

# The Corporation of The Township of Adjala-Tosorontio

## By-law No. 18-

### A By-law for Prescribing Standards for the Maintenance and Occupancy of Property

**Whereas** Section 15.1(3) of the Building Code Act, 1992, S.O. 1992, C.23, as amended, authorizes the council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

**Now Therefore** the Council of The Corporation of The Township of Adjala-Tosorontio enacts as follows:

#### 1.0 Title and Scope

- 1.1 This By-law may be referred to as “The Property Standards By-law”.
- 1.2 The standards for maintenance and occupancy of **property** set forth in this By-Law are hereby prescribed and adopted as the minimum standards for all **property** within the **Township**.
- 1.3 No **person** shall occupy a **property** if there is a condition which poses or constitutes an **unsafe condition**.
- 1.4 A **property** within the **Township** that does not conform with the standards contained in this By-law shall be:
  - (a) repaired and maintained to conform with such standards; or
  - (b) cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.
- 1.5 This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

#### 2.0 Applied Meaning of Words and Terms

- 2.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

### 3.0 Definitions

In this By-law:

“**accessory building**” means a detached **building** or structure, not used for human habitation that is subordinate to the primary use on the same **property**;

“**boat**” means any vessel which floats on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land;

“**building**” means a building as defined in the **Building Code Act**, or a structure used or intended to be used for supporting or sheltering any use or occupancy;

“**Building Code Act**” means the Building Code Act, 1992, S.O. 1992, c. 23, as amended and any prescribed regulations under the Building Code Act;

“**dwelling**” means a **building** or part of a **building**, occupied or capable of being occupied, in whole or in part for the purpose of human habitation;

“**dwelling unit**” means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

“**exterior property areas**” means the **property**, exclusive of a **building** and an **accessory building**;

“**fence**” means a structure, wall or barrier, other than a **building**, erected at grade for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen;

“**ground cover**” means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

“**habitable room**” means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway, basement or cellar recreation room, storage room, furnace room or other accessory space used for service, maintenance or access within a **building**;

“**Noxious Weed**” means, as defined in the *Weed Control Act*, R.S.O. 1990, c. W. 5, as amended, a plant that is deemed to be a noxious weed under subsection

10 (1) or designated as a noxious weed under section 24 (a) of that Act, as amended;

“**occupant**” means any **person** or **persons** over the age of eighteen years in possession of the **property**;

“**openable area**” means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors;

“**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**;

“**person**” includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law;

“**property**” means a **building** or **accessory building**, or part of a **building** or **accessory building**, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes **vacant property**;

“**Property Standards Officer**” shall mean a Property Standards Officer who has been appointed by by-law to administer and enforce this By-law;

“**sewage**” means water-carried waste, together with such ground, surface and storm waters as may be present;

“**Township**” means the Corporation of the Township of Adjala-Tosorontio or the land within the geographic limits of the Corporation of the Township of Adjala-Tosorontio as the context requires;

“**unsafe condition**” means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **person** on or about the **property**.

“**vacant building**” means any **building** or **accessory building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:

- (a) a **dwelling unit** occupied by the **owner** on a seasonal basis but otherwise maintained throughout the year;
- (b) a **building** on **property** used for farming purposes, except a **dwelling unit**.

“**vacant property**” means a **property** that does not have a **building** or **accessory building**;

“**yard**” means the land, other than publicly owned land, around or appurtenant to the whole or any part of a **building** or **accessory building**; and includes **vacant property**.

#### 4.0 Exterior Property Areas – General Requirements

4.1 **Exterior Property Areas** shall be kept in a neat and tidy condition, and free from:

- (a) rubbish, garbage, brush, waste, litter and other debris;
- (b) injurious insects, termites, rodents, vermin and other pests;
- (c) **Noxious weeds** and excessive growth of other weeds and grass;
- (d) unsightly and unreasonably overgrown, in relation to their environment, **ground cover**, hedges and bushes;
- (e) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an **unsafe condition**;
- (f) wrecked, dismantled, derelict, inoperative, discarded, unused or an unlicensed vehicle or trailer, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property** by a solid metal fence, 14 feet high with no solid openings all around the property, that will be housing the above descriptions;
- (g) wrecked, dismantled, derelict, inoperative, discarded or unused **boat** and any component parts thereof, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;
- (h) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an **unsafe condition** or an unsightly condition out of character with the surrounding environment;

- (i) dilapidated or collapsed **building** and any unprotected well or other **unsafe condition** or unsightly condition out of character with the surrounding environment.

