

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #64-2016

PROPERTY STANDARDS BY-LAW

Being a By-law to prescribe standards for the maintenance and occupancy of buildings and property.

WHEREAS the Council of the Municipal Corporation of the Township of Armour is empowered under Section 15 of the Ontario Building Code Act, as amended, to pass a by-law for;

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

AND WHEREAS the Council of The Municipal Corporation of the Township of Armour deems it necessary to repeal By-law #8-2003 being a by-law to prescribe standards for the maintenance and occupancy of property within the Township of Armour, pursuant to subsection 15.1(3) of the *Building Code Act*, 1992, S.O. 1992, c. 23;

NOW THEREFORE the Council of the Municipal Corporation of the Township of Armour enacts as follows:

SECTION 1: GENERAL

1.1 Short Title

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

1.2 Defined Area

The standards for maintenance and occupancy of property prescribed in this By-law apply to all property in the Township of Armour.

1.3 Scope

No person shall use, occupy or permit the use or occupancy of any property, or any portion thereof, that does not conform to the standards established in the By-law.

1.4 Validity

If any provision of this By-law is declared invalid for any reason, the remaining provisions shall remain in effect.

1.5 Effective Date

This By-law shall come into full force and effect as of the date of passing.

SECTION 2: DEFINITIONS

2.1 Accessory Buildings:

Any structure, whether separate from or attached to the main structure. Without limiting the generality of the foregoing, an "accessory building includes a private garage, swimming pool, private greenhouse, patio, carport, boat house, solar collector, garbage bin enclosure, raised play structure, gazebo, or deck.

2.2 Agricultural Use:

Any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture and which are not obnoxious, including the sale on the premises of produce grown or raised on the premises.

2.3 Basement:

One or more storey(s) of a building located below the first storey.

2.4 Bathroom:

A room containing at least one toilet, one hand basin or lavatory and one bathtub or shower.

2.5 Building:

Any structure having a roof, supported by columns or walls and used for the shelter or accommodation of persons, animals, goods, or materials, whether occupied continuously or periodically and without limiting the generality of the foregoing, includes a deck, dock or boathouse.

2.6 Committee:

The Property Standards Committee as established in accordance with section 15 of the Building Code Act, 1992, S.O. 1992, c. 23.

2.7 Derelict Vehicle:

A motor vehicle that is inoperable for any reason, including age, appearance, condition, or lack of current licence plate and/or sticker.

2.8 Dwelling:

Any building, or part of a thereof, occupied, or capable of being occupied, for the purposes of permanent or periodic human habitation, and usually containing cooking, eating, living, sleeping and sanitary facilities, and having a private entrance from outside the building, or from a common hallway or stairway inside the building, but does not include a tent, trailer, or room, or suite of rooms, in a hotel, motel or bed and breakfast business.

2.9 Dwelling Unit:

A room or group of rooms in a building used, or capable of being used, for periodic or permanent human habitation, and usually containing cooking, eating, living, sleeping and sanitary facilities, and having a private entrance from outside the building, or from a common hallway or stairway inside the building, but does not include a tent, trailer, or room, or suite of rooms, in a hotel, motel or bed and breakfast business.

2.10 Foundation:

A structure of a building through which the loads from the building are transferred to supporting soil or rock such as a footing, pile or pier.

2.11 Garbage:

Any waste from residential, commercial, institutional, construction or industrial activities, other than sewage or hazardous waste and, without limiting the generality of the foregoing, includes any animal, vegetable or other waste resulting from the handling, preparation, cooking and consumption of food or drink.

2.12 Habitable Room:

Any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping or cooking purposes.

2.13 Hazardous Waste:

Any waste defined as a hazardous waste by Ontario Regulation 347, R.R.O. 1990 enacted under the *Environmental Protection Act*, R.S.O. 1990, c E. 19, as amended.³

2.14 Maintain:

The preservation and keeping in good repair. Maintenance and maintained shall have the same meaning.

2.15 Means of Egress:

A continuous unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or a safe area of refuge usually located outside the building.

2.16 Multiple Dwelling:

A building containing two or more dwelling units.

2.17 Non-Habitable Room:

Any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, water closet room, laundry room, lobby, corridor, stairway, closet, unfinished basement, boiler room, or space for service and maintenance of the dwelling.

2.18 Non-Residential Property:

A building or structure which is not occupied, or capable of being occupied, in whole or in part, for the purpose of human habitation, including the lands and premises appurtenant thereto, as well as all accessory buildings, out-buildings, fences, structures or erections on or in such property.

2.19 Occupancy:

The use, or intended use, of a building or part thereof for the shelter or enclosure of persons, animals or property.

2.20 Occupant:

Any person or persons over the age of eighteen years in ownership or possession of the property.

