

THE CORPORATION OF THE TOWN OF ERIN

By-Law # 14 - 33

**Being a By-law to establish property standards
for the maintenance and occupancy for
property in the Town of Erin**

WHEREAS under Section 15.1 (3) of the *Building Code Act, S.O. 1992, C.23* as amended, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of Property within the municipality provided the Official Plan for the municipality includes provisions relating to Property conditions;

AND WHEREAS the Official Plan for The Corporation of the Town of Erin includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Town of Erin is desirous of passing a by-law under subsection 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

AND WHEREAS section 15.6(1) of the *Building Code Act, S.O. 1992, c.23* requires that a by-law passed under Section 15.1 (3) of the *Building Code Act, S.O. 1992, c.23* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Corporation of the Town of Erin hereby enacts as follows:

**PART 1
DEFINITIONS**

**PART 2
GENERAL STANDARD FOR ALL PROPERTY USES**

- 2.01 SCOPE
- 2.02 YARDS
- 2.03 OUTDOOR STORAGE OF MATERIALS – NO IMMEDIATE USE
- 2.04 GARBAGE
- 2.05 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS
- 2.06 UNENCLOSED PORCH-BALCONY
- 2.07 GRASS-TREES-BUSHES-HEDGES-LANDSCAPING
- 2.08 GROUND COVER- EROSION CONTROL
- 2.09 LOT GRADING-DRAINAGE
- 2.10 WALKWAYS AND DRIVEWAY
- 2.11 EXTERIOR LIGHTING
- 2.12 FENCES
- 2.13 GRAFFITI
- 2.14 ACCESSORY BUILDINGS
- 2.15 SIGNS

**PART 3
EXTERIOR BUILDING STRUCTURE AREAS**

- 3.01 STRUCTURAL INTEGRITY
- 3.02 FOUNDATION WALLS-BASEMENTS
- 3.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY
- 3.04 DOORS-WINDOWS-CELLAR-HATCHWAYS
- 3.05 ROOF
- 3.06 CHIMNEY
- 3.07 PRIVATE SWIMMING POOLS

PART 4
INTERIOR OF BUILDING STRUCTURES AND DWELLINGS

- 4.01 INTERIOR STRUCTURE – COLUMNS-BEAMS
- 4.02 WALLS-CEILINGS
- 4.03 FLOORS
- 4.04 STAIRS-HANDRAILS-GUARDS
- 4.05 MEANS OF EGRESS
- 4.06 HEATING-AIR CONDITIONING
- 4.07 AIR CONDITIONING
- 4.08 ELECTRICAL
- 4.09 VENTILATION
- 4.10 LIGHTING
- 4.11 PLUMBING
- 4.12 WATER SUPPLY
- 4.13 SEWAGE SYSTEM
- 4.14 CLEANLINESS
- 4.15 VERMIN CONTROL

PART 5
ADDITIONAL REQUIREMENTS FOR RESIDENTIAL OCCUPANCY

- 5.01 OCCUPANCY STANDARDS
- 5.02 KITCHENS
- 5.03 TOILET AND BATHROOM FACILITIES

PART 6
NON-RESIDENTIAL PROPERTY STANDARDS

- 6.01 YARDS
- 6.02 MEANS OF EGRESS
- 6.03 GUARDRAILS
- 6.04 SEPARATIONS
- 6.05 VENTILATION
- 6.06 LIGHTING
- 6.07 SALVAGE YARD

PART 7
VACANT-DAMAGED- DEMOLITION

- 7.01 VACANT LAND
- 7.02 VACANT BUILDING
- 7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES
- 7.04 DEMOLISH BUILDING

PART 8
ADMINISTRATION AND ENFORCEMENT

- 8.01 ADMINISTRATION AND ENFORCMENT
- 8.02 ORDERS
- 8.03 NOTIFICATION
- 8.04 APPEALS
- 8.05 PROPERTY STANDARD COMMITTEE
- 8.06 NON-COMPLIANCE
- 8.07 CERTIFICATE OF COMPLIANCE
- 8.08 CONFLICTS
- 8.09 VALIDITY
- 8.10 PENALTY
- 8.11 SEVERBILITY
- 8.12 TRANSITIONAL RULES
- 8.13 TITLE

