



MUNICIPALITY OF NORTH MIDDLESEX

By-Law 20 of 2017

**"A By-Law to provide for
Standards of Maintenance and Occupancy"**

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MUNICIPALITY OF NORTH MIDDLESEX

BY-LAW NO. 20 OF 2017

A by-law to provide standards for the maintenance of the physical condition and occupancy of property in the Municipality of North Middlesex.

WHEREAS the Council of the Municipality of North Middlesex deems it necessary and expedient to pass a by-law pursuant to the provisions of Section 15.1 of the *Building Code Act*, S.O. 1992, as amended, for prescribing standards for the maintenance and occupancy of property within the Municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; for requiring property below the standards prescribed in the 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 for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this By-law;

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

AND WHEREAS the Official Plan of the Municipality of North Middlesex includes provisions relating to conditions of property and maintenance and occupancy;

NOW THEREFORE the Council of the Municipality of North Middlesex ENACTS as follows:

SECTION 1 - TITLE, APPLICATION AND SCOPE

1.1 TITLE OF BY-LAW

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

1.2 APPLICATION

The provisions of this By-law shall apply to all lands and buildings within the Municipality of North Middlesex, with the exception of agricultural accessory buildings. Agricultural accessory buildings will be subject to the provisions of section 3.4 only.

1.3 SCOPE OF BY-LAW

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

1.4 **GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY**

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

SECTION 2 - DEFINITIONS

- 2.1 **ACCESSORY BUILDING** means a building or structure, the use of which is incidental or subordinate to the main use of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises, and which is not intended for human habitation.
- 2.2 **AGRICULTURAL ACCESSORY BUILDING** means a building or structure on agriculturally zoned lands, the use of which is incidental or subordinate to the main use of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises, and which is not intended for human habitation.
- 2.3 **APPROVED** means, as applied to a grade, material device or method of construction, approved by the Property Standards Officer under the provisions of this By-law; approved by the Building Inspector under the provisions of the Building Code Act; approved by the Fire Chief under the provisions of The Fire Code, or approved by any other authority designated by law to give approval to the matter in question.
- 2.4 **BALUSTRADE** means a row of balusters or spindles surmounted by a railing.
- 2.5 **BASEMENT** means a storey or storeys of a building located below the first storey or finish grade.
- 2.6 **BATHROOM** means a room or rooms containing at least one wash basin, a toilet, a bathtub or shower.
- 2.7 **BUILDING** means any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent.
- 2.8 **BUILDING CODE** means The Building Code Act, as amended,
- 2.9 **CHIEF OF THE FIRE DEPARTMENT** means a Fire Chief appointed by the Municipality of North Middlesex.
- 2.10 **COMMITTEE** means a Property Standards Committee, established pursuant to Section 15.6 of The Building Code Act, as amended, as set out in this By-law.
- 2.11 **COUNCIL** means the Council of the Municipality of North Middlesex
- 2.12 **CRAWL SPACE** means a space beneath a floor with clearance of less than 1.5 metres (5 feet).
- 2.13 **DWELLING** means a building or structure or part of a building or structure occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons and includes a building that would be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit.
- 2.14 **MULTIPLE DWELLING** means a building containing three or more dwelling units.

- 2.15 MULTIPLE USE BUILDING** means a building containing both a dwelling unit and a non-residential use.
- 2.16 MUNICIPALITY** means the Municipality of North Middlesex and shall include all lands that lay within its geographic boundaries
- 2.17 NON-HABITABLE ROOM** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry room, pantry, communicating corridor, stairway, closet, unfinished basement, boiler room or other space for service and maintenance of the dwelling, for public use, and for access to, and vertical travel between storeys.
- 2.18 NON-RESIDENTIAL PROPERTY** means a building or structure or part of a building or structure not occupied or not capable of being occupied in whole or in part for the purpose of human habitation, and includes those lands and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.
- a) Accessory buildings including agricultural accessory buildings, garages and carports, shall be kept in good repair and free from health, fire and accident hazards.
 - b) Where an accessory building or any condition in a yard harbours noxious insects or rodents, all necessary steps shall be taken to control the insects or rodents and to prevent their reappearance in accordance with the provisions of The Pesticides Act, R.S.O., 1980, Chapter 376 and all regulations passed pursuant thereto.
- 2.19 HABITABLE ROOM** means any room in a dwelling unit used or capable of being used for living, sleeping, cooking, or eating purposes, but does not include a bathroom, toilet room, laundry, pantry, foyer, lobby, stairwell, hall, closet, cellar, recreation room, storage room, furnace room or other space for the service or maintenance of a dwelling.
- 2.20 LAND** means the land around or appurtenant to the whole or any part of a premises and used or intended to be used, or capable of being used in connection with the building.
- 2.21 MAINTENANCE** means the preservation and keeping in repair of a property.
- 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 for the free movement of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.
- 2.23 NOXIOUS** means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation of noise, objectionable odour, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Officer to be noxious or offensive.
- 2.24 OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