4.2 Hedges, plantings, trees or other landscaping, required by the **Township** as a condition of site development, redevelopment or rearrangement, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out its intended function and maintain an attractive appearance.

## 5.0 Drainage

5.1 **Exterior property areas** shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon; and shall be cultivated or protected with a suitable **ground cover** to prevent erosion of the soil. All catch basins and swales shall be installed and maintained, and all ditches maintained so as to not impede the natural flow of water.

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

## 6.0 Sewage and Drainage

6.1 Human sewage, animal sewage including animal waste or organic waste shall be disposed of into an approved disposal system, which septic system shall be acceptable to the Chief Building Official and/or the Ministry of the Environment, or Ministry of Agriculture the case may be.

6.2 Human sewage or organic waste shall be disposed of into an approved septic disposal system, which septic system shall be acceptable to the Medical Officer of Health, the Chief Building Official and/or the Ministry of the Environment, as the case may be.

6.3 Human sewage of any kind shall not be discharged on the surface of the ground, whether into a natural or artificial surface, drainage system or otherwise.

6.4 No roof drainage shall be discharged on sidewalks, stairs or neighbouring property. Roof or surface drainage shall not be discharged onto neighbouring property in any manner that would create a nuisance.

6.5 Storm water shall be discharged from the yard so as to prevent excessive ponding or the entrance of water into a basement or cellar.

## 7.0 Garbage Disposal

- 7.1 Garbage, refuse and ashes shall be promptly stored in receptacles and disposed of in accordance with Township By-laws.
- 7.2 Every building, dwelling house or dwelling unit shall be provided with sufficient receptacles to contain all garbage, refuse and ashes that accumulate in the building, dwelling house, dwelling unit and/or yard.
- 7.3 Composting shall comply with all health regulations and the compost pile shall be located in the yard so as to not pose a nuisance to adjacent property.
- 7.4 Manure and other farm by-products shall be disposed of in accordance with Township By-laws and the applicable Provincial legislation.

## **8.0 Retaining Walls**

- 8.1 A retaining wall shall be maintained in good repair and free from accident hazards.
- 8.2 Without restricting the generality of the 8.1 the maintenance of a retaining wall may include:
  - (a) redesigning, repairing or replacing all deteriorated, damaged, misaligned or missing portions of the wall, or railings and guards appurtenant thereto;
  - (b) installing subsoil drains where required to maintain the stability of the wall;
  - (c) grouting masonry cracks;
  - (d) applying a coat of paint or equivalent preservative to all metal or wooden exposed components.
  - (e) comply with the Ontario Building Code for retaining walls that abut public property.

## **9.0 Fences**

- 9.1 A **fence** on a **property** separating adjoining **property** shall:
  - (a) be in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
  - (b) be maintained in a good state of repair and free of accident hazards;
  - (c) not present an unsightly appearance.
- 9.2 Without restricting the generality of the 9.1 the maintenance of a **fence** may include:

- (a) protecting by paint, treated with a preservative or other weather resistant material unless the aesthetic characteristics of the fence, screen or enclosure are enhanced by the lack of such treatment.

## **10.0 Communal Walkways, Driveways, Ramps, Parking Areas and Outside Stairs and Landings**

- 10.1 A communal walkway, driveway, ramp, parking area and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of **persons** slipping or vehicles skidding on an icy surface.
- 10.2 An area used for vehicle traffic and parking shall be maintained through paving or surfaced with crushed stone or other suitable and reasonably dust-free substance; and shall be free from ponding and puddles and maintained in good repair and condition.
- 10.3 A walkway shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth, slip-free and safe walkway.