2.21 Owner:

Includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any person or who would so receive the rent if such land and premises were let. The term shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair or maintain the property in accordance with the standards for the maintenance and occupancy of property.

2.22 Person:

Any human being, association, firm, partnership, incorporated company, corporation, agent, trustee, and the heirs, executors or other legal representatives.

2.23 Property:

A building or structure, or part thereof, including the lands and premises appurtenant thereto and all yards, steps, walkways, driveways, parking spaces, accessory buildings, mobile homes, mobile structures, trailers, out-buildings, fences, and erections, and includes vacant land.

2.24 Property Standards Officer or By-law Enforcement Officer:

An individual who has been appointed by the Municipality and has been assigned the responsibility of administering and enforcing this by-law pursuant to subsection 3(2) and section 15 of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended.

2.25 Repair:

Taking such steps as may be required to ensure that a property conforms to the prescribed standards in this By-law.

2.26 Sewage:

Any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof drainage or storm water.

2.27 Sewage System:

A municipal sanitary sewage system, or a properly maintained and functioning private sewage system.

2.28 Standards:

The standards of physical condition and of occupancy prescribed for property in this By-law.

2.29 Storey:

That portion of a building, other than the attic or basement, included between the surface of any floor, and the surface of the floor, roof deck, or deck ridge, next above it.

2.30 Structurally Sound:

Construction capable of withstanding the forces placed upon the building under normal use.

2.31 Structure:

Anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground.

2.32 Waste or Waste Material:

Any articles or thing that have been cast aside, discarded, abandoned, or is deemed to be worthless, useless, or of no practical value, or is deemed to be used up in whole or in part or expended or worn out and shall include but is not limited to:

- (a) accumulations or deposits of litter, rubbish, garbage, trash;
- (b) refrigerators, freezers or other appliances or parts thereof;

- (c) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (d) inoperative motor vehicles;
- (e) paper, cartons, fabrics or carpets;
- (f) furniture;
- (g) piping, tubing conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits, or cable;
- (h) containers or pallets of any size, type or composition;
- (i) material resulting from, or as part of, construction or demolition of projects;
- (j) rubble, inert fill except loose soil, sand or gravel.

2.33 Yard:

The land around and appurtenant to the whole or any part of a building or structure and used or intended to be used in connection with the building or structure, other than publicly owned land.

SECTION 3: PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS

3.1 General:

3.1.1 Every property shall be kept clean and free from:

- a) garbage, waste, rubbish, debris or other objects or conditions that create, or may create, a health, fire, or accident hazard;
- b) derelict vehicles, wrecked, dismantled, discarded, or abandoned machinery, and trailers or boats, unless it is necessary for the operation of a business lawfully situated on the property;
- c) dilapidated, collapsed or partially constructed structures which are not currently under construction pursuant to a valid building permit;
- d) excessive growth of grass, brush, noxious weeds and dead, decayed or damaged trees or other natural growth;
- e) harmful insects, rodents or other pests.

3.1.2 No vehicle including a trailer, or any part of such vehicle or trailer, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors on any property in the Township of Armour with the following exceptions:

- (a) where a vehicle or trailer is being repaired by the owner for his or her own use;
- (b) where a vehicle or trailer is operable and designated for off road use only by the manufacturer or MTO, this includes any farm equipment used for agricultural purposes;
- (c) where a vehicle or trailer is normally licensed for only part of the year.

3.1.3 Surface conditions of yards shall be maintained so as to:

- a) prevent pooling or ponding of storm or surface water;
- b) prevent instability or erosion of soil;
- c) prevent storm or surface water run-off from entering basements;

- d) be kept free of deep ruts, holes and excavations;
- e) provide for safe passage under normal use and weather conditions, day or night; and
- f) not create a nuisance to other property

3.1.4 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.

3.1.5 Steps, walks, driveways, parking spaces and other similar area shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

3.1.6 A building shall be kept reasonably 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 current Provincial Pesticides Act and all regulations passed pursuant thereto. Any continuous openings in a dwelling shall be screened with wire mesh or other such materials in order to exclude vermin, insects and rodents.

3.1.7 All wells shall be capped with a structurally secure material and such caps shall be maintained in good repair in accordance with applicable standards.

3.2 Water:

3.2.1 Every dwelling shall be provided with an adequate supply of potable water adequate for normal household use from a source that can be approved by the Medical Officer of Health and/or the Ministry of Environment and Energy.

3.2.2 If for good and valid reason, a non-potable source of water supply exists, it must be signed accordingly and be specifically labeled as unsafe for consumption.

3.2.3 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working conditions free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

3.3 Temperature Standards:

Every dwelling shall be provided with a heating system capable of maintaining a habitable room temperature of 21 degrees Celsius.

