair and maintain such property to conform to the standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.
- 2.3.3** No person shall remove from any premises any sign, notice or placard placed thereon pursuant to Section 15 of the *Building Code Act* or this by-law.
- 2.3.4** Following the inspection of a property, the Officer may or on the request of the owners shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this by-law.
- 2.3.5** The fee for a certificate of compliance issued at the request of an owner shall be ten dollars per 100 square metres (1076 square feet) of floor area of the building inspected.
- 2.3.6** The owner of every multiple residential property shall cause to be posted in a prominent place which is common to and regularly frequented by the residents therein the name, address and telephone number of the manager or a responsible person for such property and the name and telephone number of an authorised person to contact in the case of an emergency on a 24-hour basis.

SECTION 2.4 DEMOLITION OR REPAIR BY THE CORPORATION

- 2.4.1** If the owner of a property fails to demolish or repair the property in accordance with the requirements of an Order, as confirmed or modified, the Corporation in addition to all other remedies;
- 1) shall have the right to demolish or repair the property accordingly and for those purposes with its servants and agents from time to time to enter in and upon the property;
 - 2) shall not be liable to compensate such owner or other person by reason of anything done by or on behalf of the Corporation under the provisions of this by-law;
 - 3) shall be entitled to recover the expense incurred in so doing either by action or in like manner as municipal taxes.
- 2.4.2** The servants and agents of the Corporation shall not demolish or repair any property in accordance with the provisions of the by-law without first obtaining direction to do so from the Council of the Corporation.

SECTION 2.5 TRANSITIONAL PROVISIONS

- 2.5.1** This by-law comes into force on the day of its passing.

2.5.2 After the date of passing of this by-law, By-law No. 1990-105, as amended, applies only to properties in respect of which a Notice or Order has been given under By-law No. 1990-105, as amended, prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Notice or Order has been completed or any enforcement proceedings in respect of such Notice or Order, including demolition or repair by the Municipality, have been concluded.

2.5.3 Except, for the purpose set out in Sub-section 2.5.2, hereof, By-law No. 1990-105, as amended, is hereby repealed.

PART 3 STANDARDS FOR ALL PROPERTIES

SECTION 3.1 GENERAL

- 1) All repairs and maintenance of property required by the standards prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.

SECTION 3.2 MAINTENANCE OF YARDS

3.2.1 All vacant lots and every yard shall be kept clean and free from:

- 1) Rubbish, brush or other debris and from objects or conditions, such as holes or excavations, that might create a fire, health or accident hazard;
- 2) Unusable, wrecked, dismantled, discarded or partially dismantled or abandoned machinery, boats, vehicles, trailers or parts thereof, except as provided in Article 3.2.1 (8);
- 3) Heavy undergrowth and noxious weeds, including ragweed, poison ivy, poison oak and poison sumac; and other weeds and grass shall be kept cut to a reasonable length and the cuttings are to be removed and disposed of in an appropriate manner;
- 4) Dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a nuisance;
- 5) Injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of such pests;
- 6) Dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe or unsightly condition;
- 7) Hedges and bushes which are unsightly or unreasonably overgrown;

- 8) Nothing contained in this section shall be deemed to prevent the accumulation, storage and keeping in, or on any non-residential property, where a lawful business is conducted, of such things required for the normal purpose of such business, in a manner satisfactory to the Officer.
- 9) (i) areas used for vehicle traffic parking and loading in institutional, commercial, industrial and multiple residential zones requiring five (5) or more parking spaces, shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and paved with two (2) inches of asphalt over six (6) inches of granular A material and shall be free from ponding and puddles and otherwise in good repair.
- (ii) areas used for driveways and parking spaces within residential zones requiring less than five (5) parking spaces shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and shall be kept free from ponding and puddles and otherwise kept in good repair. Where an existing driveway or parking area is widened, the material used for the surface of the widened area shall be similar to and compatible with the finished surface of the existing driveway or parking area.

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- 3.2.2** Any required hedges, planting, trees and other landscaping on a property shall be maintained in a living condition, or shall be replaced with equivalent landscaping to the satisfaction of the Property Standards Officer.

SECTION 3.3 GRADING, PAVING AND SURFACE CONDITIONS

- 3.3.1** Yards shall be graded, cultivated or protected with a suitable ground cover in a manner:

- 1) to prevent excessive or recurrent ponding of storm water;
- 2) to prevent instability or erosion of soil;
- 3) to prevent the entrance of water into a basement;
- 4) not to create an unsightly appearance.
- 5) So as to be free from conditions which would impede the natural flow of water. Catch basins, storm drains and swales shall be maintained in a good state of repair.

