

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 123- 2007

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY WITHIN THE CITY OF THOROLD AND PROHIBITING THE USE OF ANY PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS AND REQUIRING SUCH PROPERTIES TO BE REPAIRED, MAINTAINED OR CLEARED OF BUILDINGS, STRUCTURES, DEBRIS OR REFUSE.

WHEREAS Section 15.1(3) of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, provides that a by-law may be passed by the Council of a Municipality which has an Official Plan in effect that includes provisions relating to property conditions to prescribe standards for the maintenance and occupancy of property, to prohibit the occupancy or use of property that does not conform with the standards and to require property that does not conform with the standards to be repaired and maintained to conform with standards or the site be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

AND WHEREAS there is such an Official Plan in effect in the City of Thorold;

AND WHEREAS Section 15.6(1) of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, provides for the establishment of a property standards committee;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of The Corporation of the City of Thorold deems it desirable to enact such a by-law to establish standards for the occupancy and maintenance of certain buildings and properties, so that owners and occupiers provide minimum standards for persons who may live at, attend or otherwise be affected by the conditions of the buildings and properties;

AND WHEREAS it is deemed necessary to enact a by-law prescribing minimum standards for the maintenance and occupancy of property, to adopt a set of administration procedures and to appoint a property standards committee.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

SECTION 1 GENERAL PROVISIONS

1.1 SHORT TITLE

1.1.1 This by-law shall be known as the "Property Standards By-law".

1.2 DEFINITIONS

1.2.1 In this by-law:

- (1) "accessory" when used to describe a use, a *building* or a structure, means a use, a *building* or a structure that is incidental, subordinate and exclusively devoted to a main use, a *building* or a structure, located on the same lot therewith and which is not used or intended for use as a human habitation;

- (2) “*basement*” means that portion of a *building* between two floor levels, which is below grade, but which has at least one half of its height from the finished floor to the finished ceiling above the average level of the adjoining ground and has a minimum height of 2.1m (6'-11") over at least 75% of its floor area;
- (3) “*bathroom*” means a room containing at least one toilet, one handbasin or lavatory and one bathtub or shower, or two rooms, which contain in total at least one toilet, one hand basin or lavatory and one bathtub or shower;
- (4) “*bedroom*” means a habitable room used for sleeping purposes;
- (5) “*boarder*” means a person who is provided with meals or room and meals, regularly for pay;
- (6) “*boarding house*” means a *building* in which lodging is provided for more than four (4) persons in return for remuneration or for the provision of services or for both and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of the individual occupant;
- (7) “*building*” means a structure used for or intended for supporting or sheltering any use or any use of occupancy;
- (8) “*Building Code Act*” means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended;
- (9) “*cellar*” means that portion of a *building* between two floor levels which is partially or completely below ground and which has more than one half of its height from the finished floor to the finished ceiling below finished grade and has a minimum height of 2.1m (6'-11") over at least 75% of its floor area;
- (10) “*committee*” means the Property Standards Committee established by this by-law;
- (11) “*corporation*” means the Corporation of the City of Thorold;
- (12) “*crawlspace*” means that portion of a *building* between two floor levels, or between a floor level and the ground, which has a height over more than 75% of its area less than 2.1m (6'-11");
- (13) “*dwelling unit*” means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities and includes a *building* that would be used or would be intended for such purposes except for its state of disrepair;
- (14) “*farm*” means an agricultural operation as defined in the Farming and Food Production Act, 1998, S.O., 1998, c.1 and includes such an operation that is not carried on with the expectation of financial gain but otherwise meets the definition of that Act;
- (15) “*fence*” means a vertical structure, including railing, hedge, line of posts, shrubs, wire, gate, boards or pickets or other similar

- materials used to enclose or divide in whole or in part a yard or other land or to establish a property boundary line, but does not include a *visual barrier*;
- (16) “*fire resistance rating*” means the time in minutes or hours that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived from that test and performance as prescribed in the *Ontario Building Code*;
- (17) “*guard*” means a protective barrier with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another;
- (18) “*habitable room*” means any room in a *dwelling unit* used or intended to be used for living, sleeping, cooking or eating purposes and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- (19) “*heating system*” means a device to convert fuel into energy and includes all components, controls, wiring, duct work, and piping required to be part of the device by the applicable standard referenced to in the *Ontario Building Code*;
- (20) “*indoor furniture*” means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include but not be limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses;
- (21) “*inoperative motor vehicle*” means and includes any motor *vehicle* other than a motor *vehicle* which is currently licensed, and operable and regularly driven by an *owner* or *occupant* of the *property* on which it is stored;
- (22) “*means of egress*” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other facility or combination thereof provided for the escape of persons from a *building, dwelling unit, floor area, contained open space or room* to a public thoroughfare, street, lane, yard or other approved open space at grade level. Egress includes exits and access to exits. Elevators and windows shall not be considered as means of egress;
- (23) “*medical officer of health*” means the Medical Officer of health for the Regional Municipality of Niagara;
- (24) “*multiple attached dwelling*” means a *building* that is divided vertically into more than two *dwelling units*, each of which has an independent entrance and shall include terrace housing and row housing;
- (25) “*multiple dwelling*” means a *building* containing three or more *dwelling units*;

- (26) “*non-habitable room*” means any room in a *dwelling unit* other than a *habitable room* and includes any *bathroom*, laundry, pantry, lobby, communicating corridor, stairway, closet, *crawlspace*, boiler room or other space for service and maintenance of the *dwelling unit* or for public use, or for access, or for vertical travel between storeys as well as *basements* and *cellars* or for parts thereof which do not comply with the standards of fitness for *occupancy* as set out in this by-law;
- (27) “*non-residential*” 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 land and premises appurtenant thereto and all of the *outbuildings*, fences or erections thereon or therein, except that it shall not include *vacant land*;
- (28) “*occupancy*” means the use or intended use of a *building* or part of a *building* for the shelter or support of persons, animals or *property*;
- (29) “*occupant*” means any person or persons over the age of 18 years in possession of the *property*;
- (30) “*officer*” means a Property Standards Officer appointed by by-law and assigned the duties for enforcing and/or administering this by-law and shall include the *Building Inspector* and the Chief *Building Official*;
- (31) “*Ontario Building Code*” means the regulations established through the *Building Code Act* and any amendments and / or alterations made under that Act;
- (32) “*owner*” means
- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would 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*;
- (33) “*person*” means and includes an individual, firm, corporation, association or partnership and includes an occupant or an owner of a *property*;
- (34) “*property*” means a *building* or structure or part of a *building* or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile *buildings*, mobile structures, out *buildings*, fences and erections there on whether heretofore or hereafter erected, and includes *vacant property*. For the purpose of this by-law *property* can be subdivided into the following categories;
- (a) *non-residential property*;

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- (b) *residential property;*
- (c) *vacant property;*

- (35) “*repair*” means the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this by-law;
- (36) “*residential property*” means any *property* that is designated for use, is used or is capable of being used as a *dwelling unit* or group of *dwelling units* and includes any land or *buildings* that are appurtenant to such establishment including but not limited to all steps, walks, driveways, parking spaces, fences and yards;
- (37) “*room heater equipment*” means a supplemental heating device other than the required primary heating system used to heat any room or space;
- (38) “*semi-detached dwelling*” means a *building* vertically divided into two separate *dwelling units*, each of which have an independent entrance;
- (39) “*suite*” means a single room or series of rooms of complementary use, operated under a single tenancy, and includes *dwelling units*, individual guest rooms in motels, hotels, boarding house, *lodging houses* and dormitories and individual stores and individual or complementary rooms for business and personal services;
- (40) “*toilet room*” means a room containing a water closet or toilet;
- (41) “*unsightly object*” means and includes any of the following: used lumber, used *building* materials, rubble, trash, brush, discarded furniture, disused household equipment and appliances, ashes, waste paper, barbed or other wire, metal, derelict or *inoperative motor vehicles*, trucks and trailers, disused machinery, machinery parts and automotive parts, used tires and any other rubbish, debris, object or condition which might constitute a health or safety hazard.
- (42) “*vacant property*” means *property* on which there are no *buildings* and / or having no established land uses;
- (43) “*vehicle*” means an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road *building* machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalter, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other vehicle running only upon rails, motorized snow vehicle, off road vehicle, trailer, boat, bicycle, or any vehicle drawn propelled or driven by any kind of power, including but not limited to mechanical power, muscular power or wind power;
- (44) “*visual barrier*” means a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of a solid material or suitable landscaping elements such as trees, hedges, shrubs or a berm;
- (45) “*yard*” means land appurtenant to a *building* or structure and used or intended to be used or capable of being used in

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connection therewith;

1.3 INTERPRETATION

- 1.3.1 In this by-law statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.
- 1.3.2 In this by-law the numbering system shall be referenced in accordance with the following:
- | | |
|-------------|------------|
| 1 | section |
| 1.1 | subsection |
| 1.1.1 | article |
| 1.1.1(1) | sentence |
| 1.1.1(1)(a) | clause |
- 1.3.3 This by-law shall be read with all changes or gender and number required by the context or circumstances.

1.4 APPLICATION

- 1.4.1 The property standards set forth in Section 2 of this by-law are hereby prescribed as minimum standards for the maintenance and *occupancy* of all *residential property* in the City of Thorold.
- 1.4.2 In addition to the property standards set forth in Section 2, the standards, obligations and requirements further set forth in Section 3 of this by-law are hereby prescribed as minimum standards for the maintenance and *occupancy* of all *residential property* containing *multiple dwellings* in the City of Thorold.
- 1.4.3 The property standards set forth in Section 4 of this by-law are hereby prescribed as minimum standards for the maintenance and *occupancy* of all *non-residential property* in the City of Thorold.
- 1.4.4 The property standards set forth in Section 5 of this by-law are hereby prescribed as minimum standards for the maintenance and *occupancy* of all properties in general not otherwise regulated by other sections of this by-law in the City of Thorold.
- 1.4.5 Every *owner of property* situated within the City of Thorold shall maintain such *property* to the applicable minimum standards prescribed by this by-law.
- 1.4.6 Where, because of non-conformity to the applicable standards prescribed by this by-law, the *occupancy* or use of any *property* in the City of Thorold is, in the opinion of the *officer*, hazardous to the *occupants* or the public, such *occupancy* or use is prohibited until the *property* is brought into conformity with the applicable standards.
- 1.4.7 Where any *property* within the City of Thorold does not conform to the applicable standards set forth in this by-law, the *owner* of such *property* shall:
- (1) repair and thereafter maintain such property to conform to such standards; or

- (2) where conformity to such standards cannot be effected by repair, clear the site of all *buildings*, structures, debris and refuse not in conformity, and leave such area of the site in a graded and leveled condition.

1.4.8 All repair 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 construction, repair, renovation or demolition shall conform to the requirements of the *Ontario Building Code* and is subject to the requirements for all applicable permits.

1.5 EXEMPTION

1.5.1 The provisions and regulations of this by-law do not apply to materials or equipment directly related to construction works on lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.

1.5.2 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.

SECTION 2 RESIDENTIAL PROPERTY STANDARDS

2.1 MAINTENANCE OF YARDS

2.1.1 Notwithstanding sentence 1.2.1(41), used lumber, used *building* materials, inoperative motor vehicles, trucks and trailers, disused machinery, machinery parts and automotive parts shall be deemed not to be unsightly objects if:

- (1) kept or stored on a *farm*;
- (2) used for replacement parts in the operation of a *farm*; and
- (3) where located within 153 m (500 ft.) from any neighbouring *residential property*, are adequately screened by a *visual barrier* from all neighbouring *residential property*.