3.4 Heating System:

Heating systems shall be maintained in good repair, in accordance with applicable standards, so as to be capable of heating the building safely.

3.5 Electric Service:

Where a building is supplied with electrical service, existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by applicable electrical codes.

3.6 Light:

Every habitable room, except for the kitchen and bathroom, shall have a window or windows, skylights or translucent panels that face directly to the outside. The glass area of a sash door may be considered as a portion of the required window area.

3.7 Ventilation:

3.7.1 Every habitable room shall have an opening or openings for natural ventilation located in the exterior walls or through open able parts of skylights. However, an opening for natural ventilation may be omitted if mechanical ventilation is provided.

3.7.2 Bathroom Ventilation:

Every bathroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through an open able part of a skylight. However, an opening for natural ventilation can be omitted where a system of mechanical ventilation has been provided.

3.7.3 Ventilation of Attic, Crawlspace, Etc.:

Every attic and unheated crawlspace shall be adequately vented to the outside air.

3.8 Kitchen:

3.8.1 Every dwelling shall contain a kitchen area equipped with a sink, serviced with potable water and an approved drainage system, and include storage facilities, a counter top work area, and space for a stove and refrigerator.

3.8.2 Cooking Capabilities:

Every kitchen shall have an adequate and approved gas, electrical or other fuel supply for cooking purposes.

3.9 Egress:

Every dwelling shall have a direct means of egress to provide a safe continuous and unobstructed exit from the interior of the building to the street or grade level.

3.10 Fire Escapes, Alarms and Detectors

3.10.1 A listed fire alarm and a fire detection system approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units of individual leased sleeping rooms.

3.10.2 In addition to the provisions of Section 3.10.1 hereof, in every dwelling unit in a building a listed smoke alarm approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:

- (a) equipped with visual or audio indication that they are in operating condition and
- (b) mounted on the ceiling or on a wall between 150 and 300 mm (6 to 12 inches) below the ceiling.

3.10.3 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an open able window or door.

3.11 Equipment Maintenance:

All safety equipment relative to exits and means of egress, such as doors, closures, smoke seals and pressurized vestibules, latching devices, hinges, exits and the like, shall be maintained and in good repair.

SECTION 4: DRAINAGE AND SEWAGE

4.1 Sewage or organic waste shall be discharged into a sewage system where such a system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in accordance with the policies of the Environmental Protection Act.

4.2 Storm water shall be drained from the property so as to prevent excessive ponding, the entrance of water into a building or in such manner so as to not affect adjacent properties.

4.3 Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.

4.4 Where eaves-trough are provided, every eaves trough, roof gutter and down spout shall be maintained in good repair. Repair includes the repairing, replacing or restoring of defective or missing parts or components. Where down spouts are not connected to a sewer, provisions shall be made to direct water drainage away from foundations to prevent soil erosion.

SECTION 5: STRUCTURAL STANDARDS

5.1 Standards:

5.1.1 Basements:

Every basement and crawlspace in a dwelling shall be adequately drained and adequately ventilated to the outside air.

5.1.2 Foundations:

The foundation walls shall be maintained in good repair and structurally sound.

5.1.3 Cleanliness:

Where a public corridor or exit serves more than one dwelling unit, it shall be kept free of rubbish, debris, or conditions which constitute a fire, accident or health hazard.

5.1.4 Occupancy Standards:

No person shall use, or permit the use of a non-habitable room in a building for a habitable purpose.

5.2 Structural Capability:

5.2.1 Every building and every structural member of building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Material which has been damaged or shows evidence of rot, or other deterioration shall be repaired or replaced.

5.2.2 Every exterior wall, roof, porch, chimney or exterior portion of a building or structure shall be maintained in a manner so as to prevent the collapse of same,

to provide adequate protection against weather, and to prevent conditions which do, or may, pose a risk of injury to the occupants of the dwelling or to the public in general.

5.2.3 Every stair, porch, balcony or landing shall be maintained in good repair so as to be free of any defects which constitute possible accident hazards.

5.2.4 Windows, roofs, exterior doors and basement hatchways shall be maintained in good repair so as to prevent the entrance of outside weather elements into the building.

5.2.5 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and shall be so maintained by the painting, restoring or repairing of the walls.

5.2.6 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 600 mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair for all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, balustrades and handrails shall be constructed and maintained in a rigid nature, as defined in The Ontario Building Code.

5.2.7 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in a structurally sound condition, in good repair, and free from fire, health or safety concerns.

SECTION 6: RENTAL PROPERTIES

6.1 All rental properties shall be maintained according to the requirements set forth in the Tenant Protection Act and amendments thereto and in accordance with the provisions of this By-law.