## **11.0 Accident Protection**

- 11.1 When an **unsafe condition** exists to **persons** in a **building** or **accessory building**, the **Building Code Act** shall apply to the extent necessary to abate the **unsafe condition**. In the event that strict application of the **Building Code Act** is not practical, the **Property Standards Officer** may accept alternative measures provided the standards of safety that result is generally equivalent to the standards provided by the **Building Code Act**.
- 11.2 Without limiting the generality of section 13.2.1, the abating of an **unsafe condition** may include:
  - (a) the provision or repair of stairs, balustrades, railings, guards and screens so as to minimize the risk of accident; and
  - (b) the elimination of other conditions which, in themselves are a hazard to life or which risk serious injury to persons normally in or about the subject **building, accessory building**, room, suite of rooms or space.

## **12.0 Health and Refuse**

- 12.1 An external refuse container and receptacle shall be screened from view and shall be provided with a cover so that the material contained therein is not exposed to injurious insects, termites, rodents, vermin or other pests.
- 12.2 Containers and receptacles shall be washed down and disinfected as necessary so as to maintain a clean and odour free condition.

## **13.0 Heating, Heating Systems, Chimneys, Vents and Fuel Burning Appliances**

- 13.1 Every **building** containing an occupied **dwelling unit** or **habitable room** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius. A heating system shall be maintained in good working condition so as to be capable of safely heating the **dwelling unit** or **habitable room** to the required standard.
- 13.2 A fuel burning appliance shall:
- (a) have ample air supply to permit combustion to occur with optimum oxygen available;
  - (b) be located in such a manner as to prevent impediment to the free movement of a **person** and the overheating of adjacent materials and equipment;
  - (c) have guards where necessary to minimize the risk of an accident.
- 13.3 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and location so as to be free from fire or accident hazard.
- 13.4 A fuel burning appliance, equipment and accessories shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method and as may be required by the **Building Code Act**.
- 13.5 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a **building**. Maintenance may include the removal of obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 13.6 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 14.0 Exterior Doors, Windows and Other Openings**
- 14.1 Nothing in this section shall be construed as preventing doors, windows and other openings in an unoccupied **building** or **accessory building** from being protected from damage or to prevent entry, for such time as determined by Property Standards By-law or By-law Enforcement Officer's opinion.

## 15.0 Exterior Maintenance

- 15.1 All exterior surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.
- 15.2 Appropriate measures shall be taken to remove any graffiti, markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the exterior surface and adjacent areas to, as near as possible, to its appearance before the markings, stains or defacement occurred.
- 15.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged **building** or **accessory building** compatible with its environment. Without restricting the generality of the foregoing, such measures include:
- (a) making the **building** or **accessory building** safe;
  - (b) repairing of damaged surfaces;
  - (c) cleaning any damaged surfaces;
- 15.4 In the event the **building** or **accessory building** is beyond repair, the **property** shall be cleared of all remains and left in a graded level and tidy condition. This condition will only be acted upon by the Chief Building Official if it is unsafe to the general public.

## 16.0 Vacant Property and Vacant Buildings – Additional Standards

- 16.1 **Vacant property** shall be kept clear of all garbage, rubbish and debris and other materials and equipment not otherwise permitted by the zoning by-law.
- 16.2 A **vacant building** shall:
- (a) be secured against unauthorized entry;
  - (b) have liability insurance; and
  - (c) be protected against the risk of fire, accident, or other danger.
- 16.3 Where a **vacant building** has been vacant for at least sixty (60) consecutive days, a **Property Standards Officer** who reasonably believes that a **vacant building** poses a risk to safety may, in writing, require the **Owner** of a **vacant building** to do any one or more of the following, within the timeframe specified by the **Property Standards Officer**:

- (a) install security measures or devices to the satisfaction of the **Property Standards Officer**, and such measures may include boarding of doors, windows, or other openings; or
  - (b) do any work or repairs which, in the opinion of the **Property Standards Officer**, are necessary to secure a **vacant building** from unauthorized entry or protect a **vacant building** against the risk of fire, accident, or other danger.
- 16.4 Where a **vacant building** has been designated pursuant to the *Ontario Heritage Act*, it is the responsibility of the **Owner** to bring that information to the **Property Standards Officer's** attention to ensure compliance with all other laws or by-laws respecting the **property**.
- 16.5 Where a **vacant building** is boarded or required to be boarded:
- (a) boarding materials shall be installed and maintained in good order;
  - (b) boarding materials shall be installed to exclude precipitation and wind from entering the **vacant building**, and to secure the **vacant building** from unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;
- 16.6 Where a **vacant building** remains vacant for more than ninety (90) consecutive days, the **Owner** shall ensure that all utilities serving the **vacant building** are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the **vacant building**, or unless such utilities are otherwise required by law to remain connected.
- 16.7 When openings in a **vacant building** previously boarded or secured become unsecured, such openings shall be secured again, using materials and fasteners of greater strength, installed in such a manner to deter their removal or destruction.
- 16.8 Where a **vacant building** has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a **Property Standards Officer** may issue an order to remove all previously installed boarding from windows and doors and to repair the **vacant building** in compliance with the standards set out in the By-law.