2.1.2 No *unsightly object* shall be stored or maintained outside in any front, side or rear yard.

2.1.3 No yard shall be used for the storage of tires unless the *owner* or *occupant* is a holder of a certificate of approval from the Ministry of the Environment.

2.1.4 No yard shall contain dilapidated, collapsed or partially constructed structures which are not currently under construction.

2.1.5 No yard shall contain unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or may become contaminated.

2.1.6 No *indoor furniture* or indoor appliances, being operative or inoperative, shall be used, placed or otherwise stored outside in any front, side or

rear yard.

- 2.1.7 Every yard shall be kept clear of dead, decayed or damaged trees or other unmaintained natural growth.
- 2.1.8 All trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 2.1.9 Every yard shall be kept clean and free from grass or weeds taller than 200 mm (8 in.), dead or dry grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act.
- 2.1.10 All hedges and brush shall:
- (1) be kept trimmed so as not to encumber or encroach upon public sidewalks, private walks, and driveways; and
 - (2) not be overgrown or unsightly

2.2 DRAINAGE

- 2.2.1 All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the intrusion of water in any *basement, cellar* or *crawlspace*.
- 2.2.2 Sewage shall be discharged into the sanitary sewage system as provided in subsection 2.18. Sewage of any kind shall not be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- 2.2.3 Roof drainage or discharge from a sump pump shall not be permitted to discharge to a sidewalk, stair, neighbouring property, street or sanitary sewage system.
- 2.2.4 Where installed and operated over public sidewalks, all air conditioning units shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- 2.2.5 Where installed, eavestrough, downspouts, roof drains and rain water leaders shall be maintained :
- (1) watertight and free from leaks;
 - (2) in good working order, and free from obstructions;
 - (3) in a stable condition and shall be securely fastened to the structure; and
 - (4) free from conditions which pose a health or safety hazard.

2.3 WALKS

- 2.3.1 A hard surface walk shall be provided from every *dwelling unit* to the street, or to a hard surfaced driveway that connects to the street.

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- 2.3.2 Steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage, under use and weather conditions.

2.4 FENCES, BARRIERS, RETAINING WALLS AND ACCESSORY BUILDINGS

- 2.4.1 All *fences*, barriers, retaining walls and *accessory buildings* shall be kept in good repair and free from health and safety hazards and shall be protected by paint, preservative or other weather resistant material.
- 2.4.2 Where an *accessory building* or yard is found to harbour noxious insects, vermin or rodents, all necessary steps shall be taken in compliance with any other by-laws, laws or regulations to eliminate such insects, vermin or rodents, and to prevent their recurrence.
- 2.4.3 Every *fence*, barrier, retaining wall or *accessory building* not maintained in accordance with these standards, shall be repaired or removed in accordance with sentence 1.4.7(2).

2.5 GARBAGE DISPOSAL

- 2.5.1 Every *dwelling unit* shall be provided with sufficient receptacles for all garbage, rubbish and ashes.
- 2.5.2 All household garbage and other refuse shall be stored in a sanitary manner in plastic bags or other containers and made available for removal and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a health or safety hazard.
- 2.5.3 Any garbage or other refuse shall not be placed street side for removal prior to 7:00pm on the day immediately preceding the day in which regularly scheduled garbage pick up occurs.
- 2.5.4 All garbage, refuse and ashes shall be promptly placed in an acceptable receptacle for garbage as described in article 2.5.5.
- 2.5.5 Outside garbage receptacles shall be:
- (1) made of water tight construction;
 - (2) provided with a cover adequate to prevent the escape of garbage, refuse and debris as well as to prevent the ingress of rodents and insects; and
 - (3) maintained in a clean and sanitary state.
- 2.5.6 Plastic bags shall be considered acceptable receptacles under article 2.5.5 provided they are:
- (1) adequately secured so as to prevent spillage;
 - (2) not stored outdoors unless protected from access by animals, vermin or rodents; and
 - (3) otherwise maintained in accordance with article 2.5.5.
- 2.5.7 Paper receptacles are not acceptable under this section, except where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection by-laws.

- 2.5.8 Receptacles for garbage, recyclable materials, and containers for recyclable materials shall not be stored in front or side yards of *residential properties*, except:
- (1) proper receptacles may be placed out for collection, provided they are placed out in the time and manner that is in compliance with municipal by-laws;
 - (2) when permitted by a registered site plan or development agreement with the City of Thorold.
- 2.5.9 A *residential property* may provide for not more than two compost heaps, provided the piles are located in the rear yard and each is no large than 1 m² (10.76 ft²), no higher than 1.5 m (5 ft.), are each enclosed on all sides by concrete block, a lumber structure, a metal frame, or a commercial plastic or metal compost container and that such a device or structure does not interfere with any watercourse or swale.

2.6 PEST PREVENTION

- 2.6.1 *Dwelling units* shall be kept free of rodents, vermin and insects. Methods used for exterminating rodents, vermin or insects shall be in accordance with the provisions of the Environmental Protection Act, the Pesticides Act and any other applicable regulations, acts or municipal by-laws.
- 2.6.2 Windows used or required for ventilation, and every opening in an exterior wall, floor, roof or foundation which permit the entry of rodents, vermin and insects, shall be screened with wire mesh or such other material as will effectively exclude the same.
- 2.6.3 For the purpose of this subsection an infestation includes the presence of one rat or mouse, but excludes a domesticated mouse or rat and in the case of insects means the presence of more than one such insect, and in the case of wasps, hornets or bees includes the presence of any occupied nest on the interior or attached to the exterior of the *dwelling unit*.

2.7 STRUCTURAL SOUNDNESS

- 2.7.1 Every part of a *dwelling unit* shall be maintained in a structurally sound condition so as
- (1) to be capable of sustaining safely its own weight and any additional load to which it normally may be subject;
 - (2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - (3) to prevent the entry of moisture that would contribute to damage, fungus, mold growth, decay or deterioration;
 - (4) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements; and

(5) have a factor of safety as required by the *Ontario Building Code*.

2.7.2 All exterior surfaces of *buildings*, structures, fences and retaining walls, including mobile structures and *buildings*, shall be of materials which resist deterioration by the weather or have resistant coating applied to them.

2.7.3 The exterior walls, chimneys, roofs and other parts of *buildings*, structures, fences, and retaining walls, including mobile structures and *buildings* on the property shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects. Such material and objects shall be removed, *repaired* or replaced.

2.8 FOUNDATIONS

2.8.1 The foundation walls and *basement*, *cellar* or *crawlspace* floors shall be maintained in good *repair* and be structurally sound.

2.8.2 Every *basement*, *cellar*, and *crawlspace* on a *property* shall be maintained in reasonable watertight conditions so as to prevent the leakage of water into the *building*.

2.8.3 Foundation walls of a *dwelling unit* shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of walls to prevent settling, installing subsoil drains where necessary at the footings, grouting masonry cracks, dampproofing and waterproofing of walls, joints and floors.

2.8.4 Every *building*, unless of concrete slab-on-grade design, shall rest upon full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, wood, steel or other material acceptable for construction under the provisions of the *Ontario Building Code* and shall be sound, reasonably plumb, level and adequate to carry the loads imposed on them.

2.9 EXTERIOR WALLS

2.9.1 Exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring, cladding with an exterior finish or by repairing of the walls, coping or flashing by the waterproofing of joints and the walls themselves.

2.9.2 Exteriors of *buildings* shall be:

(1) kept weather resistant through the use of caulking and other appropriate weather resistant materials; and

(2) be maintained to prevent the entry of rodents, vermin and birds.

2.9.3 Exterior walls and their components shall be repaired of vandalism or other damage, including defacements by paint, inscriptions or other markings as well as broken windows.

2.9.4 Exterior walls of a *building* or structure, and their components shall be maintained so as to be free of posters or advertisements;

- (1) which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content; or
- (2) which is loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter; or
- (3) in accordance with the provisions of any of municipal by-law regulating signage in the City of Thorold.

2.10 ROOFS

- 2.10.1 Every structural component in every *building*, including but not limited to all rafters, trusses, joists, ties, sheathing, beams and columns shall be of sound material and adequate for the load to which they are subject.
- 2.10.2 All roofs including the fascia board, soffit, cornice and flashings of *dwelling units* shall be maintained in a watertight condition to prevent leakage of water into the *dwelling unit*, where necessary by the *repair* of roofs and flashing and application of waterproofed coatings or coverings without the use of tarping unless authorized by the Chief Building Official.
- 2.10.3 All roofs shall be maintained:
- (1) free from loose or unsecured objects or materials;
 - (2) free from excessive or dangerous accumulations of snow, ice or both;
 - (3) in a water tight condition so as to prevent the leakage of water into the *building* or structure;
 - (4) free from conditions causing or contributing to leaks or being detrimental to the appearance of the *building*;
 - (5) so that any roof decks and related guards are in good repair and structurally sound; and
 - (6) free from all other safety, fire and health hazards.
- 2.10.4 All structural components of a roof shall provide adequate support for all design loads and form a suitable base for the roof covering, and where the roof is subjected to a load for which it may be inadequate, the roof shall be cleared of the load to prevent collapse or structural damage.
- 2.10.5 Eavestrough and downspouts or equivalent roof drains shall be installed and maintained in good repair. The roof drainage shall be discharged onto the ground away from the *building*, sidewalks or stairs, providing that it does not adversely affect adjacent properties.

2.11 INSULATION

- 2.11.1 Every exposed roof, ceiling or exterior wall of a *dwelling unit* when opened or replaced during the course of repairs, alterations or renovations shall be insulated, in order to minimize energy loss, air

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infiltration and moisture condensation on the interior surface in accordance with:

- (1) The *Ontario Building Code* and amendments thereto, made under the *Building Code Act*, S.O. 1992, c.25; or
- (2) Standards equivalent to the *Ontario Building Code* and amendments thereto, satisfactory to the Chief Building Official.

2.12 WEATHERPROOFING AND DAMPPROOFING

- 2.12.1 Windows, exterior doors and *basement, cellar* or *crawlspace* hatchways shall be maintained in good *repair* so as to prevent the entrance of wind and rain into the *dwelling unit*. Rotten or damaged doors, door frames, window frames, sashes and casings shall be *repaired* or replaced. Missing or defective door and window hardware, weatherstripping and broken glass shall be replaced.
- 2.12.2 Floors, ceilings and walls of every *dwelling unit* shall be kept free of moisture, dampness and fungus growth.

2.13 WALLS AND CEILINGS

- 2.13.1 Every structural component in every *building*, including but not limited to all studding, sheathing, beams and columns shall be of sound material and adequate for the load to which they are subject.
- 2.13.2 Every wall and ceiling in a *dwelling unit* shall be maintained so as to be easily cleaned and shall be maintained in good *repair*, free of holes, cracks, loose covering or other defects which would permit flame, excessive heat or water to enter the adjacent spaces.
- 2.13.3 Walls around bathtubs and showers shall be impervious to water and maintained to be readily cleaned.
- 2.13.4 Where walls, floor or ceilings are constructed as, or form part of an assembly having and / or requiring a rating against fire, they shall be maintained in such a manner to preserve the fire resistance rating as required by the *Ontario Building Code*.
- 2.13.5 Every *dwelling unit* shall be so constructed or otherwise separated to prevent the passage of smoke, flames, fumes, and gases from that part of the *building* which is not used, designed or intended to be used for human habitation into other parts of the *building* used for habitation. Such separations shall conform with the *Ontario Building Code*.