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- 3.3.2** All areas of a yard which are used for vehicular traffic or parking including loading areas or bays, shall be:

- 1) kept free from dirt, surface dust and refuse;
- 2) maintained in good repair and free from large holes and deep ruts;

- 3) adequately graded and drained to prevent excessive ponding of water;
- 4) adequately lighted;
- 5) provided with secured curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, poles or other structures on the parking lot or adjoining property and from encroaching onto adjoining property;
- 6) maintained in good condition and yards which have been previously covered with paving materials shall be repaired with similar material or renewed when necessary
- 7) maintained free from conditions which would impede the natural flow of water. Catch basins and storm drains shall be maintained in a good state of repair;
- 8) provided with suitable markings such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible.

3.3.3 In industrial or commercial zones all required parking areas, loading areas and driveways shall be surfaced and maintained with asphalt, concrete or interlocking stone where required by by-law or site plan agreement.

3.3.4 Exterior steps, walks, loading docks, ramps, curbs, parking spaces, driveways and similar areas of a yard shall be maintained in a good state of repair, free from conditions which prevent passage and free from hazard to any person under normal use, and weather conditions.

SECTION 3.4 SEWAGE DISCHARGE

3.4.1 Sewage shall be discharged into the sewage system.

3.4.2 Sewage of any kind shall not be discharged on to the surface of the ground, whether into a natural or artificial drainage system or otherwise.

SECTION 3.5 EXTERIOR LIGHTING AND SUPPORTS

3.5.1 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard shall be adequately lighted at all times.

3.5.2 Lighting shall be considered adequate if there is sufficient light to provide an average level of illumination of at least 11 lux (1 foot-candle) at ground or tread level at all exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a yard.

- 3.5.3** For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at ground or tread level. The measurements shall be made at equally spaced intervals not exceeding 3 metres in any direction.
- 3.5.4** In all yards, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good repair and in good working order.

SECTION 3.6 FENCES, RETAINING WALLS AND SIGNS

3.6.1 Fences, retaining walls and all structures appurtenant to a property shall be:

- 1) maintained in good repair;
- 2) maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 3) maintained free from health, fire and accident hazards;
- 4) protected from deterioration by the application of paint or other suitable protective materials of uniform colour, or constructed of a material that is inherently resistive to such deterioration;
- 5) made with suitable materials and shall be designed and erected in a workmanlike manner and maintained so as not to create an unsightly appearance;
- 6) maintained free from posters, signs, notices, advertising material, words, pictures, drawings or other defacement;
- 7) capable of performing safely the function for which they were constructed.

3.6.2 Signs which are damaged, broken, defaced or which are excessively weathered or faded or upon which the finish is worn, peeled or cracked shall, with their fastenings or supporting members, be removed or shall be refinished and put in a good state of repair.

SECTION 3.7 ACCESSORY BUILDINGS

3.7.1 The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- 1) constructed with suitable materials;
- 2) maintained in good repair;
- 3) maintained to prevent an unsafe condition or an unsightly appearance.

- 3.7.2** The exterior of any accessory building or other structure appurtenant to the main building on a property shall be protected from deterioration by the application of paint or other suitable protective material of uniform colour.

SECTION 3.8 STRUCTURAL ADEQUACY

- 3.8.1** Every part of a property shall be maintained in good repair and in a structurally sound condition so as:

- 1) to be capable of sustaining safely its own weight and any load to which normally it might be subjected;
- 2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- 3) to prevent the entry of moisture that would contribute to damage, decay or deterioration;
- 4) to be capable of safely and adequately performing subject to all reasonable design requirements.

- 3.8.2** If, in the opinion of the Officer there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined and a written report be prepared by a professional engineer licensed to practice in Ontario, and employed by the owner of the building or his authorised agent. The written report, including drawings, signed and stamped by the engineer and giving details of the findings and proposed repair methods, shall be submitted to the Property Standards Officer for his evaluation and approval.

- 3.8.3** Examination and testing of any building or structure or parts thereof required by Sub-section 3.8.2 shall be conducted in a manner acceptable to the Officer and at the owner's expense.

- 3.8.4** Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required by Sub-section 3.8.2.

- 3.8.5** All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the engineer. The time specified shall be acceptable to the Officer.

- 3.8.6** No structural element may be added, removed, repaired or modified in any manner until a permit therefor has been obtained from the Chief Building Official.

- 3.8.7** On completion of all of the work, a report, signed and stamped by the professional engineer that all of the work has been completed to his satisfaction and specifications, shall be submitted to the Property Standards Officer.

SECTION 3.9 FIRE DAMAGE

- 3.9.1** A building or structure damaged by fire, storm or by other causes shall be demolished or repaired.
- 3.9.2** Where a building or structure is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
- 3.9.3** Defacement 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 be removed and the defaced areas refinished in a workmanlike manner.