SECTION 7: VACANT LANDS AND BUILDINGS

7.1 Vacated lands and buildings shall be maintained to the standards described in this By-law.

SECTION 8: ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedure for the enforcement of the standards and shall be carried out according to The Ontario Building Code Act.

8.1 Property Standards Committee

A Property Standards Committee shall be established to receive complaints made under this By-law and to forward valid complaints to the appropriate official of the Township of Armour. The Committee shall be comprised of all members of Council. The Chief Building Official and By-Law Enforcement Officer shall be considered ex-officio members of this Committee.

8.1.1 All complaints must be submitted in writing, signed by the complainant, and submitted to the Secretary of the Property Standards Committee.

8.1.2 The Secretary shall, within a predetermined period of time, call a meeting of the Property Standards Committee.

8.2 Non-Compliance

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 standards or the property shall be cleared of the non-conforming buildings, structures, debris or refuse and left in a neat and graded condition.

8.3 Notice of Violation

The notice shall be sent to the last known address of the owner and shall state:

8.3.1 That the property does not comply with the standards prescribed by this By-law and shall specify the standards with which the property does not comply.

8.3.2 That after a certain date to be specified in the notice of non-compliance by the Officer, the property will be subject to a reinspection at which time the Officer may issue an Order.

8.3.3 That the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with this By-law.

8.4 Appeal of Notice

The following process shall be followed on all appeals:

8.4.1 When an owner or occupant upon whom an Order has been served in accordance with the *Building Code Act*, 1992, S.O. 1992, c. 23., is not satisfied with the terms or conditions of the Order, he may appeal, by registered mail, to the Secretary of the Property Standards 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.

8.4.2 The Secretary of the Property Standards Committee, in receipt of the notice of appeal shall:

- (1) determine the date, place and time of the hearing of appeal, which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice, and;
- (2) give notice in writing of the date, place and time of the hearing referred to in paragraph 8.4.3, to both the appellant and the Officer who issued the order.

8.4.3 The Property Standards Committee shall hold the hearing at the date, place and time set out in this notice.

8.4.4 The Property Standards Committee may:

- (1) confirm the order;
- (2) modify or quash the order, or;
- (3) extend the time for complying with the order provided that the general intent and purpose of this By-law is maintained.

8.4.5 The Property Standards Committee shall give its decision in writing.

SECTION 9: ENFORCEMENT

This By-law shall be enforced on a complaint basis and pursuant to the provisions of Section 15 of The Ontario Building Code Act, as amended.

SECTION 10: PENALTIES

Any person who fails to comply with an order issued pursuant to this By-law is guilty of an offence and, upon conviction, is subject to a penalty provided by the Building Code Act and/or the Provincial Offences Act.

SECTION 11: POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

Where an owner or occupant of the property fails to take such steps as may be necessary to bring the property into compliance with this By-law, the Municipality, or a person acting on its behalf, shall:

- a) have the right to enter upon the property to affect such repairs, clean-up, demolition or other remedial steps as may be required to bring the property into compliance with the standards herein and neither the Municipality, not anyone acting on its behalf shall be liable to compensate the owner, occupant or any other persons by reason of anything done by or on behalf of the Municipality in the reasonable exercise of these powers; and
- b) shall have a lien on the property for the amount spent by, or on behalf of the Municipality in accordance with this By-law, together an administration fee of 10% of the amount spent, and the total amount shall have priority lien status as described in section1 of the *Municipal Act*, 2001, S.O. 2001, c. 25.

SECTION 12: CERTIFICATE OF COMPLIANCE

12.1 Issuance

Following the inspection of a property, the Officer may, or on the request of an owner, shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.

12.2 Fees

Where a certificate of compliance referred to in Section 15 of the Ontario Building Code Act is issued at the request of the owner, the owner shall be required to pay a fee to the Municipal Corporation of the Township of Armour.

SECTION 13: OTHER REMEDIES PROTECTED

The imposition of a penalty under this By-law shall not be a bar to further prosecution under this By-law and shall not preclude any other proceeding or remedy against a person or a building which does not conform to the standards of this By-law.

SECTION 14: OTHER BY-LAWS

If a provision of this By-law conflicts with a provision of another By-law of the Corporation, the provision which established the higher standard to protect the health, safety and welfare of the occupants and of the general public shall prevail.

SECTION 15: RESCIND

That By-law 8-2003 is hereby rescinded.

SECTION 16: ENACTMENT

That this By-law shall come into force and take effect upon its passing.

Read a first, second and third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 13 day of December, 2016.

Original signed by Bob MacPhail
REEVE

Original signed by Wendy Whitwell
CLERK-ADMINISTRATOR