2.14 FLOORS

- 2.14.1 Every structural component in every *building*, including but not limited to all slabs, joists, sheathing, beams and columns shall be of sound material and adequate for the load to which they are subject.
- 2.14.2 Every *basement, cellar* and *crawlspace* shall have a floor of concrete or other material acceptable under the provisions of the *Ontario Building Code*, to ensure water drainage and to guard against the entry of vermin.
- 2.14.3 Every floor shall be smooth, level and free of holes and maintained so as to be free of all loose, warped, protruding, broken or rotten boards or coverings that may create an unsafe condition or surface or allow the entrance of rodents, vermin or insects. Such defective components of the floor shall be *repaired* or replaced.
- 2.14.4 Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that it retains dirt or may

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create an unsafe condition, the sheet or other flooring shall be repaired or replaced.

- 2.14.5 In rooms which plumbing fixtures are installed the floor covering shall be maintained reasonably impervious to water, of a water resistant material and in such a condition as to permit easy cleaning.

2.15 DOORS AND WINDOWS

- 2.15.1 Exterior doors, windows, skylights, doors, basement, cellar or crawlspace hatchways, including storm and screen doors and storm windows shall be:
- (1) maintained in good repair and weather tight;
 - (2) free from rotten or defective members;
 - (3) free from defective or missing hardware;
 - (4) free from torn, damaged or missing screens;
 - (5) free from defective or missing weatherstripping or caulking;
 - (6) free from defective storm or screen doors;
 - (7) free from defective frames, casings and sashes; and
 - (8) free from missing or broken glass.
- 2.15.2 In every *dwelling unit* at least one entrance door shall be capable of being locked from both the interior and exterior of the *dwelling unit* but readily openable from the interior of the *dwelling unit* without the use of keys or tools.
- 2.15.3 All doors installed to repair or replace existing doors shall comply with the requirements of the *Ontario Building Code*.
- 2.15.4 All exterior openings for doors and windows shall be fitted with suitable doors or windows or, shall be filled in with an assembly conforming with the requirements for an exterior wall.
- 2.15.5 All doors, door frames, windows, window frames, sashes, casings, and associated caulking and weatherstripping that have been damaged or show evidence of rot or deterioration shall be sealed, *repaired*, replaced and / or painted.
- 2.15.6 Notwithstanding the requirements of article 2.15.2, any exterior doors or windows intended to be opened shall be equipped with hardware capable of being locked or otherwise secured from the interior of the *building*, however they shall be capable of being readily opened from the interior without the use of keys.
- 2.15.7 Every window in a *dwelling unit* designed to be opened shall be fitted with appropriate screens to prevent the ingress of rodents, vermin and insects and the screens shall be maintained in good repair.

2.15.8 Except as required by article 2.15.9, the minimum window glass area for rooms in *dwelling units* shall conform with the following table:

Location	Minimum Unobstructed Glass Area	
	With No Electric Lighting	With Electric Lighting
laundry, basement recreation room, unfinished basement	4% of area served	windows not required
bathroom, toilet room	0.37 m ² (4 ft ²)	windows not required
kitchen	10% of area served	windows not required
living room and dining room	10% of area served	10% of area served
bedroom and other finished rooms not mentioned above	5% of area served	5% of area served

2.15.9 Except where a door on the same floor level as any bedroom provides direct access to the exterior, every floor level containing a bedroom in a *dwelling unit* shall be provided with at least one (1) outside window that,

- (1) is openable from the interior without the use of tools;
- (2) provides an individual, unobstructed open portion having a minimum area of 0.35 m² (3.8 ft²) with no dimension less than 0.38 m (15 in.); and
- (3) maintains the required opening described in sentence (b) without the need for additional support;
- (4) when a sliding window is used to provide glazing area in conformance with article 2.15.8, the minimum dimension described in sentence (2) shall apply to the openable portion of the window;
- (5) where a window required by article 2.15.8 opens into a window well, a clearance of not less than 0.55 m (21 in.) shall be provided in front of the window and any protective enclosure installed over the window well shall be openable from the inside without the use of keys, tools, or special knowledge or opening the mechanism.

2.16 STAIRS, BALCONIES, PORCHES AND OTHER PLATFORMS

- 2.16.1 Every interior or exterior stair, porch, balcony or landing available for use shall be maintained in good *repair* so as to be free of holes, cracks or other defects constituting possible safety hazards. All treads, risers and / or supporting structure that show excessive wear, are broken, warped or loose, are rotten or deteriorated shall be *repaired* or replaced
- 2.16.2 Handrails shall be installed and maintained in good *repair* on all stairs within *dwelling units* that have more than two (2) risers and on all other stairs having three (3) risers.
- 2.16.3 Handrails, balustrades and *guards* shall be installed and maintained in good *repair* so as to provide protection against accident or injury as

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required in compliance with the regulations under the *Ontario Building Code* where applicable.

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- 2.16.4 Handrails shall be located between 810 mm (32 in.) And 920 mm (36 in.) measured vertically above a line drawn through the outside edges of stair nosings.
- 2.16.5 Handrails shall be provided on both sides of stairs where the width of the stairs is greater than 1100 mm (43 in.).
- 2.16.6 Every porch, balcony, landing, raised floor, mezzanine, gallery, raised walkway or roof to which access is provided for other than maintenance purposes, shall be protected by *guards* on all open sides where the difference in elevation between adjacent walking surfaces exceeds 600 mm (23 _ in.), and every exterior stair with more than three (3) risers shall be protected with *guards* on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 600 mm (23 _ in.).
- 2.16.7 Except for existing *guards* that have been maintained in good condition and are a minimum height of 900 mm (33 in.), all *guards*, including those that are required to be replaced due to their deteriorated condition or to be installed to conform to article 2.16.6, shall be constructed in accordance with the *Ontario Building Code* and all such *guards* shall be maintained in good *repair* at all times.

2.17 WATER SYSTEM

- 2.17.1 Every *dwelling unit* shall be provided with an approved supply of potable water from at least one of the following sources in accordance with the Clean Water Act:
- (1) municipal drinking-water system;
 - (2) communal drinking-water system;
 - (3) private water source
- 2.17.2 In every *dwelling unit* the maximum temperature of hot water supplied to any plumbing fixture, except installed dishwashers and clothes washers, shall be 49°C (120°F).

2.18 SEWAGE SYSTEM

- 2.18.1 Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists, and where a municipal sanitary sewer does not exist, the sewage shall be disposed of in a manner in accordance with the *Ontario Building Code* requirements for private on-site sewage systems.

2.19 PLUMBING SYSTEM

- 2.19.1 The plumbing system in every *dwelling unit* shall be maintained in good working order and free from leaks and defects.
- 2.19.2 Every *dwelling unit* shall contain plumbing fixtures in good repair and in operative condition, consisting of a minimum of:

- (1) one (1) kitchen sink;
 - (2) one (1) water closet;
 - (3) one (1) hand wash basin; and
 - (4) one (1) bathtub or shower.
- 2.19.3 All water pipes and appurtenances thereto shall be protected from freezing.
- 2.19.4 All plumbing fixtures shall be connected to a sewage system through water seal traps.
- 2.19.5 Every sink, wash basin, lavatory, bathtub or shower required by this by-law to be installed and maintained in a *dwelling unit* shall have an adequate supply of both hot and cold potable water with a flow and pressure sufficient for the intended use of the fixture.
- 2.19.6 Every toilet required by this by-law to be installed and maintained in a *dwelling unit* shall have an adequate supply of cold water.
- 2.19.7 In a *dwelling unit* a toilet or urinal shall not be located within a room used for:
- (1) the preparation, cooking, storing or consumption of food; or
 - (2) sleeping purposes.

2.20 ELECTRICAL SYSTEM

- 2.20.1 Where electrical services are available, every suite and dwelling unit shall be:
- (1) connected to an electrical supply system; and
 - (2) wired to receive electricity.
- 2.20.2 An adequate supply of electrical power shall be available in all occupied parts of every *dwelling unit*.
- 2.20.3 In every *dwelling unit*, electrical wiring, conduit, and all other systems or devices associated with the electrical services shall be in compliance with and maintained according to the regulations made by the Electrical Safety Authority pursuant to the Electricity Act. S.O. 1998, c.15, as amended.
- 2.20.4 All fuses, breakers, or circuits related to the electrical system shall not be used in a manner that would exceed the limits established for the related device or system by the Electrical Safety Authority.

2.21 LIGHTING

- 2.21.1 In every *dwelling unit*, an illuminating device capable of providing an adequate and safe level of illumination shall be provided in every habitable room, bathroom, laundry room, vestibule, hallway, stairway, furnace room, utility room, exterior exit and entrance doorway, and any

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non-habitable work room.

- 2.21.2 Except for the conditions specified in article 2.21.3, interior and exterior lighting that is visible on the exterior of a *dwelling unit* shall be placed and maintained, or have barrier or shade placed and maintained so as to prevent or block direct illumination of the interior or a *dwelling unit* on adjacent property regardless of whether such *dwelling unit* has or may have interior window coverings.
- 2.21.3 Article 2.21.2 does not apply to the following conditions:
- (1) lighting located by a road authority;
 - (2) property owned or occupied by a municipal, provincial or federal government or authority;
 - (3) light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the redirection, movement or the placing of shades or barriers to comply the standards established in this subsection;
 - (4) illuminated outdoor advertising signage on the premises of a business to be turned off any time the business is open to the public, but may require the redirection, movement or the placing of shades or barriers to comply the standards established in this subsection; or
 - (5) lighting fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for the purposes, but may require the redirection, movement or the placing of shades or barriers to comply with the standards of this subsection.

2.22 HEATING SYSTEM

- 2.22.1 Every *dwelling unit* shall be provided with a *heating system* capable of continuously maintaining an indoor air temperature of not less than:
- (1) 22°C (72°F) in all living spaces;
 - (2) 22°C (72°F) in unfinished *basements*; and
 - (3) 15°C (59°F) in heated *crawlspaces*.
- 2.22.2 The indoor air temperatures specified in article 2.22.1 are to be calculated using the outside design temperature as specified in the *Ontario Building Code*.
- 2.22.3 The indoor air temperatures specified in article 2.22.1 are to be maintained between the 15th day of September of one year and the 31st day of May the following year, unless otherwise specified by the Medical Officer of Health.
- 2.22.4 For the purpose of article 2.22.1, heat shall be provided and maintained so that the room temperature at 1.5 m (5 ft.) above the floor and 1 m (39 in.) from the exterior walls in all habitable rooms and in any area intended for use by occupants including bathrooms, toilet rooms, laundry rooms but excluding unheated spaces such as enclosed

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porches, sunrooms and garages, is the minimum specified temperature.