SECTION 3.10 FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOF SLABS, BALCONIES AND OPENINGS

- 3.10.1** The foundations, walls, columns, beams, floors, roof slabs and balconies of a building including storage garages shall be maintained:
- 1) in good repair and structurally sound;
 - 2) free from decayed, damaged or weakened sills, piers, posts or other supports;
 - 3) in a manner so as to prevent the entry of moisture and rodents into the building;
 - 4) in a manner so as to prevent settlement of the building by restoring or replacing of the foundation, walls, columns, beams, floors and roof slabs and where necessary shall be so maintained by the shoring of the walls and floors, installing sub-soil drains at the footings, grouting masonry cracks waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above.
- 3.10.2** The exterior walls of a building shall be maintained;
- 1) in good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather-tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects.
 - 2) without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, repairing or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.

- 3.10.3** 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, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.
- 3.10.4** All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
- 3.10.5** Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.
- 3.10.6** The cladding on the exterior walls of all buildings shall consist of masonry stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.
- 3.10.7** Unsightly chalk marks, painted slogans and similar markings or defacements on the exterior surfaces of buildings shall be removed and the surfaces refinished when necessary.
- 3.10.8** Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:
- 1) in good repair and free from unsafe conditions;
 - 2) free from rubbish and debris;
 - 3) properly and safely anchored;
 - 4) protected against deterioration and decay by the periodic application of a weather resistant material such as paint;
 - 5) free from broken or missing glass.
- 3.10.9** Exterior doors, windows, skylights, basement hatchways including storm and screen doors and storm windows shall be:
- 1) maintained in good repair and weather- tight;
 - 2) free from rotted or defective members;
 - 3) free from torn, damaged or missing screens;
 - 4) free from defective or missing weather-stripping or caulking;
 - 5) free from defective storm or screen doors;

6) free from broken or missing glass.

3.10.10 Openings in exterior walls, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.

3.10.11 Sub-section 3.10.10 does not apply where it can be shown to the satisfaction of the Officer that the implementation of this section would adversely affect the normal operations in a non-residential property.

SECTION 3.11 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

3.11.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.

3.11.2 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be connected to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable governmental regulations.

SECTION 3.12 ROOFS

3.12.1 All roofs shall be maintained:

- 1) in a watertight condition;
- 2) free from loose or unsecured objects or materials;
- 3) free from dangerous accumulation of snow or ice or both;
- 4) free from all other accident, fire or health hazards;
- 5) so that roof decks and related guards are in a good state of repair; and
- 6) free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.

3.12.2 No roof drainage shall be discharged on an entranceway, walkway, stair or neighbouring property, or on to any impervious road allowance or in such a manner that it will penetrate or damage any building or structure.

3.12.3 Every eavestrough, roof gutter, rainwater pipe and flashing shall be kept in good repair, free from obstructions, properly secured and free from health and accident hazards.

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

SECTION 3.13 STAIRS, HANDRAILS AND GUARDS

- 3.13.1** All stairs, porches and landings, all treads and risers, all guards and handrails, and all supporting structural members thereof, shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.
- 3.13.2** All ramps, stairs, stairs within dwelling units having more than 2 risers and exterior stairs having more than 3 risers, shall be provided with a handrail in accordance with the requirements of the *Ontario Building Code*.
- 3.13.3** Guards shall be installed securely in accordance with the requirements of the *Ontario Building Code* and maintained in good repair. Without limiting the generality of the foregoing:
- 1) all open sides of interior and exterior stairs of multiple residential buildings shall be protected by a guard in accordance with *the Ontario Building Code*;
 - 2) all landings, balconies, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than maintenance purposes of a multiple residential building shall be protected by a non-climbable guard in accordance with the *Ontario Building Code*;
 - 3) guards around exterior balconies of a multiple residential building shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 4) openings through a guard on interior and exterior balconies, stairs, landings, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than maintenance purposes of a multiple residential building shall be such as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 5) all exterior landings, porches, decks, raised walkways, balconies and roofs to which access is provided for other than maintenance purposes serving not more than one dwelling unit shall be protected by a guard having a minimum height of 1070 mm (42") except that guards for porches, decks, landings and balconies serving not more than one dwelling unit and which are not more than 1.8m (5'-11") above the finish ground level may be a minimum of 900 mm (35") high;

- 6) guards on all exterior stairs serving not more than one dwelling unit shall be not less than 800 mm (31") high measured vertically above a line drawn through the outside edges of the stair nosing;
- 7) all open sides of interior stairs within a dwelling unit shall be protected by a guard not less than 800 mm (31 ") high measured vertically above a line drawn through the outside edges of the stair nosing;
- 8) guards on all interior landings, balconies and on all open sides where the difference in elevation between adjacent levels exceeds 600 mm (24") within a dwelling unit shall be not less than 900 mm (35") high;
- 9) openings through a guard on a balcony, stair, landing and the floor level around a stairwell serving not more than one dwelling unit shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4");
- 10) guards around porches, decks, and exterior balconies of a dwelling unit shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
- 11) all open sides of interior and exterior stairs of a non-residential building shall be protected by a guard having a minimum height of 900 mm (35") measured vertically above a line drawn through the outside edges of the stair nosing;
- 12) all interior and exterior balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than maintenance purposes of a non-residential building shall be protected by a guard having a minimum height of 1070 mm (42");
- 13) openings through a guard on all stairs, balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than maintenance purposes shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4") in residential occupancies, day care centres, nurseries or other similar occupancies where children may be present and 200 mm (8") in other non-residential buildings;
- 14) except as provided in 3.13.3 (5), all retaining walls and other locations where the vertical distance to the surface or horizontal plane below exceeds 600 mm (24") shall be protected by a guard in accordance with the *Ontario Building Code*;

