

## By-law No. 123-1998

**Being a By-law for prescribing standards for the maintenance and occupancy of all property within the Municipality of West Perth 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 and prohibiting the removal of any notice, sign, or placard placed thereon in accordance with this by-law**

Whereas the Municipality of the Township of West Perth deems it desirable to enact the following by-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards; and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition:

And

Whereas the Municipality of the Township of West Perth has in effect Official Plan Policies that include provisions relating to property standards as provided in the Building Code Act, R.S.O. 1990 as amended;

Now Therefore the Council of the Municipality of the Township of West Perth enacts the following:

### Part 1

#### Definitions

In this by-law:

- 1.01 **"Accessory"** means a use or detached building or structure that is naturally and normally incidental subordinate and exclusively devoted to supporting the principle use, building or structure and located on the same lot therewith, but does not include a dwelling unless otherwise specified.
- 1.02 **"Apartment Building"** means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 **"Approved"** means acceptance by the Property Standards Officer.
- 1.04 **"Basement"** means that portion of a building between two floor levels which is partly below the finished grade level and which has at least one-half of its height measured from finished floor to finished ceiling (or the underside of the floor joists where the ceiling is not finished), above the finished grade level.
- 1.05 **"Building"** means any structure, whether temporary or permanent, fixed to or supported by the soil and which is designed, used, or intended to be used for the accommodation, storage, or shelter of persons, animals, or chattels. A building shall not include a boundary wall, fence, retaining wall, light standard, head stone, or sign.
- 1.06 **"Cellar"** means that portions of a building between two floor levels which has more than one-half of its height, measured from finished floor to finished ceiling (or the underside of the floor joists where the ceiling is not finished) below the finished grade level.
- 1.07 **Committee** means the Property Standards Appeal Committee.

1.08 "Dwelling" means a building or part thereof containing one or more dwelling units.

1.09 "Dwelling Unit" means one or more habitable rooms occupied or capable of being occupied on a permanent basis by one or more persons as an independent and separate housekeeping unit in which kitchen and sanitary facilities and sleeping accommodations are provided for the exclusive use of such person or persons, and having a private entrance from outside of the building or through a common vestibule.

1.10 "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.

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

1.12 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.

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

1.14 "Multiple Dwelling" means a building containing three or more dwelling units.

1.15 "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law.

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

1.17 "Occupant" means any person or persons over the age of eighteen years in possession of the property.

1.18 "Officer" means a Property Standards Officer appointed by By-Law and assigned the responsibility for enforcing and administering this By-Law.

1.19 "Owner" means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other person who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who under the terms of the lease is required to repair and maintain the property in accordance with the Standards of Maintenance and Occupancy of the property.

1.20 "Person" means an individual, firm, corporation, association or partnership.

1.21 "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant property.

1.22 "Repair" means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, mending as may be required so that the property shall conform to standards established in this by-Law.

1.23 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

1.24 "Sewage System" means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health.

1.25 "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-Law.

1.26 "Toilet Room" means a room containing a water closet and a wash basin.

1.27 "Yard" means a space appurtenant to a building or structure, located on the same lot as such building or structure, and which is open, uncovered, and unoccupied from the ground to the sky except as permitted otherwise by this By-law.

## PART II

### GENERAL STANDARDS FOR ALL PROPERTY

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

## PART III

### RESIDENTIAL STANDARDS

#### GENERAL CONDITIONS

3.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

3.02 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.

3.03 Accumulation or storage of garbage, refuse, appliances, or furniture in public hallways or stairways shall not be permitted.

#### PEST PREVENTION

3.04 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.

3.05 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

#### STRUCTURAL SOUNDNESS

3.06 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.

3.07 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

#### FOUNDATIONS

3.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, waterproofing walls, joints, and floors.

3.09 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

## EXTERIOR WALLS

3.10 Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

3.11 Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

## WINDOWS AND DOORS

3.12 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

3.13 In a dwelling unit all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.

3.14 Solid core doors shall be provided for all entrances to dwellings and dwelling units.

3.15 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.

3.16 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

## ROOFS

3.17 Roofs of dwellings and their components shall be maintained in a weathertight condition, free from loose or unsecured objects or materials.

(c) a counter or work area at least 0.61 m (2 ft) in width by 1.22 m (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and

(d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

### TOILET AND BATHROOM FACILITIES

3.26 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and a bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

3.27 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

3.28 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

### PLUMBING

3.29 Every dwelling unit shall contain at least one water closet, one wash basin, a bathtub or shower, and one kitchen sink. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 F).

3.30 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

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

3.32 All plumbing fixtures shall be connected to the sewerage system through water seal traps.

3.33 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defect that may harbour germs or impede thorough cleansing.

3.44 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

3.45 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 to unsafe temperatures.

### FIRE ESCAPES, ALARMS AND DETECTORS

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

3.47 In addition to the provisions of article 3.46 hereof, in every dwelling unit in a building, a listed products of combustion detector, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall;

(1) be equipped with visual or audio indication that they are in operating condition;

(2) be mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

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

### EGRESS

3.49 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

3.50 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1.067 by 0.558 meters, (42 x 22 inches) with a sill height of not more that 0.914 meters, (36 inches), above the inside floor. A single exit is

3.58 No room shall be used for sleeping purposes unless it has a minimum width of two meters and a floor area of at least seven square meters. A room used for sleeping purposes by two or more persons shall have a floor area of at least four square meters per person.

3.59 Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:

(a) each habitable room shall comply with all the requirements set out in this by-law;

(b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;

(c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the Ontario Building Code;

(d) access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

#### PART IV

#### VACANT LANDS AND BUILDINGS

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

#### VACANT LANDS

4.02 Vacant land shall be maintained to the standards as described in Part 2 Article 2.02 of this by-law.

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

#### VACANT BUILDINGS

4.04 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

4.05 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened.

## EXTERIOR WALLS

5.08 Exterior walls of a building or a structure and their components, including soffits, fascia, window and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

5.09 Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

## GUARDRAIL AND BALUSTRADES

5.10 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24"). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

## LIGHTING

5.11 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary 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. However lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

## PART VI

### ADMINISTRATION AND ENFORCEMENT

6.01 This By-Law shall apply to all property within the limits of the municipality.

6.02 The imperial measurements contained in this By-Law are given for reference only.

#### OFFICERS

6.03 The council of the municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law.

6.04 An officer or any person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any property.

6.11 When the owner or occupant upon whom an Order has been served in accordance with article 6.06 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of appeal by registered mail to the Secretary of the Committee, within fourteen days after service of the Order. In the event that no appeal is taken the order shall be deemed to have been confirmed.

6.12 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the authority and functions of the Officer and may confirm, modify, or quash the order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the By-Law and of the Official Plan or policy statement are maintained.

### PENALTY

6.13 No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order as confirmed or modified, the municipality in addition to other remedies,

(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

(b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the municipality under the provisions of this article;

(c) 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 his/her territorial jurisdiction, a penalty in accordance with the provisions of section 36 of the Building Act, R.S. O. 1990 as amended.

### VALIDITY

6.14 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

6.15 Where a provision of this by-Law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

6.16 This By-Law may be referred to as "The Property Standards By-Law".