- 2.22.5 The *heating system* and all associated mechanical equipment, piping and ducting shall be operated and maintained:
- (1) in good working order;
 - (2) free from unsafe conditions; and
 - (3) in accordance with the requirements of the *Ontario Building Code*.
- 2.22.6 A heating appliance shall not be located in corridors, hallways or other *means of egress*.
- 2.22.7 Except in the event of an emergency, no occupied *building* shall be equipped with portable heating equipment as the primary source of heat.
- 2.22.8 All fuel burning appliances, equipment and accessories to such appliances and equipment, in a *dwelling unit* shall be installed and maintained to the standards and regulations provided by the applicable legislation and / or regulating body.
- 2.22.9 No *room heater equipment* shall be placed:
- (1) so as to constitute a fire hazard to walls, window coverings or furniture;
 - (2) so as to impede free movement of persons in the *dwelling unit*;
 - (3) in such location that nearby combustible materials or structural members exceed a safe temperature.
- 2.22.10 All heating and cooking apparatus or equipment involving combustion shall be properly connected, by rigid and permanently sealed connections:
- (1) to a chimney or flue which provides sufficient outlet for the escape of noxious gases;
 - (2) to the fuel supply line.
- 2.22.11 Any fuel burning heating equipment used in a *dwelling unit* shall be properly vented to outside air by means of a Canadian Standards Association approved or *Ontario Building Code* compliant smoke pipe, vent pipe or chimney.

2.23 FIREPLACES

- 2.23.1 Fireplaces and similar devices or appliances used or intended to be used for the burning of fuel, shall be connected to approved chimneys, smoke pipes, flues and gas vents and shall be installed so that combustible material and structural members in proximity to the unit are not heated beyond safe temperatures.
- 2.23.2 Any device identified in article 2.23.1, shall be installed in accordance with the manufacturers specifications and installation instructions and / or in compliance with the requirements of the *Ontario Building Code*.

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2.24 CHIMNEYS

- 2.24.1 Every chimney, smoke pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members beyond safe temperatures.
- 2.24.2 Every chimney, smoke pipe, flue and gas vent in use or available for use in a *dwelling unit* shall be:
- (1) installed in accordance with the manufacturers specifications;
 - (2) installed and maintained to prevent the escape of smoke or gases into the *dwelling unit*;
 - (3) free of obstructions;
 - (4) free from open joints;
 - (5) in good *repair*.

2.25 VENTILATION

- 2.25.1 In every *dwelling unit*, all *habitable rooms*, *bathrooms*, and *toilet rooms* shall have adequate ventilation, either by natural or mechanical means in accordance with the *Ontario Building Code*.
- 2.25.2 Where a system of mechanical ventilation is provided, it must be installed in accordance with the *Ontario Building Code*.
- 2.25.3 Every *basement*, *cellar* and unheated *crawlspace* shall have venting provided to a size greater than or equal to 0.2% of the floor area served.
- 2.25.4 Every attic shall have venting provided to a size greater than or equal to 0.3% of the insulated ceiling area served.
- 2.25.5 Venting provided to comply with the requirements of articles 2.26.3 and 2.26.4 shall be designed and maintained to prevent the ingress of snow, rain, rodents, vermin and insects.

2.26 SERVICE ROOM

- 2.26.1 Any space that contains a heating unit shall have natural or mechanical means of supplying air by ventilation ducts from the exterior in such quantities as required by the heating unit for combustion to maintain operation of the unit in accordance with the manufacturers specification.
- 2.26.2 Where a *heating system*, or part thereof or any auxiliary *heating system*, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in accordance with any applicable requirements and regulations of the governing agency. The space or receptacle for such fuel shall be conveniently located and constructed in such a manner as to be free from health, safety and fire hazards.
- 2.26.3 Where wall, floor or ceiling assemblies are required in accordance with the *Ontario Building Code* to have a *fire resistance rating*, fire dampers shall be installed in any ducting which penetrates such an assembly in a

manner that would maintain the required *fire resistance rating* of said assembly.

- 2.26.4 Any door installed in a wall assembly required in accordance with the *Ontario Building Code* to have a *fire resistance rating*, shall have a door with an appropriate fire protection rating in accordance with the *Ontario Building Code*.

2.27 BATHROOM OR TOILET ROOM FACILITIES

- 2.27.1 The floor finish in every *bathroom* or *toilet room* shall be water resistant.
- 2.27.2 The wall finish in every *bathroom* or *toilet room* shall be water resistant in specified areas to minimum heights as follows:
- (1) 1.8 m (5 ft. 11 in.) above the floor in a shower stall;
 - (2) 1.2 m (3 ft. 11 in.) above the rims of bathtubs equipped with showers; and
 - (3) 0.4 m (15 ¾ in.) above the rims of bathtubs not equipped with showers.
- 2.27.3 All *bathrooms* and *toilet rooms* shall be located within and accessible from within the *dwelling unit* and all *bathrooms* and *toilet rooms* shall be maintained in a good state of repair.
- 2.27.4 All *bathrooms* and *toilet rooms* shall be fully enclosed and shall have a door capable of being closed so as to provided privacy for the occupant.
- 2.27.5 A lavatory or hand wash basin shall be provided in the same room as each toilet or in an adjoining *bathroom* provided that a kitchen sink shall not be considered a handwash basin for the purpose of this article.
- 2.27.6 Where a *dwelling unit* contains rooms intended to be used in conjunction with a *rooming house* or *lodging house*, the occupants may share a single *bathroom* provided that:
- (1) not more than nine (9) persons occupy the *dwelling unit*;
 - (2) for each additional nine (9) persons or part thereof, there shall be an additional toilet, handwash basin, bathtub or shower; and
 - (3) access to the *bathroom* can be gained without passing through:
 - (a) a *habitable room* of another *dwelling unit*; or
 - (b) an open area, which is not normally heated during the period of the year which heat is required by article 2.22.3 of this by-law.

2.28 KITCHEN FACILITIES

- 2.28.1 Every *dwelling unit* shall be provided with a kitchen.
- 2.28.2 The kitchen required under article 2.28.1 shall:

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- (1) be equipped with a kitchen sink that:
 - (a) is provided with a potable cold and hot water supply;
 - (b) is maintained in a state of good *repair*; and

- (c) where a back splash is provided it shall be resistant to water and grease;
- (2) be equipped with services, such as electricity or natural gas, and necessary utility outlets suitable for the operation of a refrigerator and a cooking appliance;
- (3) when equipped with a refrigerator, cooking appliance, kitchen fixtures or fittings, such appliances, fittings or fixtures shall be maintained in good repair and good working order;
- (4) have a clear space above any exposed cooking surface of a cooking appliance of at least 0.6 m (24 in.);
- (5) have a work surface of at least 0.74 square metres (8 square feet) which is impervious to water and grease and is easily cleanable;
- (6) have cupboards, pantry or storage space for the storage of food, dishes, and cooking utensils, having an interior capacity of at least 0.8 cubic metres (30 cubic feet), of sufficient design that when loaded the cupboards and pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be otherwise secured; and
- (7) without effecting the above requirements, have space sufficient to accommodate a cooking range or countertop-cooking unit, beside or in the countertop and without placing the device in a doorway or *means of egress*.

2.29 BEDROOM FACILITIES

- 2.29.1 Except as provided in articles 2.29.2 and 2.29.3, *bedrooms* in *dwelling units* shall have an area not less than 7 m² (75 ft²) where built-in cabinets are not provided and not less than 6 m² (65 ft²) where built-in cabinets are provided.
- 2.29.2 Except as provided in article 2.29.3, at least one *bedroom* in every *dwelling unit* shall have an area of not less than 9.8 m² (105 ft²) where built-in cabinets are not provided and not less than 8.8 m² (95 ft²) where built-in cabinet are provided.
- 2.29.3 *Bedroom* spaces in combination with other spaces in *dwelling units* shall have an area not less than 4.2 m² (45 ft²).

2.30 GARAGES

- 2.30.1 Every garage attached to a *dwelling unit* shall be so maintained as to prevent gas, fumes and carbon monoxide from entering the area of the *dwelling unit*.
- 2.30.2 Gas proofing of the garage is to be done in accordance with the *Ontario Building Code*.

2.31 ACCESS TO ENCLOSED SPACES

- 2.31.1 An access opening no less than 0.55 m (22 in.) By 0.7 m (28 in.) Shall be provided to every *crawlspace* or other enclosed space, and every attic and roof space exceeding 0.6m (2 ft.) in height.

2.32 MEANS OF EGRESS

- 2.32.1 Every *dwelling unit* shall have a safe, continuous and unobstructed passage from the interior of the *dwelling unit* to the outside at street or grade level.

2.33 DISCONNECTED UTILITIES

- 2.33.1 No owner nor anyone acting on his or her behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, gas, water or cooking facilities for residential purposes occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 2.33.2 Article 2.33.1, does not apply if the tenancy agreement identifies the tenant responsible for the supply of any service or utility and that the supply of such service or utility has been discontinued due to the actions of the tenant.

2.34 OCCUPANCY STANDARDS

- 2.34.1 No person shall use or permit the use of a non-habitable room for use as a habitable room.
- 2.34.2 Every living room, dining room or kitchen of a *dwelling unit* shall have a clear ceiling height of 2.3 m (7 ft. 7in.) over at least 75% of the required floor area with a clear height of 2.1 m (6 ft. 11 in.) at any point over the required area.
- 2.34.3 Every *bedroom* of a *dwelling unit* shall have a clear ceiling height of 2.3 m (7 ft. 7 in.) over at least 50% of the required floor area or a height of 2.1 m (6 ft. 11 in.) over all of the required floor area. Any part of the floor having a clear height of less than 1.4m (4 ft. 7 in.) Shall not be considered in computing the required floor area.
- 2.34.4 Every *bathroom* or *toilet room* shall have a clear ceiling height of 2.1 m (6 ft. 11 in.) in any area where a person would normally be in a standing position.
- 2.34.5 Every passage, hall, main entrance vestibule or other finished rooms other than those in basements or those specified in articles 2.34.2, 2.34.3 or 2.34.4 shall have a clear ceiling height of 2.1m (6 ft. 11 in.).
- 2.34.6 The number of *occupants* of a *dwelling unit* residing on a long term basis in an individual *dwelling unit* shall not exceed 2 persons for every *bedroom*.
- 2.34.7 In any *dwelling unit* a hallway, passage way or vestibule shall not be classified as a *habitable room* nor can it be used as a *bedroom*.

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SECTION 3 MULTIPLE DWELLING RESIDENTIAL PROPERTY STANDARDS

3.1 GARBAGE DISPOSAL

3.1.1 No owner of a *multiple dwelling residential property* or an occupant thereof shall disconnect, shut off, remove or otherwise discontinue, or cause or permit the disconnection, shutting off, removal or discontinuance of any garbage and refuse chute, garbage and refuse storage room, or exterior garbage and refuse storage container except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.

3.1.2 Where it is not practical to maintain garbage chutes operational because compactors are not able to be installed, the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:

- (1) a garbage storage area is provided on each floor of the *building*;
- (2) the occupants are not required to deliver garbage to the ground floor, *basement* or parking lot of the *building*; and
- (3) the owner of the *building* provides a daily collection procedure from each floor and delivers the garbage to the receptacles as required by subsection 2.5.