3.13.4 Fire escapes shall be of metal, concrete or wood, of the stair type extending to ground level, constructed in a substantial manner and securely fixed to the building in accordance with the *Ontario Building Code*.

3.13.5 Guards on fire escapes and landings shall be in accordance with the *Ontario Building Code*.

SECTION 3.14 FLOORS AND FIRE PROTECTION

- 3.14.1** Floors shall be maintained in a clean and sanitary condition and free from stains, rubbish and debris.
- 3.14.2** The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.
- 3.14.3** Floors shall be maintained 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.
- 3.14.4** Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant governmental regulations.
- 3.14.5** Floor covering when removed, deteriorated or damaged, shall be replaced so that the flooring presents a uniform and neat appearance.

SECTION 3.15 CHIMNEY, FLUES AND RELATED EQUIPMENT

- 3.15.1** Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstructions and to comply with all applicable governmental regulations and to prevent:
- 1) obstruction to the free passage of persons within a building;
 - 2) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
 - 3) the entrance of smoke or gases into a building;
 - 4) fire and accident hazards.
- 3.15.2** Where a heating system, heating equipment or any auxiliary heating units burn solid or liquid fuel a place for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
- 3.15.3** 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.

- 3.15.4** Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
- 3.15.5** Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:
- 1) installed and maintained so as to prevent the escape of smoke or gases into the building;
 - 2) clear of obstructions;
 - 3) free from open joints;
 - 4) free from broken and loose masonry;
 - 5) in good repair and plumb.
- 3.15.6** A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good repair, properly secured and free from fire, health and accidental hazards.

SECTION 3.16 *NUISANCE*

- 3.16.1** On property which, because of its condition or because of its use or occupancy or for other reason, creates a nuisance to occupants of adjacent property or to persons in the neighbourhood or to the user of streets or parks, every reasonable precaution shall be taken to prevent such nuisance. Without limiting the generality of the foregoing such precautions shall include:
- 1) providing and maintaining an effective barrier to prevent the light from lamp standards, signs, vehicle head lamps and other sources from shining directly into a dwelling unit;
 - 2) providing and maintaining an effective barrier to prevent waste, wrappings, debris and the like from encroaching an adjacent property;
 - 3) the removal of excessive accumulation of materials from a yard unless such materials are required for a business being lawfully conducted on the property;
 - 4) providing and maintaining an effective barrier to prevent dumping, placing or depositing any debris of any kind onto the property;
 - 5) employing all means necessary and sufficient for the purpose.
- 3.16.2** The place for temporary storage and disposal of garbage and refuse shall be maintained;

- 1) in a litter free condition;
- 2) in a manner that will not attract pests or create a health or safety hazard;
- 3) screened from a public highway, street, walkway, park or residential property so as not to be visible from such locations.

3.16.3 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.

SECTION 3.17 VACANT PROPERTY

3.17.1 Where any property is unoccupied the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorised persons.

3.17.2 All materials used for boarding up unoccupied buildings shall be covered and maintained with a preservative which is colour co-ordinated to the exterior finish of the building.

3.17.3 Where a building remains vacant for a period of more than ninety days, the owner or his agent, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.

3.17.4 Sub-section 3.17.3 does not apply where such utilities are necessary for the safety or security of the building.

SECTION 3.18 STORAGE GARAGES

3.18.1 All storage garages shall be adequately lighted at all times.

3.18.2 Lighting in a storage garage shall be considered to be adequate if the number and arrangement of light fixtures is such as to provide an average level of illumination of at least 50 lux (5 foot candles) except that where the interior walls, ceilings, and columns of the storage garage area painted white, the average level of illumination shall be at least 32 lux (3 foot candles).

3.18.3 For the purpose of establishing the average level of illumination, at least one measurement of intensity of illumination shall be made at floor level for every 9 square metres (96.9 square feet) of floor area.

3.18.4 The level of illumination at any location on the floor of a storage garage shall not be less than 11 lux (1 foot candle).