- 2.25 OCCUPANT** means any person or persons over the age of 18 years in possession of the property.
- 2.26 OFFICER** means a Property Standards Officer appointed by the Municipality of North Middlesex to administer and enforce this By-law.
- 2.27 OUTDOOR STORAGE** means the land used for the purpose of storing building supplies or materials salvaged from any demolition of a building either for storage or salvage for reuse or sale.
- 2.28 OWNER** means:
- a) the owner of the land or 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 so receive the rent if such land or premises were let, and
 - b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 2.29 PASSAGEWAY** means a long, narrow way, typically having walls on either side that allows access between buildings or to different rooms within a building.
- 2.30 PERSON** includes an individual, firm, corporation, association or partnership.
- 2.31 PLUMBING AND FIXTURES** means water heating facilities, water pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connections to water, sewage, or vent pipes.
- 2.32 PROPERTY** means a building or structure or part of a building or structure and includes the lands and premises on the land and all mobile homes, mobile buildings, including travel trailer, campers, etc) mobile structures, outbuildings, accessory buildings and erections on the land, and includes vacant property.
- 2.33 REPAIR** means the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
- 2.34 RESIDENTIAL PROPERTY** means any property that is used, or designed for use, as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment.
- 2.35 SEWAGE** means any liquid waste containing human matter in suspension or solution but does not include roof water or other storm runoff.
- 2.36 SEWAGE SYSTEM** means the municipal sanitary sewerage system or a private sewage disposal system approved by the Part VIII Director under the Environmental protection Act or Part 8 of the Ontario Building Code.

- 2.37 **STANDARDS** means the standards for the maintenance and improvement of the physical condition of the property and for the fitness for occupancy prescribed in this By-Law.
- 2.38 **SUBSTANDARD** means a quality less than that required by this By-Law.
- 2.39 **SUPPLIED** means installed, furnished, or provided by the owner.
- 2.40 **TOILET ROOM** means:
- a) in relation to non-residential property, a room containing one or more toilets and urinals and wash basins: and
 - b) in relation to residential property, a room containing a toilet
- 2.41 **TWO-UNIT DWELLING** means a building containing two dwelling units and includes semi-detached and duplex dwellings.
- 2.42 **UNSAFE CONDITION** means any condition that would cause undue or unexpected hazard to life, limb, or health of any person authorized or expected to be on or about the premises.
- 2.43 **YARD** means the land other than publicly-owned land around and appurtenant to the whole or any part of the property and used, or capable of being used, in connection with the property whether or not the land is owned by the owner of the building

SECTION 3- MAINTENANCE OF PROPERTY AND ACCESSORY BUILDINGS

3.1 PASSAGEWAYS

- a) At the owner's expense passageways, steps, walks, driveways, parking space and similar areas of yard shall be maintained so as to afford safe passage under normal use and weather conditions.
- b) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- c) All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

3.2 DRAINAGE

- a) Exterior property areas shall be graded and maintained in such a manner as to prevent excessive or recurrent ponding of storm water thereon, and directed so as to not discharge water onto a neighbouring property and shall be cultivated or protected with suitable groundcover to prevent erosion of the soil

- b) No downspout or sump pump drainage shall be discharged on sidewalks, stairs or neighbouring properties or into a sanitary sewer.