SCHEDULE 'A'
Schedule 'A'- Service use and activity charges

PART 1 DEFINITIONS

1.01 In this By-law:

- 1.01.1 **“Accessory Building”** – means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property
- 1.01.2 **“Act”** – mean an enactment or statute of the Province of Ontario
- 1.01.3 **“Approved”**- means acceptance by the Property Standards Officer
- 1.01.4 **“Basement”** – shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- 1.01.5 **“Building”** – means any structure used or intended to be used for supporting or sheltering any use or occupancy
- 1.01.6 **“Building Code”**- means the Ontario Building Code and any regulations made under the Act;
- 1.01.7 **“Chief Building Official”** – means the Chief Building Official appointed under Section 3 of the *Building Code Act, 1992, c. 23* and having jurisdiction for the enforcement thereof.
- 1.01.8 **“Citation- Property Standards By-law”**- This chapter may be cited as the “Property Standards By-law.”
- 1.01.9 **“Code”**- means a regulation of the Province of Ontario known,
a. With respect to matters relating to building, as Building Code
b. With respect to matter relating to electricity, as the Electrical Safety Code
c. With respect to matters relating to fire, as the Fire Code; and
d. With respect to matters relating to plumbing, as the Plumbing Code
- 1.01.10 **“Committee”** – means a Property Standard Committee established under this chapter.
- 1.01.11 **“Council”**- shall mean the Council of the Town of Erin.
- 1.01.12 **“Crawl Space”** – means an enclosed space between the underside of a floor assembly and the ground cover or floor directly below having a clearance less than 1.8m (5’11”) in height.
- 1.01.13 **“Dwelling”** – means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purposed of human habitation, and includes such building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- 1.01.14 **“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 usually including cooking, eating, sleeping, and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.
- 1.01.15 **“Exterior property area”** – means the building lot excluding buildings

1.01.16 **“Fence”** – means any 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.

1.01.17 **“First Storey”** – means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 meters (6ft.) above grade.

1.01.18 **“Graffiti”** – means one or more letters, symbols or marks, howsoever made that disfigures or deface a Property or object, but does not include a Sign pursuant to the Town Sign By-laws.

1.01.19 **“Ground Cover”** – means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.

1.01.20 **“Guard”**- means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

1.01.21 **“Habitable room”**- means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;

1.01.22 **“Maintenance”** - means the preservation and keeping in repair of a property

1.01.23 **“Means of Egress”** - means a continuous path to travel from any point in a building to an open public thoroughfare.

1.01.24 **“Mildew”** – has its ordinary means and includes a whitish growth produced by fungi

1.01.25 **“Mould”** – means a sub-group of fungi that colonizes damp organic matter and produces spores that can be air, water or insect-borne

1.01.26 **“Non-habitable space”** – means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, and closet. Storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.

1.01.27 **“Non-Residential Property”**- means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

1.01.28 **“Occupancy”** – means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

1.01.29 **“Occupant”**- means any person or persons over the age of sixteen years in possession of the property.

1.01.30 **“Officer”** – means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing the provisions of this By-law.

1.01.31 **“Owner”** – includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent for the land or premises in connection with which the word is used whether on his own account, or as agent or trustee if any other person, or who would receive the rent if the land and premises were let, and shall

also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

1.01.32 “**Person**” – means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.

1.01.33 “**Property**” – means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobiles buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.

1.01.34 “**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”

1.01.35 “**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 establishments and all step, walks, driveways, parking spaces and fences associated with the dwelling or its yard.

1.01.36 “**Safe Condition**” – means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound conditions

1.01.37 “**Sewage system**” – means the Town of Erin system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the Town of Erin;

1.01.38 “**Sign**” – means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service, commodity or use.

1.01.39 “**Standards**” – means standards for the maintenance and repair of the physical condition of property and for the fitness for occupancy prescribed in this by-law.

1.01.40 “**Town**”- shall mean the Corporation of the Town of Erin unless the context requires otherwise

1.01.41 “**Unsafe Condition**” – means any condition that may cause or is deemed to cause hazard to life, limb or health of any person on or adjacent to the property.