3.18.5 The materials used to provide a white surface on the walls, ceiling and columns of storage garages shall:

- a) be suitable for application to the material of which the walls, ceilings and columns are formed;
 - b) shall be washable and shall be washed or renewed as is necessary to maintain a reasonably clean and bright surface.
- 3.18.6** No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition shall be stored or allowed to remain in a storage garage.
- 3.18.7** Every floor, wall, ceiling and stairwell of a storage garage shall be kept clean and free from rubbish and debris and from objects or conditions that might create a fire, health or accident hazard.
- 3.18.8** All means of egress within a storage garage shall be provided with clean, clear, unobstructed and readily visible exit signs for every required exit and maintained in good repair.

SECTION 3.19 *DEMOLITION*

- 3.19.1** Where a building, accessory building, fence or other structure on a property is demolished, the site shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition.
- 3.19.2** Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated 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, and from areas of multi-coloured paint or wallpaper.
- 3.19.3** Where a building, accessory building or other structure is being demolished, every precaution shall be taken to protect adjoining property and members of the public. Such precaution shall include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

SECTION 3.20 *RECREATIONAL FACILITIES*

- 3.20.1** Recreational amenities, facilities, rooms, play areas and play area surfaces and equipment supplied by the owner shall be maintained in good repair, clean and be available for use at reasonable hours.

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

SECTION 4.1 DUTIES OF OCCUPANTS

- 4.1.1** Every occupant of a dwelling in that part of the dwelling that he or she occupies or controls shall:
- 1) limit the number of occupants thereof to the maximum number permitted by this by-law;
 - 2) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - 3) keep all exits unobstructed;
 - 4) maintain the same in a clean condition;
 - 5) co-operate with the landlord in complying with the requirements of this by-law.

SECTION 4.2 CLEANLINESS

- 4.2.1** A dwelling shall at all times be kept free of rodents, vermin and insects which may be deleterious to safety, health, and comfort from conditions which may encourage infestation by such pests.
- 4.2.2** In multiple dwellings every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.
- 4.2.3** Garbage chutes and garbage disposal rooms must be kept in use and maintained in working order at all times.

SECTION 4.3 OCCUPANCY STANDARDS

- 4.3.1** A non-habitable room shall not be used as a habitable room.
- 4.3.2** A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.

- 4.3.3** The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square meters (97 square feet) of habitable room floor area.
- 4.3.4** The minimum area of a room used by only one person for sleeping shall be 6 square metres (64.5 square feet). The minimum dimension of any habitable room shall be 2 metres (6.5 feet).
- 4.3.5** The minimum area of a room used by two or more persons for sleeping shall be 4 square metres (43 square feet) for each person so using the area.
- 4.3.6** Every habitable room shall have a ceiling height in accordance with the requirements of the *Ontario Building Code*.
- 4.3.7** Any dwelling unit or portion thereof shall not be used as a dwelling unless it meets the requirements of this by-law, the requirements of the *Ontario Building Code* and *Fire Code*.
- 4.3.8** Each kitchen in a dwelling unit shall be provided with an approved gas or electrical supply for cooking purposes.
- 4.3.9** Each kitchen in a dwelling unit when equipped with refrigerator, cooking stove, kitchen fixture and fittings shall have such appliances, fixtures and fittings maintained in good repair and good working order.
- 4.3.10** Every dwelling unit shall be equipped with a carbon monoxide detector if the building is equipped with a fuel fired appliance or an interconnected attached garage.
- 4.3.11** Every dwelling unit shall be equipped and maintained with a smoke detector in accordance with the requirements of the *Ontario Building Code*.

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SECTION 4.4 GENERAL MAINTENANCE

- 4.4.1** Every supplied facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 4.4.2** A mail box or mail receptacle shall be supplied for every dwelling unit in a building and maintained in good repair.

SECTION 4.5 DISCONNECTING UTILITIES

- 4.5.1** No owner, nor anyone acting on his behalf, shall disconnect or cause to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for residential property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 4.5.2** A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an offence under Sub-section 4.5.1.

SECTION 4.6 DOORS, WALLS AND CEILINGS

- 4.6.1** Interior door and door frames including automatic door closets and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- 4.6.2** Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, shall have locking devices and other necessary hardware installed and maintained in good repair. Access doors, as above, 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.
- 4.6.3** In the public parts of multiple dwellings, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.
- 4.6.4** Every wall and ceiling in a dwelling or in a dwelling unit shall be maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and finished to match the existing wall or ceiling.
- 4.6.5** Repairs made to the walls and ceiling of a dwelling or in a dwelling unit, shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.
- 4.6.6** Previously finished wall and other surfaces in the public parts of multiple dwellings shall be maintained in good repair and shall be 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 shall be removed and the surface refinished when necessary.

- 4.6.7** In multiple dwellings, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common, shall be kept in reasonably clean condition.
- 4.6.8** Every wall, ceiling, staircase and landing, furnishing, fixture and appliance in a dwelling shall be maintained in a clean and sanitary condition and the dwelling shall be kept free from rubbish and debris.
- 4.6.9** Garbage chutes and garbage disposal rooms shall have fire doors fitted with self closing devices and all necessary hardware and every such door shall be a good fit in its frame and maintained in good repair.