3.3 SEWAGE

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

3.4 ACCESSORY BUILDINGS

- a) Accessory buildings including agricultural accessory buildings, garages, and carports, shall be kept in good repair and free from health, fire, and accident hazards.
- b) Where an accessory building or any condition in a yard harbours noxious insects or rodents, all necessary steps shall be taken to control the insects or rodents and to prevent their reappearance in accordance with the provisions of *The Pesticides Act*, R.S.O.,1980, Chapter 376 and all regulations passed pursuant thereto.

SECTION 4 - MAINTENANCE OF BUILDINGS

4.1 STRUCTURAL CAPABILITY

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

4.2 FIRE AND ACCIDENT PREVENTION

- a) When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about the exterior property areas of a premises, The Building Code Act shall apply to the extent necessary to abate the unsafe condition.

- b) In the event that strict application of the regulations of The Building Code Act is not practical, the Property Standards Officer may accept alternative measures, provided the standard of safety that results is generally equivalent to the standard provided by the detailed Building Code Act regulations.
- c) Every dwelling unit with a fireplace or wood stove shall have a smoke detector and carbon monoxide detector installed as per the Ontario Building Code.
- d) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.
- e) In the event the building or accessory structure is beyond repair or not repaired, the land shall be cleared of all remains and left in a graded, level, and tidy condition.
- f) Materials of an inflammable nature shall be safely stored or removed at once from the property.

4.3 PEST PREVENTION

- a) All buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of *The Pesticides Act, R.S.O., 1980*, and all regulations passed pursuant thereto.
- b) A basement or cellar window used for ventilation and any other opening in a basement, crawl space or cellar including a floor drain that might permit entry of rodents shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

4.4 VENTILATION

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

4.5 LIGHTING

- a) Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain.
- b) All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.
- c) All habitable rooms shall be provided with a source of natural light, or as required by the Ontario Building Code.

4.6 THERMAL INSULATION

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

4.7 DAMPNESS

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

4.8 FOUNDATIONS

- a) The foundation walls and the basement floor of a building or an accessory structure shall be maintained in good repair and structurally sound as to prevent settlement and to prevent the entrance of moisture, insects or rodents into the building.
- b) Without limiting the generality of subsection a), the maintenance of a foundation includes:
 - i) the jacking-up, underpinning or shoring of the foundation where necessary;
 - ii) installing subsoil drains below interim grade of basements and crawl spaces where such would be beneficial;
 - iii) the grouting of masonry cracks;
 - iv) waterproofing the walls and joints;
 - v) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building.
 - vi) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;

- vii) making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment.

4.9 EXTERIOR WALLS

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

4.10 ROOFS

- a) The roof including a fascia board, soffit and cornice, or CSA approved roofing material, shall be maintained in a weather tight condition so as to prevent leakage.

- b) Without restricting the generality of subsection a), the maintenance includes repairing of the roof and flashing, applying waterproof coating, installing or repairing eaves trough and rain water piping, and using other suitable means.
- c) Dangerous accumulations of snow or ice or both shall be removed,
- d) Eavestroughs and downpipes shall be kept in good repair.

4.11 EGRESS

- a) Every dwelling unit or building shall have satisfactory means of egress to meet Part 9 of the Ontario Building Code.
- b) Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067mm by 559mm (42" x 22") with a sill height of not more than 914mm (36") above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

4.12 EXTERIOR DOORS AND WINDOWS

- a) Exterior doors and windows shall be maintained in good repair, reasonably draft free and weather tight.
- b) Exterior doors shall be kept weather resistant through the use of appropriate weather resistant materials.
- c) In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. All entrance doors to a dwelling unit/habitable space shall have dead bolts so as to permit locking or securing from either inside or outside the dwelling unit.
- d) Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- e) In residential buildings where there is a voice command communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

- f) Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100mm (4") diameter sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- g) Nothing in this Section shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory structure from being protected from damage or to prevent entry, provided that protection of exterior doors and windows is prohibited for unoccupied buildings unless this protection is fitted and painted or otherwise covered to blend in with the exterior of the building.