3.2 DOORS AND WINDOWS

3.2.1 In any *building* of a *multiple dwelling residential property* protection shall be provided at windows to minimize potential health and safety hazards in accordance with the following:

- (1) Fixed windows within *dwelling unit* that extend to less than 1 m (3 ft. 3 in.) from the floor shall be protected by guards at least 1 m (3 ft. 3 in.) above the floor, or shall be designed to withstand the lateral design loads for balcony guards in accordance with the requirements of the *Ontario Building Code*.
- (2) Except as provided for in sentence (4), in a *dwelling unit* any window located more than 2 m (6 ft. 7 in.) above grade that opens within 1.5 m of the floor shall be protected by:
 - (a) a guard conforming to the requirements of the *Ontario Building Code*;
 - (b) a controlled sash operation to restrict, when engaged, the opening of the operable sash to not more than 0.1 m (4 in.), and a heavy duty screen conforming to the *Ontario Building Code*; or
 - (c) by an alternative device that does not reduce the degree of safety provided by sentences (a) or (b).
- (3) Protection of a window need not be provided in a *dwelling unit* where an exterior balcony is constructed for the full length of a

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window.

- (4) In any *building* of a *multiple dwelling residential property* where there is a voice communication unit which works in conjunction with a security locking and release system controlling a particular entrance door and installed between individual units and secured entrance area, the said system shall be maintained in good working order at all times.

- 3.2.3 Doors between *dwelling units* and public hallways and common spaces shall be installed in accordance with the requirements of the *Ontario Building Code*.

3.3 STAIRS, BALCONIES, PORCHES AND HALLWAYS

- 3.3.1 Every *building* of a *multiple dwelling residential property* shall have all unenclosed balconies, porches, interior or exterior hallways, stairways or common area kept free of garbage, debris, furniture or appliance, except that furniture other than *indoor furniture* is permitted on a balcony or porch.

3.4 LIGHTING

- 3.4.1 All common halls and stairs in *multiple dwelling buildings* shall be continuously lighted by a minimum of one watt per square foot of floor area.
- 3.4.2 Every exit, entrance, common area, parking area and all other parts of the *building* used by occupants in common shall be adequately lighted at all times.

3.5 SERVICE ROOM

- 3.5.1 In every *building* of *multiple dwellings* with a common *heating system*, such system shall be located in a separate room, having floors, walls, ceilings and doors constructed with a *fire resistance rating* in accordance with the *Ontario Building Code*.
- 3.5.2 Any service room that contains fuel burning appliances shall not be used for the storage of fuels or any other such material and shall be kept clear of all garbage, debris and rubbish.

3.6 MEANS OF EGRESS

- 3.6.1 In every *building* of *multiple dwellings*, exits and means of egress shall be provided in accordance with the applicable requirements of the *Ontario Building Code*.

3.7 ELEVATORS

- 3.7.1 A *building* containing *multiple dwellings* and more than three storeys but not more than six storeys in *building* height and which has an elevating device for the use of the occupants shall have at least one elevating device operable except for such reasonable time as may be required for repair or replacement.

- 3.7.2 A *building* containing *multiple dwellings* which has an elevator or elevators required under the *Ontario Building Code* for the use of occupants shall have all elevators maintained and operable except for such reasonable times as may be required for repair or replacement.
- 3.7.3 In the event of a conflict with the Elevating Devices Act, R.S.O. 1990, c. E.8, the regulations passed under such act, both as amended, or an order issued under that Act, the Act, regulation or order prevails over this by-law to the extent of the conflict.

SECTION 4 NON-RESIDENTIAL PROPERTY STANDARDS

4.1 MAINTENANCE OF YARDS

- 4.1.1 No *unsightly object* shall be stored or maintained outside in any front, side or rear yard unless such objects or materials are required for business purposes as part of a business lawfully operated on the property.
- 4.1.2 No yard shall be used for the storage of tires unless the *owner* or *occupant* is a holder of a certificate of removal from the Ministry of the Environment.
- 4.1.3 No yard shall contain dilapidated, collapsed or partially constructed structures which are not currently under construction.
- 4.1.4 No *indoor furniture* or indoor appliances, being operative or inoperative, shall be used, placed or otherwise stored outside in any front, side or rear yard.
- 4.1.5 Every yard shall be kept clear of dead, decayed or damaged trees or other unmaintained natural growth.
- 4.1.6 All trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 4.1.7 Every yard shall be kept clean and free from grass or weeds taller than 200 mm (8 in.), dead or dry grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act.
- 4.1.8 All hedges and brush shall:
- (1) be kept trimmed so as not to encumber or encroach upon public sidewalks, private walks, and driveways; and
 - (2) not be overgrown or unsightly

4.2 DRAINAGE

- 4.2.1 All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent recurrent ponding or the intrusion of water in any *basement*, *cellar* or *crawlspace*.
- 4.2.2 Sewage shall be discharged into the sanitary sewage system as

provided in subsection 4.23. Sewage of any kind shall not be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.

- 4.2.3 Roof drainage or discharge from a sump pump shall not be permitted to discharge to a sidewalk, stair, neighbouring property, street or sanitary sewage system.
- 4.2.4 Where installed and operated over public sidewalks, all air conditioning units shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.
- 4.2.5 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a *building* or neighbouring property.
- 4.2.6 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 regulations.
- 4.2.7 Where installed, eavestrough, downspouts, roof drains and rain water leaders shall be maintained :
- (1) watertight and free from leaks;
 - (2) in good working order, and free from obstructions;
 - (3) in a stable condition and shall be securely fastened to the structure; and
 - (4) free from conditions which pose a health or safety hazard.

4.3 WALKS

- 4.3.1 A hard surface walk shall be provided from every *non-residential building* to the street, or to a hard surfaced driveway that connects to the street.
- 4.3.2 Steps, walks, driveways, parking spaces and similar areas of the yard shall have a stable, dust free surface and shall be maintained so as to afford safe passage, under use and weather conditions.

4.4 FENCES, BARRIERS, RETAINING WALLS SIGNS AND ACCESSORY BUILDINGS

- 4.4.1 All *fences*, barriers, retaining walls and *accessory buildings* shall be kept in good repair and free from health and safety hazards and shall be protected by paint, preservative or other weather resistant material.
- 4.4.2 Where an *accessory building* or yard is found to harbour noxious insects, vermin or rodents, all necessary steps shall be taken in compliance with any other by-laws, laws or regulations to eliminate such insects, vermin or rodents, and to prevent their recurrence.
- 4.4.3 Every *fence*, barrier, retaining wall or *accessory building* not maintained

in accordance with these standards, shall be repaired or removed in accordance with sentence 1.4.7(2).

- 4.4.4 All signs and billboards shall be maintained in good repair. Any sign which is excessively weathered or faded, and those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair.

4.5 GARBAGE DISPOSAL

- 4.5.1 Every *non-residential building* shall be provided with sufficient storage areas or receptacles for all garbage, rubbish, ashes and trade waste which is free from insects, rodents and vermin.
- 4.5.2 All garbage and other refuse shall be stored in a sanitary manner in plastic bags or other containers and made available for removal and shall not be permitted to accumulate and remain on the premises to an extent or for a length of time which might constitute a health or safety hazard.
- 4.5.3 All garbage, refuse and ashes shall be promptly placed in an acceptable receptacle for garbage as described in article 4.5.4.
- 4.5.4 Outside garbage receptacles shall be:
- (1) made of water tight construction;
 - (2) provided with a cover adequate to prevent the escape of garbage, refuse and debris as well as to prevent the ingress of rodents and insects; and
 - (3) maintained in a clean and sanitary state.
- 4.5.5 Plastic bags shall be considered acceptable receptacles under article 4.5.4 provided they are:
- (1) adequately secured so as to prevent spillage;
 - (2) not stored outdoors unless protected from access by animals, vermin or rodents; and
 - (3) otherwise are maintained in accordance with article 4.5.4.
- 4.5.6 Paper receptacles are not acceptable under this section, except where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection by-laws.
- 4.5.7 Except as provided for in article 4.5.9, receptacles for garbage and containers for recyclable materials shall not be stored in front or side yards of *non-residential properties*, except:
- (1) proper receptacles may be placed out for collection, provided they are placed out in the time and manner that is in compliance with municipal by-laws;
 - (2) when permitted by a registered site plan or development agreement with the City of Thorold.

- (3) enclosed in an acceptable enclosure that creates a *visual barrier* which adequately screens the garbage receptacles from all neighbouring properties and the street.
- 4.5.8 Containers shall be made available for the disposal of refuse which may be discarded by customers and yards shall be kept free of such refuse.
- 4.5.9 Where *non-residential properties* maintain receptacles for use by the public entering the *property*, receptacles for recycling or garbage can be located in the front and side yard provided they are regularly emptied into proper containers or receptacles and any excess or spillage is removed promptly.
- 4.5.10 Where an exterior bulk or roll-off container disposal system is used, it shall:
 - (1) be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
 - (2) be large enough to contain all refuse generated between collections by the occupants served; and
 - (3) not be loaded beyond the top of the container.

4.6 PEST PREVENTION

- 4.6.1 *Properties* shall be kept free of rodents, vermin and insects. Methods used for exterminating rodents, vermin or insects shall be in accordance with the provisions of the Environmental Protection Act, the Pesticides Act and any other applicable regulations, acts or municipal by-laws.
- 4.6.2 Windows used or required for ventilation, and every opening in an exterior wall, floor, roof or foundation which permit the entry of rodents, vermin and insects, shall be screened with wire mesh or such other material as will effectively exclude the same.

4.7 STRUCTURAL SOUNDNESS

- 4.7.1 Every part of a *non-residential building* shall be maintained in a structurally sound condition so as:
 - (1) to be capable of sustaining safely its own weight and any additional load to which it normally may be subject;
 - (2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - (3) to prevent the entry of moisture that would contribute to damage, fungus, mold growth, decay or deterioration;
 - (4) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements; and
 - (5) have a factor of safety as required by the *Ontario Building Code*.
- 4.7.2 All exterior surfaces of *non-residential buildings*, structures, fences and retaining walls, including mobile structures and *buildings*, shall be of

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materials which resist deterioration by the weather or have resistant coating applied to them.

- 4.7.3 The exterior walls, chimneys, roofs and other parts of *non-residential buildings*, structures, fences, and retaining walls, including mobile structures and *buildings* on the property shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects. Such material and objects shall be removed, *repaired* or replaced.

4.8 FOUNDATIONS

- 4.8.1 The foundation walls and *basement, cellar* or *crawlspace* floors shall be maintained in good *repair* and be structurally sound.
- 4.8.2 Every *basement, cellar, and crawlspace* on a *property* shall be maintained in reasonable watertight conditions so as to prevent the leakage of water into the *building*.
- 4.8.3 Foundation walls of a *non-residential building* shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of walls to prevent settling, installing subsoil drains where necessary at the footings, grouting masonry cracks, dampproofing and waterproofing of walls, joints and floors.
- 4.8.4 Every *non-residential building*, unless of concrete slab-on-grade design, shall rest upon full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, wood, steel or other material acceptable for construction under the provisions of the *Ontario Building Code* and shall be sound, reasonably plumb, level and adequate to carry the loads imposed on them.