1.01.42 “**Vehicle**”- includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.

1.01.43 “**Visual barrier**” - shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official.

1.01.44 “**Waste**”- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material, or things, broken or dismantled things, and material or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather.

1.01.45 "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

PART 2 GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

2.01.1 No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standard required in this by-law.

2.01.2 The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or shall clear the property of all building, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and leveled condition.

2.01.3 Every person to whom an order is issued under this by-law shall obey such an order as required.

2.01.4 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the *Ontario Building Code*, *Ontario Fire Code*, and the *Fire Prevent and Protection Act*, where applicable.

2.01.5 No person shall remove from any premises any sign, notice or placard placed thereon pursuant to this By-law except with consent of the Officer.

2.01.6 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.

2.02 YARDS

2.02.1 Shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying, or damaged trees, branches and limbs, animal excrement, excessive growth, objects or conditions that might create a health, fire, accident hazard or unsightly condition.

2.02.2 Every property shall be kept free from garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property.

2.02.3 Without restricting the generality of this Section, such maintenance includes the removal of:

- a) Rubbish, garbage, waste and litter;
- b) Injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation.
- c) Trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;
- d) Noxious weeds pursuant to the Weed Control Act
- e) Any excessive growth of bushes and weeds or grass exceeding 0.20m 8 inches (8") in height;
- f) Wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct salvage, wrecking or repairing business and then only if such establishment conforms with any relevant By-laws, Chapters or statutes; and

- g) Dilapidated or collapsed buildings, structure or erections, and the filling in or protecting of any unprotected well.

2.02.4 No vehicle shall be parked on any lots, except on a paved or appropriately finished surface.

2.03 OUTDOOR STORAGE OF MATERIALS – NO IMMEDIATE USE

2.03.1 No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use of the property shall be stored or allowed to remain in an exterior property area.

2.03.2 Domestic Storage, such as firewood, building materials, garden equipment and materials must be stored neatly but not in front yard or exterior side yard, unless in the opinion of the Officer it does not have an adverse visual impact on the neighbourhood.

2.04 GARBAGE

2.04.1 No land, building or structure shall be used for dumping or disposing of garbage. Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen days.

2.04.2 Receptacles for garbage shall be:

- a. Made of watertight construction
- b. Provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
- c. Maintained in good condition without holes or spillage; and
- d. Closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.

2.04.3 Plastic bags shall be considered acceptable receptacles under subsection one provided they are:

- a. Adequately secured so as to prevent spillage;
- b. Not stored outdoors unless protected from access by animals or vermin; and
- c. Otherwise are maintained in compliance with subsection one.

2.04.4 Paper receptacles are not acceptable under this Section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection by-laws.

2.04.5 Where commercial, industrial, or residential on site garbage containers are visible from a public street or land, or residential properties, the area where the receptacles are stored shall be screened from view.

2.05 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS

2.05.1 Garbage chutes, disposal and collection rooms, containers and receptacles shall be washed down, disinfected and maintained to be clean, odour free and in good working order and good repair.

2.06 UNENCLOSED PORCH- BALCONY

2.06.1 Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste or appliances.

2.07 GRASS-TREES-BUSHES-HEDGES-LANDSCAPING

2.07.1 Grass, trees, bushes, hedges and other landscaping, shall be maintained to prevent an unsightly or unreasonable overgrowth in relation to the neighbouring environment.

2.07.2 Lawns shall be kept trimmed so grass and weeds do not exceed 0.20m 8 inches (8") in height. Hedges and trees shall be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility or passage of the general public.

2.07.3 Living Grass, trees, bushes, hedges and other landscaping, non-organic ground cover and site facilities shall be provided and maintained in a safe condition.

2.08 GROUND COVER-erosion control

2.08.1 Suitable ground cover shall be provided and maintained to prevent erosion of the soil and so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be resodded or reseeded as often as is required to maintain the grass in a living condition.

2.09 LOT GRADING-DRAINAGE

2.09.1 All yards shall be provided and maintained with adequate surface water drainage, including suitable provision for its disposal, without causing erosion, so as to prevent ponding or the entrance of water into a basement or crawl space.