SECTION 4.7 HEATING

- 4.7.1** Every dwelling and every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21 degrees C (70 degrees F) at 1.5 metres (5 feet) above the floor level in all habitable rooms, bathrooms and toilet rooms.
- 4.7.2** Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable governmental regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Sub-section 4.7.1.
- 4.7.3** Fireplaces and other solid-fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed in accordance with the current standards of the Underwriters Laboratory of Canada and the manufacturers instructions.
- 4.7.4** If, in the opinion of the Officer there is a reason to believe that the heating system of a building has been constructed, installed or maintained not in compliance with the requirements of all applicable governmental regulations, the Officer may order that such heating system be examined and a written report be prepared by a certified heating contractor and employed by the owner of the building or his or her authorised agent. The written report signed by the certified heating contractor and giving details of the findings and proposed repairs shall be submitted to the Property Standards Officer.
- 4.7.5** All work specified by the certified heating contractor shall be completed in the manner and within the time which shall be specified by the contractor. The time specified shall be acceptable to the Officer.
- 4.7.6** A permit shall be obtained from the Building Inspector where the method of operation of an existing heating system is altered, the repair, adjustment or component replacements that change the capacity or extent of safety of the system shall conform with the requirements of the *Ontario Building Code*.

4.7.7 On completion of all work to the heating system, the Officer shall be provided with a signed certificate from the certified heating contractor. Where applicable, a Certificate of Inspection signed by the Chief Inspector, Ministry of Consumer and Commercial Relations, pursuant to the Boilers and Pressure Vessels Act shall be provided.

SECTION 4.8 SEPARATIONS

4.8.1 Every dwelling shall be so constructed and protected as to prevent the passage of noxious fumes and gases from a part of the dwelling that is not used, designed or intended to be used for human habitation into other parts of the dwelling.

SECTION 4.9 PLUMBING

4.9.1 All plumbing, drainpipes, waterpipes, plumbing fixtures and every connecting line to the sewage system shall:

- 1) comply with the requirements of all applicable governmental regulations;
- 2) be maintained in good working order free from leaks or defects;
- 3) be protected from freezing.

4.9.2 Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health for the Region of York.

4.9.3 Every dwelling unit shall be provided 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.

4.9.4 A water closet shall be located within and be accessible from within the dwelling unit and shall be located and equipped to afford privacy to persons using such water closet.

4.9.5 All plumbing fixtures and appliances installed within a dwelling shall be maintained in good working condition and in a clean and sanitary condition.

4.9.6 Every sink, wash basin, bathtub and shower in a dwelling unit shall be provided with an adequate supply of hot and cold running water.

4.9.7 All hot water shall be supplied at a temperature ranging from 45 degrees C (113 degrees F) to 60 degrees C (140 degrees F) in accordance with the requirements of the *Ontario Building Code*.

4.9.8 Every sink, wash basin and laundry facility in a dwelling shall be provided with an adequate supply of hot and cold running water.

4.9.9 Adequate potable running water shall be supplied to every water closet.

SECTION 4.10 ELECTRICAL SUPPLY AND LIGHTING

4.10.1 Every dwelling unit shall be connected to an electrical supply system and shall be wired for electricity.

4.10.2 The electrical wiring, pipes for conducting fuel and all equipment and appliances for use in a dwelling unit or accessory building shall be 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.

4.10.3 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and basement in a dwelling.

4.10.4 In multiple dwellings, every stairway, hall, exit and entrance, and all other parts of the dwelling used by the tenants in common shall be adequately lighted at all times. Without limiting the generality of the foregoing, lighting shall be considered adequate:

- 1) if there is sufficient light to provide an average level of illumination of at least 21.6 lux (2 foot candles) at floor levels, in corridors, halls, and at exits and entrances;
- 2) where corridors, stairs and stair landings are illuminated by a common system, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 21.6 lux (2 foot candles);
- 3) on stairs and stair landings which are not illuminated by the lighting fixture provided of adjacent corridors, halls, exits or entrance-ways, an average level of illumination of at least 16.2 lux (1.5 foot candles) shall be provided.

4.10.5 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at floor level. The measurement shall be made at equally spaced intervals not exceeding 3 metres in any direction.

4.10.6 The level of illumination at any location on the floor level in corridors, halls, exits, entrances and stairs of a building shall not be less than 11 lux (1 foot candle).

4.10.7 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

SECTION 4.11 WINDOWS AND WALL OPENINGS

4.11.1 Every habitable room in a dwelling except a kitchen, shall contain an outside window or windows which shall be maintained in good repair, and which shall:

- 1) have a total light transmitting area of not less than 10 percent of the floor area in living room and dining room and have a total light transmitting area of not less than 5 percent of the floor area in bedrooms and other finished rooms;
- 2) when designed to open, be easily opened and closed at all times and the area of the operable portion shall comply with the requirements of the *Ontario Building Code*;
- 3) be provided with proper and suitable hardware and effective locking devices *so as to properly perform their intended function*.
- 4) have the total light transmitting area of the window wells counted in the calculations referred to in article 4.11.1 (1) provided that one half of the area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.