4.9 EXTERIOR WALLS

- 4.9.1 Exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring, cladding with an exterior finish or by repairing of the walls, coping or flashing by the waterproofing of joints and the walls themselves.
- 4.9.2 Exteriors of *non-residential buildings* shall be:
- (1) kept weather resistant through the use of caulking and other appropriate weather resistant materials; and
 - (2) be maintained to prevent the entry of rodents, vermin and birds.
- 4.9.3 Exterior walls and their components shall be repaired of vandalism or other damage, including defacements by paint, inscriptions or other markings as well as broken windows.
- 4.9.4 Exterior walls of a *non-residential building* or structure, and their components shall be maintained so as to be free of posters or advertisements;
- (1) which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content; or
 - (2) which is loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter; or
 - (3) in accordance with the provisions of any municipal by-law regulating signage in the City of Thorold.
- 4.9.5 All canopies, marquees, awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhead extensions which may be affixed or

adjacent to an exterior wall shall be:

- (1) maintained in good *repair*;
- (2) properly anchored to the *building* and constructed in accordance with the *Ontario Building Code*, and;
- (3) protected from the elements and against decay and rust by the periodic application of a weather resistant coating such as paint or other protective treatment.

4.10 ROOFS

- 4.10.1 Every structural component in every *non-residential building*, including but not limited to all rafters, trusses, joists, ties, sheathing, beams and columns shall be of sound material and adequate for the load to which they are subject.
- 4.10.2 All roofs including the parapets, fascia board, soffit, cornice and flashings shall be maintained in a watertight condition to prevent leakage of water into the *building*, where necessary by the *repair* of roofs and flashing and application of waterproofed coatings or coverings without the use of tarping unless authorized by the Chief Building Official.
- 4.10.3 All roofs shall be maintained:
 - (1) free from loose or unsecured objects or materials;
 - (2) free from excessive or dangerous accumulations of snow, ice or both;
 - (3) in a water tight condition so as to prevent the leakage of water into the *building* or structure;
 - (4) free from conditions causing or contributing to leaks or being detrimental to the appearance of the *building*;
 - (5) so that any roof decks and related guards are in good repair and structurally sound; and
 - (6) free from all other safety, fire and health hazards.
- 4.10.4 All structural components of a roof shall provide adequate support for all design loads and form a suitable base for the roof covering, and where the roof is subjected to a load for which it may be inadequate, the roof shall be cleared of the load to prevent collapse or structural damage.
- 4.10.5 Eavestrough and downspouts or equivalent roof drains shall be installed and maintained in good repair. The roof drainage shall be discharged onto the ground away from the *building*, sidewalks or stairs, providing that it does not adversely affect adjacent properties.

4.11 WEATHERPROOFING AND DAMPPROOFING

- 4.11.1 Windows, exterior doors and *basement, cellar* or *crawlspace* hatchways

shall be maintained in good *repair* so as to prevent the entrance of wind and rain into the *building*. Rotten or damaged doors, door frames, window frames, sashes and casings shall be *repaired* or replaced. Missing or defective door and window hardware, weatherstripping and broken glass shall be *repaired* or replaced.

- 4.11.2 Floors, ceilings and walls of every *building* shall be kept free of moisture, dampness and fungus growth.

4.12 WALLS AND CEILINGS

- 4.12.1 Every structural component in every *non-residential building*, including but not limited to all studding, sheathing, beams and columns shall be of sound material and adequate for the load to which they are subject.
- 4.12.2 Every wall and ceiling in a *non-residential building* shall be maintained so as to be easily cleaned and shall be maintained in good *repair*, free of holes, cracks, loose covering or other defects which would permit flame, excessive heat or water to enter the adjacent spaces.
- 4.12.3 Where walls, floors or ceilings are constructed as, or form part of an assembly having and / or requiring a rating against fire, they shall be maintained in such a manner to preserve the fire resistance rating as required by the *Ontario Building Code*.

4.13 FLOORS

- 4.13.1 Every structural component in every *building*, including but not limited to all slabs, joists, sheathing, beams and columns shall be of sound material and adequate for the load to which they are subject.
- 4.13.2 Every *basement, cellar* and *crawlspace* shall have a floor of concrete or other material acceptable under the provisions of the *Ontario Building Code*, to ensure water drainage and to guard against the entry of vermin.
- 4.13.3 Every floor shall be smooth, level and free of holes and maintained so as to be free of all loose, warped, protruding, broken or rotten boards or coverings that may create an unsafe condition or surface or allow the entrance of rodents, vermin or insects. Such defective components of the floor shall be *repaired* or replaced.
- 4.13.4 Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or other flooring shall be repaired or replaced.
- 4.13.5 In rooms which plumbing fixtures are installed the floor covering shall be maintained reasonably impervious to water, of a water resistant material and in such a condition as to permit easy cleaning.

4.14 DOORS AND WINDOWS

- 4.14.1 Exterior doors, windows, skylights, doors, basement, cellar or crawlspace hatchways, including storm and screen doors and storm windows shall be:

- (1) maintained in good repair and weather tight;
 - (2) free from rotten or defective members;
 - (3) free from defective or missing hardware;
 - (4) free from torn or damaged screens;
 - (5) free from defective or missing weatherstripping or caulking;
 - (6) free from defective frames, casings and sashes; and
 - (7) free from missing or broken glass.
- 4.14.2 All doors installed to repair or replace existing doors shall comply with the requirements of the *Ontario Building Code*.
- 4.14.3 All exterior openings for doors and windows shall be fitted with suitable doors or windows or, shall be filled in with an assembly conforming with the requirements for an exterior wall.
- 4.14.4 All doors, door frames, windows, window frames, sashes, casings, and associated caulking and weatherstripping that have been damaged or show evidence of rot or deterioration shall be sealed, *repaired*, replaced and / or painted.
- 4.14.5 Notwithstanding the requirements of article 4.14.1, any exterior doors or windows intended to be opened shall be equipped with hardware capable of being locked or otherwise secured from the interior of the *building*, however they shall be capable of being readily opened from the interior without the use of keys.

4.15 STAIRS, BALCONIES, PORCHES AND OTHER PLATFORMS

- 4.15.1 Every interior or exterior stair, porch, balcony or landing available for use shall be maintained in good *repair* so as to be free of holes, cracks or other defects constituting possible safety hazards. All treads, risers and / or supporting structure that show excessive wear, are broken, warped or loose, are rotten or deteriorated shall be *repaired* or replaced
- 4.15.2 Handrails, balustrades and *guards* shall be installed and maintained in good *repair* so as to provide protection against accident or injury as required in compliance with the regulations under the *Ontario Building Code* where applicable.
- 4.15.3 Every porch, balcony, landing, raised floor, mezzanine, gallery, raised walkway or roof to which access is provided for other than maintenance purposes, shall be protected by *guards* on all open sides where the difference in elevation between adjacent walking surfaces exceeds 600 mm (23 _ in.).

4.16 SEWAGE SYSTEM

- 4.16.1 Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists, and where a municipal sanitary sewer does not exist, the sewage shall be disposed of in a manner in accordance with the *Ontario Building Code* requirements for private

on-site sewage systems.

4.17 PLUMBING SYSTEM

- 4.17.1 The plumbing system in every *non-residential building* shall be maintained in good working order and free from leaks and defects.
- 4.17.2 All water pipes and appurtenances thereto shall be protected from freezing.
- 4.17.3 All plumbing fixtures shall be connected to a sewage system through water seal traps.

4.18 ELECTRICAL SYSTEM

- 4.18.1 All *non-residential buildings* shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power for the intended use may be available at all times.
- 4.18.2 In every *non-residential building*, electrical wiring, conduit, and all other systems or devices associated with the electrical services shall be in compliance with and maintained according to the regulations made by the Electrical Safety Authority pursuant to the Electricity Act. S.O. 1998, c.15, as amended.
- 4.18.3 All fuses, breakers, or circuits related to the electrical system shall not be used in a manner that would exceed the limits established for the related device or system by the Electrical Safety Authority.

4.19 LIGHTING

- 4.19.1 In every *non-residential building*, sufficient windows, skylights and electrical fixtures shall be installed and maintained in order to provide the necessary lighting for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties.
- 4.19.2 Except for the conditions specified in article 4.19.3, interior and exterior lighting that is visible on the exterior of a *non-residential building* shall be placed and maintained, or have barrier or shade placed and maintained so as to prevent or block direct illumination of the interior of a *dwelling unit* on adjacent property regardless of whether such *dwelling unit* has or may have interior window coverings.
- 4.19.3 Article 4.19.2 does not apply to the following conditions:
 - (1) lighting located by a road authority;
 - (2) property owned or occupied by a municipal, provincial or federal government or authority;
 - (3) light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the

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redirection, movement or the placing of shades or barriers to comply with the standards established in this subsection;

- (4) illuminated outdoor advertising signage on the premises of a business to be turned off any time the business is open to the public, but may require the redirection, movement or the placing of shades or barriers to comply with the standards established in this subsection; or
- (5) lighting fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for the purposes, but may require the redirection, movement or the placing of shades or barriers to comply with the standards of this subsection.

4.20 HEATING SYSTEM

- 4.20.1 Where persons are employed in duties or operations in an enclosed space or room within a *non-residential building* and not engaged in physical activity, a heating system shall be provided in every such space or room to maintain a temperature not less than 21°C (70°F) during normal working hours.
- 4.20.2 For the purpose of article 4.20.1, heat shall be provided and maintained so that the room temperature at 1.5 m (5 ft.) above the floor and 1 m (39 in.) from the exterior walls in all rooms and spaces as described and in any area intended for use by occupants including bathrooms or toilet rooms, but excluding unheated spaces such as enclosed vestibules, storage rooms and garages, is the minimum specified temperature.
- 4.20.3 The *heating system* and all associated mechanical equipment, piping and ducting shall be operated and maintained:
- (1) in good working order;
 - (2) free from unsafe conditions; and
 - (3) in accordance with the requirements of the *Ontario Building Code*.
- 4.20.4 A heating appliance shall not be located in corridors, hallways or other *means of egress* or exit.
- 4.20.5 All fuel burning appliances, equipment and accessories to such appliances and equipment, in a *non-residential building* shall be installed and maintained to the standards and regulations provided by the applicable legislation and / or regulating body.
- 4.20.6 Except in the event of an emergency, no occupied *building* shall be equipped with portable heating equipment as the primary source of heat.
- 4.20.7 No room heater equipment shall be placed:
- (1) so as to constitute a fire hazard to walls, window coverings or furniture;
 - (2) so as to impede free movement of persons in the *dwelling unit*;
 - (3) in such location that nearby combustible materials or structural members exceed a safe temperature.
- 4.20.8 Where any heating system burns solid or liquid fuel it shall be provided with:
- (1) where necessary, a place or receptacle for the storage of fuel which is:
 - (a) provided and maintained in a convenient location;
 - (b) properly constructed so as to be free from fire or accident hazards, and;

- (c) installed in accordance with the regulations and requirements of any applicable regulating agency.
 - (2) an adequate supply of fuel available at all times, and;
 - (3) appropriate venting by way of a chimney or flue which provides sufficient outlet for the escape of noxious gases.
- 4.20.9 Where combustible materials are stored in a *basement*, the fuel-burning heating system shall be enclosed in accordance with article 4.20.10.
- 4.20.10 Where required, all fuel burning central heating systems shall be enclosed and or separated from the rest of the *building* which it serves by assemblies including but not limited to walls, floors, ceiling and doors with a fire resistance rating of not less than that specified by the *Ontario Building Code*.
- 4.20.11 Any fuel burning heating equipment used in a *non-residential building* shall be properly vented to outside air by means of a Canadian Standards Association approved or *Ontario Building Code* compliant smoke pipe, vent pipe or chimney.