2.09.2 No roof, driveway or other surface drainage, and the drainage of water from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any highway, or in such a manner that it will penetrate or damage a building, structure or property.

2.09.3 Every roof drainage shall be discharged onto the ground at least 1 meter (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a swale catchbasin or ditch.

2.09.4 No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is:

- a. A construction site for which a building permit is in effect;
- b. A site for which a site alteration permit is in effect.

2.09.5 No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:

- a. A construction site for which a building permit is in effect;
- b. A property being subdivided under subdivision agreement with the Town of Erin;

2.10 WALKWAYS AND DRIVEWAY

2.10.1 Surface conditions of walkways, driveways and yards shall be installed and maintained in a safe condition with non-organic ground cover so as to

- a. Prevent ponding of storm water;
- b. Not exhibit an unsightly appearance;

- c. Be kept free of garbage and waste
- d. Provide for safe passage under normal use and weather conditions, day or night; and
- e. Not to create a nuisance to other property.

2.11 EXTERIOR LIGHTING

2.11.1 Outdoor lighting shall be a low-level, low-intensity nature; directed in a manner which will minimize glare and the undue intrusion of light on abutting properties, dwellings and streets.

2.12 FENCES

2.12.1 All fences, retaining walls and structures appurtenant to a property, shall be kept in good repair, free from hazards and graffiti, and where required protected by paint, preservative or other weather resistant material unless the characteristics of the fence, retaining wall, screen or enclosure are designed to be enhanced by lack of such material.

2.13 GRAFFITI

2.13.1 All property including buildings, fences, and other objects shall be kept clean of objectionable markings, graffiti and other defacements at all times and shall be restored, resurfaced and coordinated to the exterior finish of the object.

2.14 ACCESSORY BUILDINGS

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

- a. Constructed with suitable materials;
- b. Maintained in good repair;
- c. Protected from deterioration by the application of paint or other suitable protective material
- d. Exterior walls and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

2.15 SIGNS

2.15.1 A sign and any structure connected therewith shall be installed and maintained:

- a. In good repair without any visible deterioration when viewed from any property other than the property on which the sign is situated;
- b. In a safe and structurally sound condition; and
- c. In a reasonably vertical plane unless otherwise approved by the Town of Erin. An unused or discarded sign shall be removed from the property or shall be stored within a building.
- d. A permit is required for any new signs erected.

PART 3 EXTERIOR BUILDING STRUCTURE AREAS

3.01 STRUCTURAL INTEGRITY

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

- 3.01.2 Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
- a. To be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - b. To be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - c. To prevent the entry of moisture that would contribute to damage, mold growth, decay or deterioration; and
 - d. To be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

3.02 FOUNDATIONS WALLS-BASEMENTS

- 3.02.1 The foundation walls enclosing a basement, cellar or crawl space shall be maintained in good repair and be structurally sound, and where necessary shall be maintained by shoring of the walls, grouting masonry cracks, waterproofing the walls or floors and installing subsoil drains and pumps at footing levels.
- 3.02.2 Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

3.03 EXTERIOR WALLS-SURFACES-CLADDING- MASONARY

- 3.03.1 All exterior walls and surfaces of every building or structure shall be sound, plumb, and weathertight, free from loose or unsecured objects and maintained in good repair:
- 3.03.2 All exterior walls shall be in good repair, free from cracked or broken masonry units, defective or deteriorated wood, or metal siding or trim, cracked, broken, or loose stucco, loose or unsecured objects; and
- 3.03.3 All exterior walls shall be maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weathertight finishing, or the installation of termite shields, if required.
- 3.03.4 All exterior surfaces that have previously been 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.
- 3.03.5 Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

3.04 DOORS-WINDOWS-CELLAR-HATCHWAYS

- 3.04.1 Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow, or rain into the building and to minimize heat loss through infiltration.
- 3.04.2 At least one entrance door in every dwelling shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- 3.04.3 All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.

- 3.04.4 All windows capable of being open shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.
- 3.04.5 In respect of a rental property, at the request of the tenant, a window located above the first storey, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100mm. (4 inches) in diameter.