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4.11.2 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin or rodents.

4.11.3 All windows in a dwelling unit designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good repair.

SECTION 4.12 VENTILATION

4.12.1 In every dwelling unit:

- 1) Every kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.
- 2) Where any system of mechanical ventilation is provided for any building or accessory structure, room or series of rooms such system, including monitoring devices for air contaminants or operability and supports shall be:
 - i. capable of completely changing the air in the room in accordance with the requirements of the *Ontario Building Code*;

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- ii. regularly cleaned and maintained in working order, good repair, and in a safe condition at all times.

- 4.12.2** In multiple dwellings every laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated in accordance with ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers) Standards 62, Ventilation for Acceptable Indoor Air Quality.
- 4.12.3** A mechanical ventilation system in laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be:
- a) maintained in good repair and in good working order;
 - b) maintained in a safe condition;
 - c) regularly cleaned.

SECTION 4.13 *MEANS OF EGRESS FOR MULTIPLE DWELLING UNITS*

- 4.13.1** Every dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to an exit at or near grade level.
- 4.13.2** All means of egress within a multiple dwelling shall be provided with clean, clear, unobstructed and readily visible exit signs for every required exit and maintained in good repair.
- 4.13.3** The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- 4.13.4** In multiple dwellings every reasonable precaution shall be taken to prevent unauthorised persons from entering the dwelling or a garage or other building accessory to the dwelling.
- 4.13.5** In every multiple dwelling containing 10 or more dwelling units, a two way voice communication system shall be provided between each dwelling unit and the main entrance and each dwelling unit shall be provided with a security locking and release mechanism for the main entrance and such mechanism shall be maintained in a locked position at all times. Such mechanisms shall be maintained in good repair and in an operative condition.
- 4.13.6** In multiple dwellings where a voice communication system between each dwelling unit and the front lobby and security locking and release facilities for the entrance have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair and in operative condition.

- 4.13.7** Every door used as an entrance to or means of egress from a multiple dwelling where a voice communication system between each dwelling unit and the front lobby and security locking and release facilities for the entrance have been provided or from a storage garage which is not open and available for use by the general public shall be kept closed and locked and shall be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.
- 4.13.8** Doors used as a means of egress from a multiple dwelling or a storage garage shall be so arranged as to be readily opened without the use of a key, in the direction of exit travel.

SECTION 4.14 WINDOW CATCHES AND GUARDS

- 4.14.1** Every window of a dwelling unit which is located above the first storey of a multiple dwelling shall be equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm (4"), such devices to be to the requirements of the *Ontario Building Code*.
- 4.14.2** Every window located above the first storey in corridors, stairways, and other public areas of a multiple dwelling, that extends to less than 1070 mm (42") above the floor or landing, shall be protected by a guard of at least 1070 mm (42") in height, having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4") and having no member, attachment or opening, which will facilitate climbing, located between 100 mm (4") and 900 mm (35 1/2") above the floor or the bottom of the guard.

SECTION 4.15 ELEVATING DEVICES

- 4.15.1** Elevating devices in a dwelling, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

SECTION 5.1 DUTIES OF OWNERS AND OCCUPANTS

- 5.1.1** Every owner, and every occupant in that part of non-residential property that he occupies or controls, shall maintain the property:
- 1) in a clean, sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - 2) free from objects or conditions which are health, fire, or accident hazards;

3) free from rodents, vermin and injurious insects.

5.1.2 In a mixed-use building no owner or occupant thereof, nor anyone acting on behalf of such owner or occupant, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving the residential portion therein and occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

5.1.3 A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an offence under Sub-section 5.1.2.

SECTION 5.2 *INTERIOR WALLS, CEILINGS AND FLOORS*

5.2.1 Interior walls, floors and ceilings shall be maintained:

- 1) free from health, fire and accident hazards;
- 2) in good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
- 3) in a clean and sanitary condition which is reasonable considering the use or operation;
- 4) free from missing, cracked and broken glass in door panels, glass screens and windows. Cracked and broken glass in broken door panels, glass screens and windows shall be replaced with approved glass or other approved material.

5.2.2 In mixed-use buildings wherein noxious fumes, odours or gases are, or could be present, all surfaces separating the non-residential portion from the residential portion shall be of gastight construction and maintained in a good state of repair so as effectively to prevent the passage of noxious fumes, odours or gases through the separation.

5.2.3 Plaster repairs made to the walls and ceilings of non-residential properties, shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

5.2.4 In non-residential buildings, glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.

5.2.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.