4.13 WALLS AND CEILINGS

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

4.14 FLOORS

- a) Floors shall be maintained in a clean and sanitary condition, reasonable smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which are health, fire or accident hazards.
- b) Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts in which dirt collects or which forms a health or accident hazard.
- c) Lavatory or washroom floors, shower-room floors, toilet room and bathroom floors shall be maintained reasonably impervious to water and in a condition conducive to easy cleaning.
- d) Basements which are served by a stairway leading from inside the building or from outside the building shall have a durable finished floor, and where required, shall have a floor drain located at the lowest point of the said floor, which shall be connected to a storm drain or storm sewer system,
- e) A finished floor in a basement shall be free from major cracks, breaks or such as may create a hazardous condition.
- f) A basement, cellar or crawl space which is not served by a stairway leading from a dwelling or from outside a dwelling may have a dirt floor provided it is covered with a moisture-proof covering.

- g) A basement or cellar in any building erected or altered after the passing of this By-Law which is served by a stairway leading from a dwelling or from outside a dwelling shall have a concrete floor.
- h) Without restricting the generality of subsection a), b), c), d), e), f), and g), maintenance includes installing, repairing, refinishing and replacing a floor or floor covering to the required standards.

4.15 STAIRS & PORCHES

- a) Any inside or outside stair, balcony, porch or canopy shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards.
- b) Without restricting the generality of subsection a), the maintenance includes repairing and replacing of treads or risers that show excessive wear or are broken, warped or loose or otherwise defective and supporting structural members that are rotted or deteriorated. Precast or poured concrete steps shall be maintained in good repair and to correct settlement.
- c) All stairs, balconies, porches and canopies shall be painted or coated with a preservative unless constructed of material inherently resistant to deterioration.
- c) A handrail or guard shall be installed and maintained in good repair on the open side of a stairway and on the open side of a balcony, porch or landing so as to provide protection against accident or injury, as per the requirements of the Ontario Building Code Section, 9.8.

4.16 ELEVATING DEVICES

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

4.17 CHIMNEYS & FIRE PLACES

- a) Every chimney smoke pipe and flue, in or on a building, actually in use or available for use, shall be maintained so as to prevent gases from leaking into the building, and at all times shall be kept in good repair and maintained free from loose or broken capping.
- b) Without restricting the generality of subsection a), the maintenance includes clearing the flue of obstructions, sealing open joints and repairing masonry.
- c) Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible material and structure members shall not be heated to unsafe temperatures.

- d) Without restricting the generality of subsection c), the maintenance includes securing the connection to a chimney that complies with the CAN/CSA-B365-M standard of the Ontario Building Code, lining and repairing and relining with fire resistant material, and installing and repairing and replacing the hearth.

4.18 VACANT BUILDINGS

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

SECTION 5 - STANDARDS OF FITNESS FOR OCCUPANCY

5.1 PLUMBING & PLUMBING FIXTURES

- a) All installed plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and connecting lines to the water and sewer systems, shall be maintained in good working order and repair, free from leaks or other defects.
- b) Every dwelling shall be provided with an adequate supply of potable running water from a source approved under the Ontario Building Code.
- c) All dwellings shall have the sanitary facilities connected to a sewage system approved under the Ontario Building Code.
- d) Every self-contained dwelling unit shall be provided with a bathroom and toilet room with provision for privacy that is accessible and available to all occupants having at least:
 - i) one toilet;
 - ii) one bathtub or shower or combination bathtub and shower;
 - iii) one wash basin located in or immediately adjacent to every room containing a toilet or urinal that are:
 - iv) in good working order;
 - v) served with hot and cold running water (only cold water connection required to water closets and urinals).
 - vi) connected to an approved septic or sewage system
- e) The hot water serving the wash basin and bathtub or shower required by subsection d) above, shall be provided so that it may be drawn from the tap at a

temperature of not less than 38 degree Celsius (100 degrees Fahrenheit) and shall not exceed 49 degrees Celcius (120 degrees Fahrenheit)