4.21 CHIMNEYS

- 4.21.1 Every chimney, smoke pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members beyond safe temperatures.
- 4.21.2 Every chimney, smoke pipe, flue and gas vent in use or available for use in a *non-residential building* shall be:
- (1) installed in accordance with the manufacturers specifications;
 - (2) installed and maintained to prevent the escape of smoke or gases into the *building*;
 - (3) free of obstructions;
 - (4) free from open joints;
 - (5) in good *repair*.

4.22 VENTILATION

- 4.22.1 Every room in which people work shall be provided with an opening or openings for natural ventilation that shall:
- (1) have a minimum aggregate unobstructed free floor area of 0.28 m² (3 sq. ft.), and;
 - (2) be located in an exterior wall or roof.
- 4.22.2 The opening for ventilation required by article 4.22.1, may be omitted where a system of mechanical ventilation capable of exchanging the volume of air in the area served once every hour is provided for the space.

- 4.22.3 Where mechanical ventilation is used, all components including but not limited to ducting, intake and exhaust shall be installed in accordance with the *Ontario Building Code* and with good engineering practices.
- 4.22.4 Every *basement, cellar* or unheated *crawlspace* shall be adequately vented to the outside by means of openings with an area of not less than 1% of the area served for *basements* and *cellars*, and 0.9 m² (1 sq. ft.) for unheated *crawlspace* area.
- 4.22.5 An opening required in article 4.22.4 shall be screened to prevent the entry of insects, rodents or vermin.
- 4.22.6 An opening for ventilation required in article 4.22.4, may be omitted where a system of mechanical ventilation capable of exchanging the volume of air in the area served once every hour is provided for the space.

4.23 BATHROOM OR TOILET ROOM FACILITIES

- 4.23.1 All *non-residential buildings* where people work shall be equipped with *bathroom* or *toilet room* facilities in accordance with the *Ontario Building Code*.
- 4.23.2 All *bathrooms* and *toilet rooms* shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 4.23.3 The floor finish in every *bathroom* or *toilet room* shall be water resistant.
- 4.23.4 The wall and ceiling finish in every *bathroom* or *toilet room* shall be provided with a smooth surface and where paint is used as the surface finish, it shall be maintained as is necessary for cleanliness.
- 4.23.5 A lavatory or hand wash basin shall be provided in the same room as each toilet or in an adjoining *bathroom* provided that a kitchen sink shall not be considered a handwash basin for the purpose of this article.
- 4.23.6 Every *bathroom* or *toilet room* shall be naturally vented to the outside by means of openings with an area of not less than 0.9m² (1 sq. ft.).
- 4.23.7 An opening for ventilation required in article 4.23.6, may be omitted where a system of mechanical ventilation exhausting the air to the exterior of the *building* is provided.
- 4.23.8 Where mechanical ventilation is provided to satisfy the requirement of article 4.23.7, the provisions of article 4.22.3 shall apply.

4.24 KITCHEN FACILITIES

- 4.24.1 Every kitchen shall contain an area equipped with:
 - (1) a kitchen sink that:
 - (a) is provided with a potable cold and hot water supply;
 - (b) is maintained in a state of good *repair*; and

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- (c) has a back splash which is resistant to water and grease;
- (2) when equipped with a refrigerator, cooking appliance, kitchen fixtures or fittings, such appliances, fittings or fixtures shall be maintained in good repair and good working order;
- (3) have a clear space above any exposed cooking surface of a cooking appliance of at least 0.6 m (24 in.);

- (4) appropriate cupboards, pantry or storage space for the storage of food, dishes, and cooking utensils, of sufficient design that when loaded the cupboards and pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be otherwise secured; and
 - (5) without effecting the above requirements, have space sufficient to accommodate a cooking range or countertop-cooking unit, beside or in the countertop and without placing the device in a doorway or *means of egress*.
- 4.24.2 A kitchen in accordance with the provisions of subsection 2.28 Kitchen Facilities for *residential* properties shall be provided for each of the following facilities:
- (1) nursing home as defined by the Nursing Home Act;
 - (2) approved charitable homes for the aged under the Charitable Institutions Act;
 - (3) homes as defined in the Homes for the Aged and Rest Homes Act;
 - (4) residential facility that is operated as a retirement home and that provides care, in addition to accommodation, to the residents of the home, or;
 - (5) supportive housing residences funded or administered through the Ministry of Health and Long-Term Care or the Ministry of Community and Social Services.

4.25 MEANS OF EGRESS

- 4.25.1 Every *non-residential building* shall have a safe, continuous and unobstructed passage from the interior of the *building* to the exterior at street or grade level in accordance with the requirements of the *Ontario Building Code*.
- 4.25.2 All means of egress shall be maintained in good repair and free of objects or conditions which may constitute an accident or safety hazard.

SECTION 5 GENERAL PROPERTY STANDARDS

5.1 MAINTENANCE OF YARDS, PARKING LOTS AND VACANT LANDS

- 5.1.1 Yards, parking lots and vacant lands shall be kept clear and free from any *unsightly object* and from conditions that might create a health, fire or accident hazard or an unsafe condition.
- 5.1.2 Notwithstanding the provisions of article 5.1.1, any vehicles, mechanical equipment, automotive and mechanical parts, including tires may be present on lands described in this section provided they are required for purposes related to a business which is lawfully carried out on the property.

- 5.1.3 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect 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 conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a boarded or metal fence not less than 1.8m (5ft. 11in.) in height and maintained in good *repair*.
- 5.1.4 Any well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed or secured by a fence, cover or netting, unless it is in active use in which event it shall be secured by fencing with warning signs until the use has ceased, where upon they shall be sealed or secured as required.
- 5.1.5 Septic tanks, holding tanks, field beds, tile beds and dry wells shall be maintained in accordance with the *Ontario Building Code*. To decommission tanks or dry wells, they shall be pumped dry and contents disposed at a suitable disposal site. The tanks or dry wells may be broken up and buried, cavities shall be filled with sand or another suitable material and the ground graded to match existing grades. Existing *building* drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.
- 5.1.6 The water in any privately owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odors and conditions likely to create breeding environments for insects.
- 5.1.7 Storage, salvage, wrecking or scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1m (3ft. 3in.) of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials without collapsing or leaning over adjacent property.
- 5.1.8 Every yard shall be kept clear of dead, decayed or damaged trees or other unmaintained natural growth.
- 5.1.9 All trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 5.1.10 Every yard shall be kept clean and free from grass or weeds taller than 200 mm (8 in.), dead or dry grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act.
- 5.1.11 All hedges and brush shall:
- (1) be kept trimmed so as not to encumber or encroach upon public sidewalks, private walks, and driveways; and
 - (2) not be overgrown or unsightly
- 5.1.12 Areas used for vehicular traffic, parking and other similar uses or areas shall be paved with bituminous asphalt, concrete or an equivalent

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surfacing or shall be surfaced with crushed stone or other suitable and reasonable dust free substance and shall be maintained in good repair.

- 5.1.13 All areas used for vehicular traffic, parking and other similar uses or areas shall be maintained so as to afford safe passage under normal use or weather conditions.
- 5.1.14 All surfaces of crushed stone shall be maintained free of dust and from spillover onto adjacent sidewalks and other vegetative surfaces.

5.2 VACANT BUILDINGS

- 5.2.1 Where any *building* is vacant or unoccupied, the owner shall protect such *building* against the risk of accidental or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized persons to the *building*, by effectively preventing entrance by unauthorized persons.
- 5.2.2 For the purpose of this subsection, doors, windows, hatches and any other such opening through which entry may be gained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing each opening with:
- (1) boarding which completely covers the opening with at least 13mm (½ in.) weatherproofed sheet plywood securely fastened to the *building*;
 - (2) rigid composite panels securely fastened to the *building*;
 - (3) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the *building*;
 - (4) brick and mortar securely fastened to the *building*; or
 - (5) concrete blocking and mortar securely fastened to the *building*.
- 5.2.3 The materials identified in article 5.2.2 shall be of a colour compatible to the surrounding facade.
- 5.2.4 The available options presented in article 5.2.2, shall be considered progressively more secure with sentence (5) being the most secure, and the minimum standard imposed by article 5.2.2 shall be considered not to include the use of a less secure option which has, more than once, failed to deny unauthorized entry, and further, where the *owner(s)* control, attendance or lack of security measure(s) to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options presented in article 5.2.2.
- 5.2.5 Vacant *buildings* shall be kept clear of all garbage, rubbish and debris.
- 5.2.6 Where a *building* remains vacant for a period of time greater than ninety (90) days, the owner shall ensure that all utilities serving the *building*, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the *building* or adjacent property.

5.3 DAMAGED BUILDINGS

- 5.3.1 Where a *building* is damaged by accident, storm, fire, neglect, intentional damage, other causes or considered unsafe under the *Building Code Act*;
- (1) the *owner* shall demolish or repair the *building* within sixty (60) days or a reasonable time arranged for and approved by the Chief Building Official of the City of Thorold;
 - (2) immediate steps shall be taken to prevent or remove any condition which might endanger persons on or near the property and the *building* or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out;
 - (3) the *owner* shall protect the *building* against further risk or further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the *building* in accordance with the requirements of articles 5.2.2, 5.2.3, and 5.2.4;
 - (4) the *building* shall be kept clear of all garbage, rubbish and debris; and
 - (5) all utilities serving the *building* including but not limited to water, gas, and hydro, which are not required for the safety or security thereof, are required to be properly disconnected or otherwise secured, to prevent accidental or malicious damage to the *building* or adjacent property.
- 5.3.2 The exterior walls and other surfaces of the *building* shall have any visible smoke or fire damage or other defacement removed and the surfaces *repaired* or refinished.
- 5.3.3 In the event that the *building* or structure is beyond reasonable *repair*, the land shall be cleared of debris and remains and shall be left in a graded, level and safe condition without unreasonable delay.
- 5.3.4 Exterior walls, roofs and other parts of a *building* shall be free of objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced so as to remove the unsafe condition.

SECTION 6 DEMOLITION

6.1 GENERAL PROVISIONS FOR DEMOLITION

- 6.1.1 Where any *building*, *accessory building*, *fence* or other structure is demolished, the property shall be cleared of all rubbish, waste, debris, refuse, masonry, concrete, lumber and the site left in a graded and leveled condition.
- 6.1.2 Where any *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 but are not limited to, the erection of fences, barricades,

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covered walkways and any other means of protection necessary for the protection of the adjoining property and members of the public.

- 6.1.3 Prior to demolishing any *building*, other than *farm buildings*, a Demolition Permit must first be obtained in accordance with the *Ontario Building Code* from the City of Thorold Chief Building Official.