3.05 ROOF

- 3.05.1 Every roof, and all of its components shall be maintained in good repair and in safe and structurally sound condition.
- 3.05.2 Without restricting the generality of this section, such maintenance includes:
- a. Removal of loose, unsecured or rusted objects or materials;
 - b. Removal of dangerous accumulation of snow or ice;
 - c. Keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - d. Keeping all roof-rated structure plumb unless specifically designed to be other than vertical.
- 3.05.3 Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose and unsecured objects, free from obstructions and health hazard, weather-tight, free of holes and maintained in good repair.
- 3.05.4 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 necessary.
- 3.05.5 Every roof drainage shall be discharged onto the ground at least 1 meter (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

3.06 CHIMNEY

- 3.06.1 Chimney, vent pipes, smoke stack, flues, ducts, and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
- a. The entrance of smoke or gases into a building
 - b. The heating of adjacent combustible materials, walls and structural member to unsafe temperatures; and
 - c. Fire, health or other hazards.
- 3.06.2 Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

3.07 PRIVATE SWIMMING POOLS

- 3.07.1 The Pools and deck around pool shall be kept clean and free of any health hazard. The perimeter fence shall be kept in good repair as per the swimming pool fence by-law 9-14.

PART 4
INTERIOR OF BUILDING, STRUCTURES AND DWELLINGS

4.01 INTERIOR STRUCTURES-COLUMNS-BEAMS

4.01.1 In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

4.02 WALLS-CEILINGS

4.02.1 Every interior surface and finishes of walls and ceilings shall be maintained:

- a. In good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
- b. Free of holes, cracks, loose plaster or other material
- c. In a safe condition; and
- d. So as to possess the fire resistant properties required by the Building and Fire Codes.

4.02.2 In any bathroom the walls to a height of 1.07m forty-two (42) inches above the a bathtub equipped with a shower or 1.8m six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

4.03 FLOORS

4.03.1 Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

4.03.2 Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

4.03.3 Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

4.03.4 Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the building code, to ensure water drainage and to guard against the entry of vermin.

4.04 STAIRS-HANDRAILS-GUARDS

4.04.1 Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazard.

4.04.2 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.

4.04.3 Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.

4.04.4 A protective barrier or guard of at least 1.07m (42 inches) in height shall be provided around each roof and at each raised floor, mezzanine, balcony, gallery, window, well, exterior passageway and other locations where the difference in

elevation is greater than 1.52m (60 inches) to which access is provided for purpose other than maintenance. Such guards shall be contrasted to withstand horizontal force at the top of the guard of 0.6 kn/m (40lb/ft) and a concentrated load of 0.9 kn (200lbs) applied concurrently. Opening through such guards shall be of a size so as to prevent the passage of a spherical object having a diameter of 100mm (4in.) for residential occupancies and 200mm (8in.) for other occupancies.

4.05 MEANS OF EGRESS

- 4.05.1 Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit outside of the building at street or grade level.
- 4.05.2 Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- 4.05.3 The passage required as egress from one dwelling unit shall not pass through any other dwelling unit
- 4.05.4 In every multi-residential dwelling where security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- 4.05.5 Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- 4.05.6 All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;
 - a. Provided with clear, unobstructed and readily visible exit signs, for every required exit; and
 - b. Provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of person exiting the building.

4.06 HEATING-AIR CONDITIONING

- 4.06.1 Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21° Celsius (70° Fahrenheit).
- 4.06.2 It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- 4.06.3 Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 4.06.4 No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- 4.06.5 Solid fuel burning appliances shall conform to the standards as set out in the Building Code, Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- 4.06.6 If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

- 4.06.7 Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.
- 4.06.8 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building

4.07 AIR CONDITIONING

- 4.07.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
- 4.07.2 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrians or vehicular traffic, or in such a manner that it may cause damage to the walls, foundation or other parts of a building
- 4.07.3 The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