5.2.6 Every supplied facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.

SECTION 5.3 HEATING

5.3.1 Every non-residential property shall be provided with a heating system capable of maintaining an appropriate temperature for the operations carried on within the property and which shall be maintained in a safe and good working condition.

5.3.2 Non-residential properties shall be provided with a heating system capable of maintaining a minimum temperature of 18 degrees C (64 degrees F) between the month of September in each year and the month of June of the following year when the premises are occupied.

SECTION 5.4 PLUMBING

5.4.1 In every non-residential building, plumbing fixtures shall be provided and installed in accordance with the requirements of all applicable governmental regulations.

5.4.2 All plumbing, drainpipes, water pipes and plumbing fixtures in every non-residential property 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 government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

5.4.3 All installed plumbing fixtures:

- 1) shall be kept in good repair, in a clean and sanitary condition and every sanitary unit shall be so located and enclosed as to be easily accessible to and provide privacy for, the persons using such sanitary units;
- 2) shall be connected to a sewage system;
- 3) shall be provided with an adequate supply of running water and such fixtures as washbasins, showers and other fixtures at which hot water is required, shall be provided with an adequate supply of hot water at a minimum temperature of 49 degrees C (120 F).

- 5.4.4 Rooms in which plumbing fixtures are installed shall be maintained in a clean and sanitary condition and the walls and ceilings shall be provided with a smooth surface reasonably impervious to water and resistant to chipping or cracking.
- 5.4.5 The paint on walls and ceilings in rooms in which plumbing fixtures are installed shall be renewed as often as necessary and maintained in a clean and sanitary condition.
- 5.4.6 In mixed-use buildings, plumbing fixtures installed in connection with the non-residential portion of the building and available for use by members of the public, shall be separate from such fixtures required by the standards for the residential portion of the building.

SECTION 5.5 *ELECTRICAL SERVICES AND LIGHTING*

- 5.5.1 Non-residential properties shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power may be available at all times.
- 5.5.2 The electrical connection to and the wiring system of a non-residential property shall be installed and maintained in good working order, free from fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.
- 5.5.3 In all parts of a non-residential building a level of illumination shall be provided and maintained which will adequately protect all persons within the building from health and accident hazards.
- 5.5.4 Artificial lighting shall be provided and maintained 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.
- 5.5.5 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

SECTION 5.6 *VENTILATION*

- 5.6.1 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good repair and in a safe mechanical condition.
- 5.6.2 All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.

5.6.3 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.

5.6.4 Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a building is installed, the discharge from such a system shall terminate above the roof line of the building and not less than 3.05 metres (10 feet) clear of any skylight, window, ventilation or other opening into a building and shall be operated in such a way as not to constitute a nuisance.

SECTION 5.7 MEANS OF EGRESS

5.7.1 All means of egress within a non-residential building shall be:

- 1) maintained free from all obstructions or impediments;
- 2) provided with lighting facilities capable of supplying not less than 11 lux (1 foot candle) of light intensity on the floor surfaces continuously;
- 3) provided with clean, clear, unobstructed and readily visible exit signs, for every required exit.

5.7.2 In a mixed-use building, no means of egress from the non-residential portion of the building shall pass through any part of any dwelling unit unless the occupant thereof is also the occupant of the non-residential portion.

SECTION 5.8 WINDOW GUARDS

5.8.1 Every window in a non-residential building located above the first storey in corridors, stairways and other public areas that extends to less than 1070 mm (42") above the floor or landing shall be protected by a guard at least 1070 mm (42") in height and having no openings large enough to permit the passage of a spherical object with a diameter of 200 mm (8") and be non-climbable.

SECTION 5.9 ELEVATING DEVICES

5.9.1 Elevating devices in a non-residential building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.

SECTION 6 PENALTIES

- 6.1 Every person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a fine or penalty of not more than \$25,000 for a first offence and to a fine of not more than \$50,000. for a subsequent offence. The provisions of the penalties as provided for and recoverable under the *Ontario Building Code Act, Statutes of Ontario, 1997*, Chapter 23, as amended and the respective Regulations passed thereunder and shall apply to the said fines and penalties.
- 6.2 Every corporation who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a maximum fine or penalty that may be imposed by the Corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence. The provisions of the penalties as provided for and recoverable under the *Ontario Building Code Act, Statutes of Ontario, 1997*, Chapter 23, as amended and the respective Regulations passed thereunder and shall apply to the said fines and penalties.
- 6.3 The conviction of an offender upon the breach of any provisions of the bylaw shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and the Judge may convict any offender repeatedly for continued or subsequent breaches of the bylaw, and the provisions of *the Building Code Act, Statutes of Ontario, 1997*, Chapter 23, Section 36(6), as amended from time to time, shall further apply to any continued or repeated breach of this bylaw. Each day shall constituted a separate offence under this bylaw.

7 REPEALING CLAUSE

Bylaw 1990-105 as amended is hereby repealed.

Tom Taylor, Mayor

Robert M. Prentice Town Clerk