SECTION 7 **ADMINISTRATION AND ENFORCEMENT**

7.1 **APPLICATION AND DUTIES OF OFFICERS**

- 7.1.1 This by-law shall apply to any and all property within the limits of the City of Thorold.
- 7.1.2 The Chief Building Official appointed pursuant to the *Building Code Act*, 1992, as amended, is hereby assigned the responsibility of administering and enforcing this by-law.
- 7.1.3 The City Council of the City of Thorold shall appoint *Officers* responsible for the enforcement of this by-law.
- 7.1.4 Persons appointed or assigned for the purposes of enforcing or administering this by-law are *Officers*, and have the authority to carry out the duties assigned to *Officers* under this by-law and the *Building Code Act*, and may enforce the provisions of this by-law and the applicable sections of the *Building Code Act*.
- 7.1.5 An *Officer* is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under the applicable section of the *Building Code Act*, 1992, so as to provide for:
- (1) repair of the property; or
 - (2) clearing of all *buildings*, structures or debris from the site and the leaving of the site in a graded and leveled condition, under the provisions of the Procurement Policy.
- 7.1.6 Where approved by the Chief Building Official, an *Officer* may permit the maintenance of property to alternate standards required by any provisions of this by-law.
- 7.1.7 The alternate standards shall be in accordance with the general purpose and intent of this by-law.
- 7.1.8 Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this by-law.
- 7.1.9 Upon completion of the work, repairs or demolition by or on behalf of the City of Thorold, the City of Thorold shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real taxes and may be added by the Treasurer of the City of Thorold to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by the statute.

7.2 RIGHT TO ENTER AND INSPECT

- 7.2.1 Where a by-law under Section 15.1 of the *Building Code Act*, 1992 is in effect, an *officer* acting under the by-law or any person acting under his or her instructions may at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine:
- (1) whether the property conforms with the standards prescribed in this by-law; or
 - (2) whether an order made under this by-law has been complied with.
- 7.2.2 Notwithstanding the above, an *Officer* shall not enter or remain in any room or place actually used as a *dwelling unit* unless:
- (1) the consent of the *occupant* is obtained, first having informed the *occupant* that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act*, 1992;
 - (2) the delay necessary to obtain a warrant or the consent of the occupant would result in an immediate danger to the health and safety of any person;
 - (3) a warrant issued under the *Building Code Act*, 1992 is obtained; or
 - (4) the entry is necessary to repair or demolish the *property* in accordance with an order issued under this by-law and the *Officer*, within a reasonable time before entering the room or place, serves the occupier with the notice of the *Officer's* intention to enter the room or place.

7.3 NOTICE OF VIOLATION

- 7.3.1 If, after inspection, an *officer* is satisfied that in some respect the *property* does not conform with the standards, he or she may issue an order to the *owner* and such other persons affected by it as the *Officer* determines and a copy of the order may be posted on the *property*.
- 7.3.2 An order under this by-law shall:
- (1) state the municipal address or the legal description of the *property*;
 - (2) give 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;
 - (3) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the City of Thorold may carry out the *repair* or clearance at the *owner's* expense;
 - (4) indicate the final date for giving notice of appeal from the order;

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and

- (5) be served or caused to be served:
 - (a) by personal service; or

- (b) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

7.3.3 If the *Officer* is unable to effect service under article 7.3.1, they shall place a placard containing the terms of the order in a conspicuous place on the *property* and the placing of the placard shall be deemed as sufficient service of the order on the *owner* or other persons.

7.3.4 Despite any other provisions of this by-law, if upon inspection of a *property*, the *Officer* is satisfied there is non-conformity with the standards prescribed herein to such extent as to pose an immediate danger to the health or safety of any person, the *Officer* may make an order containing the particulars of the non-conformity and requiring remedial repairs or other necessary work to be carried out forthwith to terminate the danger in accordance with the applicable section of the *Building Code Act*.

7.3.5 The *Officer* may grant extensions of time for compliance with any order issued pursuant to the applicable section of the *Building Code Act*, beyond the time limited in such order in any case where:

- (1) valid reasons exist in the opinion of the *Officer* for the extension; and
- (2) apart from such reasons, the *Officer* is satisfied that the order will be complied with.

7.4 APPEAL OF AN ORDER

7.4.1 An *owner* or *occupant* who has been served with an order made under this by-law, and who is not satisfied with the terms or conditions of the order, may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the order.

7.4.2 The Notice of Appeal shall be accompanied by the prescribed fee required by Section 8 of this by-law in the form of a certified cheque, money order or cash.

7.4.3 An order that is not appealed within the time referenced in article 7.4.1, is deemed to be confirmed.

7.4.4 If an appeal is taken, the *Committee* shall hear the appeal and shall have all the powers and functions of the *Officer* who made the order and may:

- (1) confirm, modify or rescind the order to demolish or *repair*, or
- (2) extend the time for complying with the order if, in the opinion of the *Committee*, the general intent and purpose of this by-law and of the Official Plan or policy statement are maintained.

7.4.5 The municipality in which the property is situate or any *owner* or *occupant* or person affected by a decision under article 7.4.4 may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of

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Justice for an appointment within fourteen (14) days after sending of a copy of the decision.

- 7.4.6 A Judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.
- 7.4.7 On the appeal, the Judge has the same powers and functions of the *Committee*.
- 7.4.8 An order that is deemed to be confirmed or modified by the *Committee* or Judge, shall be final and binding upon the *owner* and *occupant* who shall carry out the *repair* or demolition within the time and in the manner specified in the order.

7.5 PROPERTY STANDARDS COMMITTEE

- 7.5.1 A *Committee* to be known as the Property Standards *Committee* of the City of Thorold is hereby established.
- 7.5.2 The Property Standards *Committee* for the City of Thorold shall consist of five (5) citizens at large to be appointed by Council, with a term to coincide with Council. The members of the *Committee* shall hold office until their successors have been appointed. Any vacancy on the *Committee* shall be filled forthwith.
- 7.5.3 The members of the *Committee* shall elect a Chair from among themselves, when the Chair is absent through illness or otherwise, the *Committee* may appoint another member as Acting Chair.
- 7.5.4 A majority of the members constitutes a quorum for transacting the business of the *Committee*.
- 7.5.5 The members shall provide for a Secretary for the *Committee* who shall keep on file the records of all official business of the *Committee*, including records of all applications and minutes of all decisions respecting those applications.
- 7.5.6 Members of the *Committee* shall be paid such compensation as the Council of the City of Thorold may provide by resolution from time to time.

7.6 REGISTRATION OF AN ORDER

- 7.6.1 An order that a *property* does not conform with any standards of this by-law may be registered in the Land Registry or Land Titles 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 day, which the order was served.
- 7.6.2 Where the Chief Building Official or an *Officer* determines there is compliance under this by-law with an order issued, the Clerk of the City of Thorold shall forthwith register in the Land Registry or Land Titles Office, a certification that such requirements have been satisfied, which shall operate as a discharge of such order.
- 7.6.3 Notwithstanding article 7.6.2, no discharge of an order shall be registered by the *Officer* until such time as an *owner* has paid to the

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Corporation the fee prescribed in section 8 of this by-law.

7.7 RESPONSIBILITIES AND COMPLIANCE ORDERS

7.7.1 The *owner* or *occupant* of a property shall:

- (1) comply with all standards prescribed in this by-law;
- (2) comply with any final and binding order of the *Officer*;
- (3) produce documents or things requested by the *Officer* for inspection as relevant to the *property* or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the *property* or part thereof, allow entry by the *Officer* or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purpose of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the *Building Code Act*; and
- (4) ensure, that in complying under this by-law, and in carrying out work required under an order or other obligation under this by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the *owner*, *occupants* or visitors to the *property* or which put at risk of injury or health such persons and giving adequate warning where such risks cannot be avoided so as to allow such person to avoid the danger or risks.

7.7.2 A person affected by a property standards order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an *Officer*, and shall be liable to pay any applicable fees, charges or expenses.

7.7.3 Where the proof submitted to comply with article 7.7.2 is insufficient for the *Officer* to determine the compliance of the *property* with the order or part of the order, the person shall, subject to the *Ontario Building Code*, permit or arrange for a reasonable and timely inspection by the *Officer* to determine compliance or that the proof submitted confirms compliance.

7.8 PROHIBITION

7.8.1 No *owner* or *occupant* of *property* shall use, occupy, allow, permit or acquiesce in the use or occupation of the *property* unless such *property* conforms to the standards prescribed in this by-law.

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

7.8.3 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 *buildings*, structures, debris

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or refuse and shall leave the *property* in a graded leveled condition.

7.9 CERTIFICATE OF COMPLIANCE

- 7.9.1 Every *property owner* may make an application to the City of Thorold for a certificate of compliance by completing and signing an application on the form available at the offices of the Chief Building Official and paying the applicable fee.
- 7.9.2 Where a *property standards* order has been registered, an *owner* or *occupant* may apply for an inspection of the *property* in respect of the order and shall pay the fee prescribed by section 8 at the time of application, which fee includes the registration or a discharge where compliance with the order is found.

7.10 POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

- 7.10.1 If the *owner* or *occupant* of a *property* fails to *repair* or to demolish the *property* in accordance with an order as confirmed or modified, the City of Thorold, in addition to all other remedies:
- (1) may *repair* or demolish the *property*;
 - (2) may clear the site of all *buildings*, structures, debris or refuse and leave the site in a graded and leveled condition;
 - (3) may make the site safe or impede entry by erecting *fences*, barricades or barriers;
 - (4) shall not be liable or compensate such *owners*, *occupants* or another person having interest in the *property* by reason of anything done by or on behalf of the City of Thorold in reasonable exercise of its power under the provisions of this part;
 - (5) may cause a prosecution to be brought against any person who is in breach of such an order and upon conviction, such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act*;
 - (6) shall have a lien on the land for the amount spent on the *repairs* or demolition; and
 - (7) the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- 7.10.2 For the purposes of article 7.10.1, *Officers* and agents employed by the City of Thorold may from time to time enter in and upon the *property*.

7.11 PENALTIES

- 7.11.1 Subject to articles 7.11.2 and 7.11.3, every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a penalty in accordance with the Provincial Offences Act.
- 7.11.2 Every person who fails to comply with an order issued under this by-law

which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for the first offence and to a fine of not more than \$100,000 for a subsequent offence.

- 7.11.3 If a corporation is convicted of the offence of failing to comply with an order issued under this by-law, the maximum penalty that may be imposed on the corporation is \$100,000 for a first offence and \$200,000 for any subsequent offence.

7.12 VALIDITY

- 7.12.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.
- 7.12.2 Where a provision of this by-law conflicts with the provision of another by-law, Act, or Regulation in force within the City of Thorold, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

7.13 TRANSITION RULES

- 7.13.1 After the date of the passing of this by-law, those by-laws identified under section 9 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 City of Thorold shall have been concluded.
- 7.13.2 In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a property standards by-law of any former area municipality, including the predecessor to by-laws mentioned in section 9, the process may be continued and carried out under this by-law.

SECTION 8 FEES

8.1 APPLICABLE FEES

- 8.1.1 Any fee required by or described in this by-law shall be as set out in Schedule "A" to this by-law.

SECTION 9 BY-LAWS REPEALED

9.1 BY-LAWS TO BE REPEALED

- 9.1.1 By-Law 13-2000 and By-Law 35-2005 of the Corporation of the City of Thorold and any amendments made thereto are hereby repealed.

SECTION 10 ENACTMENT

10.1 DATE OF ENACTMENT

10.1.1 This by-law shall come into force and effect on the day after it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS 6TH DAY OF NOVEMBER, 2007.

Henry D'Angela, Mayor

John K. Bice, City Clerk

The Corporation of the City of Thorold

SCHEDULE "A", Page 1
TO PROPERTY STANDARDS BY-LAW NO. 123-2007

<u>ITEM</u>	<u>FEE</u>
1. Certificate of Compliance	\$120.00
2. Discharge of an Order registered in the Land Registry Office (includes original registration of Order)	\$350.00
3. File a Notice of Appeal	\$350.00