4.08 ELECTRICAL

- 4.08.1 The electrical wiring and all equipment and appliances located for use in a dwelling shall be maintained in good order satisfying the Ontario Electrical Safety Authority, so as not to cause a fire or electrical shock hazard.
- 4.08.2 Without limiting the generality of this section, the maintenance required thereby includes the repairing or replacing of defective wiring and equipment, the installing of additional circuits and any other repairs, alterations or installations required under the Ontario Electrical Code.
- 4.08.3 No person shall use an appliance beyond the capacity of the circuit serving such appliance.
- 4.08.4 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario. Electrical service panels must comply with the Electrical Code provisions.
- 4.08.5 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent bases.
- 4.08.6 The electrical wiring and all electrical fixtures located or used in a building shall be maintained in good working order and in conformity with the regulations of the Hydro Electric Commission of Ontario.

4.09 VENTILATION

- 4.09.1 Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- 4.09.2 Every ventilation system shall be cleaned regularly and maintained:
- a. In good working condition and good repair

4.09.3 When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this by-law.

4.09.4 An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.

4.09.5 Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

4.10 LIGHTING

4.10.1 Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.

4.11 PLUMBING

4.11.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

4.11.2 Plumbing systems on a property shall be provided, installed and maintained:

- a. In compliance with the respective requirements of any applicable Act or By-law;
- b. In good working order and good repair; and
- c. In safe condition.

4.11.3 All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.12 WATER SUPPLY

4.12.1 Every dwelling and every building to which water is available under pressure through piping shall be provided with:

- a. Adequate supply of hot water with a temperature range from 60° to 69° Celsius shall be provided and maintained in all dwelling units; and
- b. Piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
- c. Piping for cold water connected to every toilet and hose bib.

4.13 SEWAGE SYSTEM

4.13.1 Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.

4.13.2 Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

4.13.3 The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

4.14 CLEANLINESS

- 4.14.1 Every floor, walls, ceiling, fixture, appliance, and equipment shall be maintained in a clean and sanitary condition as is appropriate to the use of the building or part thereof.
- 4.14.2 The building shall not contain rubbish or debris which constitutes a fire, health or safety hazard.
- 4.14.3 Every building shall be kept free from visible mould or mildew.

4.15 VERMIN CONTROL

- 4.15.1 Every property shall be maintained so as to be free from vermin and conditions that may promote an infestations at all times.

PART 5 ADDITIONAL REQUIREMENTS FOR RESIDENTIAL OCCUPANCY

5.01 OCCUPANCY STANDARDS

- 5.01.1 A non-habitable room shall not be used as a habitable room
- 5.01.2 No kitchen shall be used as a bedroom
- 5.01.3 The maximum number of person residing in a dwelling unit shall not exceed one person for each 9 square metres (97 square feet) of habitable room floor area
- 5.01.4 The minimum dimension of any habitable room shall be 2 metres (6.5 feet)
- 5.01.5 The minimum area of a bedroom in a dwelling unit used by only one person shall be 6 square metres (64.5 square feet).
- 5.01.6 The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 4.4 square metres (47.4 square feet) for each person.
- 5.01.7 Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 1.98 metres (6 feet, 6 inches) and the area of that part of the room where the ceiling is less than 1.4 metres (4foot 7 inches) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.
- 5.01.8 No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - a. Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room, with separate entrance from outside, and labeled as such;
 - b. Each habitable room shall comply with all the requirement for ingress, egress
 - c. Light, ventilation and ceiling height set out in this by-law and O.B.C.
 - d. Floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water.
 - e. Ceilings to have proper fire rating between living spaces as per the O.B.C.

5.02 KITCHENS

- 5.02.1 Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with potable hot and cold water, storage facilities, a counter top work area and space for a stove and refrigerator.
- 5.02.2 Every kitchen shall be supplied with an approved fuel or power supply and appliance(s) for cooking purposes.
- 5.02.3 There shall be at least 76mm (30") clear space above any exposed cooking surface.

5.03 TOILET AND BATHROOM FACILITIES

- 5.03.1 Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower
- 5.03.2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit
- 5.03.3 All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- 5.03.4 No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

PART 6 NON-RESIDENTIAL PROPERTY STANDARDS

6.01 YARDS

- 6.01.1 Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain to the standards described in Part 2 of this By-law and:
- a. In a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other member of the general public and shall provide containers for the disposal of such litter or refuse;
 - b. Free from objects which are health, fire or safety hazard; and
 - c. Free from rodents, insects or vermin
- 6.01.2 The warehousing and storage of operative equipment that is required for continuing operation of the industrial or commercial aspects of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where outside storage is permitted, the outside storage area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6ft.) in height and maintained in good repair.