- f) Rooms containing sanitary conveniences and toilet facilities shall:
 - i) be regularly cleaned so as to be maintained in a clean and sanitary condition;
 - ii) have surfaces reasonably impervious to water
 - iii) be kept in a safe and bacteria free condition.
- g) No facilities for the preparation, cooking, storage, or consumption of food, or for sleeping, shall be contained within a room that contains a toilet.
- h) Non-residential buildings that are places of employment shall have plumbing facilities in accordance with Subsection 3.7.4 of the Ontario Building Code.
- i) Where toilet, kitchen or bathroom facilities are shared by occupants of residential accommodation other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The number of toilets, kitchens or bathrooms required shall be related to the number of occupants sharing the facility, as per the Ontario Building Code.

5.2 HEATING SYSTEM

- a) Every dwelling unit shall be provided with a heating system which maintains a room temperature of 20 degrees C (68 degrees F) in all habitable rooms, bathrooms and toilet rooms.
- b) The heating system required by subsection a) shall be maintained in good working condition so as to be capable of heating the dwelling safely.
- c) Permanently sealed connections shall be kept between all heating equipment involving combustion and a chimney or flue which provides sufficient outlet for venting to the exterior of all gases so as to prevent any health, fire or accident hazard.
- d) Approved connections shall be kept between all heating and cooking equipment burning gaseous fuels and the supply line.
- e) A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- f) No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movements of persons within the room where the heater is located.
- g) Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used,

designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.

- h) Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazard.

5.3 ELECTRICAL SERVICES

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

5.4 DISCONNECTED UTILITIES

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

5.5 KITCHENS

- a) Every self-contained dwelling unit shall contain a kitchen area equipped with a sink served with hot and cold water, storage facilities, a countertop work area and space for a stove and refrigerator.

- b) Every kitchen sink shall have a drain area of an impervious surface and shall be connected to an appropriate drain.
- c) Every kitchen shall have a suitable storage area of not less than 0.23 cubic metres (8 cubic feet).
- d) Every kitchen shall have a counter or work area at least 600mm (24") in width by 1,200mm (48") in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable.
- e) Every kitchen shall have a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.
- f) Every main cooking space shall have provided an adequate and approved energy source.
- g) All combustible materials in the area of a cooking surface shall meet the standards of the Ontario Building Code.

5.6 OCCUPANCY STANDARD

- a) A non-habitable room shall not be used as a habitable room.
- b) No portion of a building shall be occupied if it does not meet the requirements of this By-law.
- e) The maximum number of occupants in a dwelling unit shall not exceed one person per 9.3 square metres (100 square feet) of habitable room floor area.
- f) No room shall be used for sleeping purposes unless it has a minimum width of 2 metres (6.6 feet), and a floor area of at least 7 square metres (75 square feet). A room used for sleeping purposes by two or more persons shall have a floor area of at least 4 square metres (43 square feet) per person.
- e) No basement shall be used as a dwelling unit unless it is otherwise permitted and it meets the following requirements:
 - i) the dwelling unit meets all requirements for egress, light and ventilation set out in this By-law;
 - ii) floors and walls are constructed so as to be impervious to leakage of underground and surface runoff water.
 - iii) meets the requirements of the Municipality's Zoning By-Laws

SECTION 6 ADMINISTRATION AND ENFORCEMENT

6.1 PROPERTY STANDARD OFFICER

This By-law shall be administered and enforced by a Chief Building Official or a Property Standards Officer assigned by the Municipality of North Middlesex in conformity with the Municipality's policies and procedures.

6.2 ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this By-law is to be carried out in accordance with Section 15.1 of the Building Code Act, Statutes of Ontario.

SECTION 7- RIGHT OF ENTRY AND INSPECTION

- 7.1** Subject to subsection 15.2 of the Ontario Building Code, an officer and any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property;
- 7.2** Except under the authority of a search warrant issued under section 21.1 of the Ontario Building Code as amended, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

SECTION 8- NOTICE OF VIOLATION.

- 8.1** Where a property does not conform to the standards prescribed in this by-law the officer may serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriffs Office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice,

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SECTION 9- HEARING

- 9.1** The officer shall afford all persons who were served with the notice an opportunity to appear before the officer and make representations in connection therewith. The hearing shall be held within 90 days after the notice is given in subsection 8. 1.