## **17.0 Administration and Enforcement**

- 17.1 A **Property Standards Officer** is responsible for the administration and enforcement of this By-law.
- 17.2 A **Property Standards 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 this by-law;
- (b) whether an order made under this by-law and the **Building Code Act** has been complied with.

## 18.0 Orders and Compliance

- 18.1 An **owner** of **property** shall comply with the standards and requirements prescribed in this By-law.
- 18.2 Every **Property Standards Officer** who finds that a **property** does not conform with any of the standards of this By-law, may make an order pursuant to the provisions of Section 15.2 of the **Building Code Act**:
- (a) requiring the **property** that does not conform with the standards to be repaired and maintained to conform with the standards; or
  - (b) requiring that the site be cleared of all **buildings** or **accessory buildings**, structures, debris or refuse and left in a graded and leveled condition.
- 18.3 Every **owner** of **property** shall comply with an order made pursuant to this By-law and the **Building Code Act** requiring compliance as confirmed or modified. If an order of a **Property Standards Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the **Township** may cause the **property** to be repaired or demolished accordingly.
- 18.4 Where any **person** fails to comply with an order issued, the **Township** may enter and cause the required work to be done at the cost of the **person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

## 19.0 Appeal of Order

- 19.1 An **owner** who has been served with an order made under this By-law or **Building Code Act** and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the Property Standards Committee within 14 days after being served with the order.
- 19.2 An order that is not appealed within the time referred to in Section 34.1 shall be deemed to be confirmed.
- 19.3 The Property Standards Committee shall hear the appeal.
- 19.4 On an appeal, the Property Standards Committee has all the powers and functions of the **Property Standards Officer** who made the order and the

Property Standards Committee may do any of the following things if, in the Property Standards Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

- (a) Confirm, modify or rescind the order to demolish or repair.
- (b) Extend the time for complying with the order.

19.5 The **Township** in which the **property** is situate or any **owner** or **person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the clerk of the **Township** in writing and by applying to the court within 14 days after a copy of the decision is sent.

19.6 The 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 matter in which and the **persons** upon whom the appointment is to be served.

19.7 On the appeal, the judge has the same powers and functions as the Property Standards Committee.

19.8 An order that is deemed to be confirmed under section 19.2 or that is confirmed or modified by the Property Standards Committee under section 18.3 or a judge under section 18.3, as the case may be, shall be final and binding upon the **owner** who shall carry out the repair or demolition within the time and in the manner specified in the order.

## **20.0 Certificate of Compliance**

20.1 After inspecting a **property**, a **Property Standards Officer** who is of the opinion that the **property** is in compliance with the standards established in this By-law, may issue a letter of compliance to the **owner**.

20.2 The prescribed fee set out in the Township's Fee By-law shall be payable prior to the issuance of a certificate of compliance where it is issued at the request of the **owner**.

## **21.0 Penalty**

21.1 Every **owner** who fails to comply with an order, as confirmed, any other order, a direction or a requirement made under this By-law is guilty of an offence under Section 36.(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in Section 36 of the **Building Code Act**.

## **22.0 Property Standards Committee**

22.1 A Property Standards Committee is hereby established in accordance with the **Building Code Act**.

22.2 The Property Standards Committee shall be composed of such persons, not fewer than three (3), as council considers advisable.

22.3 The Property Standards Committee shall hold office for the term of Council or until such time as successors are appointed.

**23.0 Validity**

23.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

**24.0 Effective Date**

**That** the provisions of this By-law shall take full force and effect with the passing hereof.

**That** notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**Mary Small Brett, Mayor**

\_\_\_\_\_  
\_\_\_\_\_, **Clerk**