6.02 MEANS OF EGRESS

- 6.02.1 All mean of egress within a non-residential property shall be:
- a. Maintained free from all obstructions or impediments;
 - b. Provided with clear, *unobstructed* and readily visible exit signs, for every required exit; and
 - c. Provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

6.03 GUARDRAILS

6.03.1 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

6.04 SEPARATIONS

6.04.1 Every dwelling unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the dwelling unit.

6.05 VENTILATION

6.05.1 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 person within the property are not exposed to conditions deleterious to their health or safety.

6.05.2 Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.

6.05.3 Mechanical ventilating equipment and the supports for each equipment shall be maintained in good repair and in safe mechanical condition.

6.06 LIGHTING

6.06.1 All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all persons attending the premises.

6.07 SALVAGE YARD

6.07.1 Salvage yards shall be effectively screened from public view by a visual barrier.

PART 7 VACANT-DAMAGED-DEMOLITION

7.01 VACANT LAND

7.01.1 Vacant land shall be maintained to the standards as described in Part 2, of this by-law.

7.01.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

7.02 VACANT BUILDING

- 7.02.1 If any building is unoccupied, the owner or the agent shall protect every such building against risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
- 7.02.2 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 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding environment
- 7.02.3 If a building remains vacant for a period of more than ninety (90) days, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES

- 7.03.1 In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.
- 7.03.2 Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly.

7.04 DEMOLISH BUILDING

- 7.04.1 Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
- 7.04.2 Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

PART 8 ADMINISTRATION ENFORCEMENT

8.01 ADMINISTRATION AND ENFORCEMENT

- 8.01.1 This By-law shall apply to all property within the limits of the municipality.
- 8.01.2 The imperial measurements contained in this By-law are given for reference only.
- 8.01.3 The administration and enforcement of this By-law is the responsibility of the Property Standards Officer of the Town of Erin who shall be appointed by the Council of the Corporation of the Town of Erin, together with such assistants as the Council shall provide.
- 8.01.4 An Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property
- 8.01.5 An Officer or any person acting under his/her instructions shall not enter any room or place used as a dwelling without consent of the occupier except under

the authority of a search warrant issued under Section 158 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, and amendments thereto.

8.02 ORDERS

- 8.02.1 An officer who finds that a property does not conform with any of the standards prescribed in this by-law may make an Order to the owner of the property:
- a. Requiring the owner or occupant make the property comply with the terms and conditions of the Order
 - b. Prohibiting the use of the property;
- 8.02.2 The Order shall contain:
- a. The municipal address or legal description of the property;
 - b. Reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - c. The time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
 - d. The final date for giving notice of appeal from the Order.

8.03 NOTIFICATION

- 8.03.1 An order made under Subsection 8.02, when sent by registered mail, shall be sent to that last known address of the person affected.
- 8.03.2 If the Officer is unable to effect service of a Notice or an Order, he/she may place a placards containing the terms of the Order in a conspicuous place on the property.
- 8.03.3 No person shall pull down or deface a placard placed pursuant to Subsection 8.03.2 of this By-law.
- 8.03.4 An Order issued pursuant to Subsection 8.02 may be registered in the proper Registry of 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.
- 8.03.5 When the requirement of the Order has been satisfied, the Clerk of the municipality shall forthwith register in the proper Registry of Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such Order.

8.04 APPEALS

- 8.04.1 When the owner or occupant whom an Order has been served in accordance with this section is not satisfied with the terms and conditions of the Order, he/she may appeal to the Committee by sending notice of appeal, accompanied by a non-refundable payment of \$300.00 by registered mail to the Secretary of the Committee 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.
- 8.04.2 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm, modify or rescind the Order to demolish or repair; provided that, in the opinion of the

Committee, the general intent and purpose of the By-law and of the Official Plan are maintained.