SECTION 10- ORDERS

- 10.1** After affording the opportunity to make representations the officer may serve or cause to be served or may send by prepaid registered mail or by personal service an order, or orders containing:
- (a) the municipal address or the legal description of such property;
 - (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order,

the town may carry out the repair or clearance at the expense of the owner;
and

- (c) the final date for giving notice of appeal from the order.

SECTION 11-NOTICE AND SERVICE

- 11.1** A notice or an order under subsection 8.1, when sent by registered mail or by personal service shall be sent to the last known address of the person to whom it is sent.
- 11.2** If the officer is unable to effect personal service or service by registered mail the officer shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.
- 11.3** If the property under review is a rental unit, a copy of an order under section 8.1, any notice of appeal of an order and a decision on an appeal from any order, shall be forwarded to the Director (Rent Control) in accordance with the Rent Control Act.

SECTION 12- REGISTRATION AND DISCHARGE OF ORDERS

- 12.1** An order under subsection 8.1 may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection 8.1 and, when the requirements of the order have been satisfied, the clerk of the Municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

SECTION 13- PROPERTY STANDARDS COMMITTEE

- 13.1** A Property Standards Committee is hereby established and is composed of 5 members appointed by Council.
- 13.2** Members of the Committee shall be appointed by the Council and shall hold office for a term the same as the Committee of Adjustment and may continue to serve until new appointees have assumed office and are themselves eligible for reappointment.
- 13.3** Members who are unable to continue their duties in the opinion of Council shall be replaced; successors shall hold office for the unexpired term.
- 13.4** The members of the Committee shall elect one of themselves as chairperson, and when the chairperson is absent, through illness or otherwise, the committee may appoint another member as acting chairperson.
- 13.5** A majority of the Committee members constitutes a quorum.
- 13.6** Before hearing an appeal, the Committee shall direct that notice of the hearing be given to such persons as the Committee considers advisable.

SECTION 14- APPEAL TO COMMITTEE

- 14.1** Where an owner upon whom an order has been served in accordance with this by-law is not satisfied with the terms or conditions of the order, he may appeal to the Committee by sending notice of appeal by registered mail to the Secretary of the Committee within 14 (fourteen) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- 14.2** After hearing an appeal the Committee may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan have been maintained.

SECTION 15- APPEAL TO A JUDGE

- 15.1** The Municipality or any owner or occupant or person affected by a decision of the Committee may appeal to a Judge of the Ontario Court (Provincial Division) by so notifying the Municipal Clerk in writing and by applying for an appointment within 14 (fourteen) days after the sending of a copy of the decision and,
- (a) the Judge shall in writing, appoint a day, time and place for the hearing of the appeal and may direct that it shall be served upon such persons and in such manner as he or she prescribes;
 - (b) the Judge on such appeal has the same powers and functions as the Committee.

SECTION 16- ORDER FINAL AND BINDING

- 16.1** The order, when no appeal is taken or the order when confirmed or modified after all appeals are completed, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

SECTION 17- WORK BY MUNICIPALITY

- 17.1** If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the Municipality in addition to all other remedies,
- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this subsection.

SECTION 18- EMERGENCY ORDER

- 18.1** Despite any other provision of this by-law, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health and safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.
- 18.2** After making an order under subsection 18. 1, the officer may, either before or after the order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger, and for this purpose the Municipality has the right, through its servants and agents, to enter in and upon the property from time to time.
- 18.3** The officer, the Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under subsection 18.2.
- 18.4** Where the order was not served before measures were taken by the officer to terminate the danger, as mentioned in subsection 18.2, the officer shall forthwith after the measures have been taken, serve or send copies of the order on or to the owner of the property and all persons mentioned in Section 8 and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the Municipality and providing details of the amount expended in taking the measures.
- 18.5** Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection 18.4, in accordance with Section 9, 10 and 11 or to the owner of the property and all persons mentioned in Section 8.