8.04.3 The Town or any owner or occupant or person affected by a decision under subsection 8.04.2 may appeal to a Judge of the Ontario Court by so notifying the Clerk in writing and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision of the Committee, and:

- a. The Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such a manner as he prescribes;
- b. The appointment shall be served in the manner prescribed;
- c. The judge on such appeal has the same powers and functions as the Committee.

8.04.4 The Order, as deemed to have been confirmed pursuant to Subsection 8.04.1, or as confirmed or modified by the Committee pursuant subsection 8.04.2 or in the event of an appeal pursuant to subsection 8.04.3 as confirmed or modified by the Judge, 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

8.05 PROPERTY STANDARDS COMMITTEE

8.05.1 A committee to be known as "the Property Standards Committee" of the Town of Erin shall be established.

8.05.2 The Property Standards Committee shall consist of not fewer than three ratepayers of the Town, to be appointed by Council for a term of Council. The member of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee Shall be filled forthwith by Council.

8.05.3 The Committee shall:

- a. Elected a Chairman from its members, and in the event the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- b. A staff person shall be delegated as the Secretary for the Committee.

8.05.4 Two members of the Committee shall constitute quorum.

8.05.5 The Secretary shall keep file minutes and records of all applications and decisions thereon and of all other official business of the Committee. Section 74 of the Municipal Act. R.S.O. 1990, applies with necessary modification to such documents.

8.05.6 Any member of the Committee may administer oaths.

8.06 NON-COMPLIANCE

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

8.06.2 Where the owner or occupant of a property fails to repair or demolish a property in accordance with an Order as confirmed or modified, the Town, in addition to all other remedies:

- a. May cause the property to be repaired or demolished accordingly;
- b. Employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property;

- c. May carryout the repair or clearance at the expense of the owner and the amount shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes;
- d. Shall not be liable to compensate such owner, occupant or any other person by reason of anything done by or on behalf of the municipality.

8.07 CERTIFICATE OF COMPLIANCE

8.07.1 Following the inspection of a property, the Officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance, if in the opinion of the Officer the property is in compliance with the terms and conditions of an Order made pursuant to this By-law and when such Certificate is issued at the request of the owner, the fee payable by the owner to the Town therefore shall be;

- a. Fifty (\$50.00) dollars for a residential property containing three or fewer dwelling units;
- b. Twenty-five (\$25) dollar per dwelling unit for any residential property containing more than three dwelling units;
- c. One hundred (\$100) dollars for a commercial , industrial or institutional property.

8.07.2 The issuance of a Certificate of Compliance herein does not relieve the recipient from compliance with the regulations of this By-Law, other applicable By-Laws regulations and statutes and it does not constitute an occupant permit under the Building By-Law.

8.08 CONFLICTS

8.08.1 Where a provision of this Chapter conflicts with the provisions of another By-law, Act, Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.09 VALIDITY

8.09.1 If any provision or article of this By-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provisions or article shall remain in effect until repealed.

8.10 PENALTY

8.10.1 An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

8.10.2 Any Owner who fails to comply with an Order that is final and binding is guilty of an Offence and on conviction is liable to a fine of not more than \$50,000 for the first offence and to a fine of \$100,000 for any subsequent offence.

8.10.3 If a corporation is convicted of an offence under subsection 8.09.2 the maximum penalty that may be imposed upon the corporation is \$100,000 for a first offence and \$200,000 for any subsequent offence.

8.11 SEVERABILITY

8.11.1 It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.12 TRANSITIONAL RULES


8.12.1 After the date of the passing this By-law, By-law No 98-43 as amended, shall apply only to those properties in which an Order to Comply has been issued 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 Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

8.13 TITLE

8.13.1 This By-law may be referred to as "The Property Standards By-law".



Mayor



Clerk

SCHEDULE 'A'
Schedule 'A'- Service use and activity charges

Appeal of an Order	\$300.00
For Certificate of Compliance:	
Residential property containing 3 or fewer dwelling units	\$50.00
Residential property containing More than 3 dwelling units	\$ 25.00/per dwelling
Commercial, Industrial, or Institutional Property	\$100.00