SECTION 19- ORDER CONFIRMING EMERGENCY ORDER

- 19.1** Forthwith after the requirements of Section 18.4 and 18.5 have been complied with the officer shall apply to a Judge of the Ontario Court (Provincial Division) for an order confirming the order made under Section 15.7 of the Ontario Building Code, and
- (a) the Judge shall, in writing, appoint a day, time and place for the hearing of the application and may direct that it shall be served upon such persons and in such manner as he or she prescribes;
 - (b) the appointment shall be served in the manner prescribed by the Judge;
 - (c) the Judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the Municipality in taking the measures to terminate the danger may be recovered by the Municipality in whole, in part or not at all.
- 19.2** The disposition of the application under paragraph (c) is final and binding.

SECTION 20 - CERTIFICATE OF COMPLIANCE

- 20.1** Following the inspection of a property, the officer may, or on request of the owner shall, issue to the owner a certificate of compliance, if, in his or her opinion, the property is in compliance with the standards of the by-law.
- 20.2** A fee shall be payable to the Municipality prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner in the amounts prescribed by Schedule "B" to this by-law.

SECTION 21- RECOVERY OF EXPENSE

- 21.1** Where the Municipality undertakes measures to terminate a danger as and/or do repairs as mentioned in subsection 17.1 and 18.2, the Municipality may recover the expense incurred in respect thereof by any or all of the methods provided for in section 326 of the Municipal Act, except that such amount, if any, as is to be borne by the Municipality as a result of a determination under clause 19,1(c) may not be recovered.

SECTION 22- OFFENCE

- 22.1** No owner shall fail to comply with an order that is final and binding under this by-law.
- 22.2** Under Section 9(1) of the Building Code Act, no person shall hinder or attempt to obstruct an officer or a person acting under the officer's instructions in this exercise of a power under section 36 of the Ontario Building Code.

SECTION 23- PENALTIES

- 23.1** A person who is convicted of an offence is liable to a fine of not more than 25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.
- 23.2** If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence.

SECTION 24- VALIDITY

- 24.1** In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

SECTION 25- REPEAL

- 25.1** That the Property Standards By-Law # 51 of 2001 is hereby repealed.

SECTION 26-COMMENCEMENT

- 26.1** This by-law comes into force on the day it is passed.

SECTION 27 - ENACTMENT

READ A FIRST AND SECOND TIME this 19th day of April, 2017

READ A THIRD TIME and finally passed this 19th day of April, 2017

MAYOR

CLERK

Municipality of North Middlesex

*****INFORMAL NOTICE*****

Dear Sir or Madam:

- Be advised that on _____ an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-Law No. _____ of 2017.
- **Schedule "A"**, attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-Law.
- Be advised that By-Law No. _____ of 2017 gives the Municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 15.2(2) of the *Ontario Building Code Act*, S.O. 1992, c.23.
- It is desired that you will comply with this informal notice that the aforementioned procedural step will not be necessary.
- A re-inspection of this property will take place on or about _____ to ascertain compliance.
- Should you require further information pertaining to this matter, please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

Phone Number

NOTE: AN INFORMAL NOTICE IS NOT REQUIRED UNDER PROVINCIAL STATUTE.
HOWEVER, IT MAY BE GIVEN AS A COURTESY.

SCHEDULE "A"

Municipality of North Middlesex

ORDER TO REMEDY VIOLATION OF STANDARDS OF MAINTENANCE AND OCCUPANCY

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

Dear Sir/Madam:

RE: *Description and Location of Property in Violation*

WHEREAS on *(Date of Informal Notice)* you were served with an Informal Notice that required you to remedy certain violations of standards of maintenance and occupancy at your property, described above.

AND WHEREAS you have failed to remedy the noted violation(s) as set out in **Schedule "A"**, attached hereto and which forms part of this order.

THEREFORE IT IS HEREBY CHARGED THAT the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-Law No. _____ of 2017 on or before _____.

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the Municipality may correct such violations at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Municipality of North Middlesex main office located at: 229 Parkhill Main Street, Parkhill, ON, N0M 2K0. This notice must be received within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL: _____

Property Standards Officer

Phone Number

NOTE: ORDER PROVIDED AFTER AN INFORMAL NOTICE WAS ISSUED.