

THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2022-20

A By-law to provide standards for the maintenance and occupancy of property.

WHEREAS Section 15.1(3) of the *Building Code Act, 1992*, as amendments thereto, provide that a Council of a Municipality may pass by-laws;

AND WHEREAS Council of the Municipality of South Dundas deems it desirable to establish standards for the maintenance and occupancy of certain buildings and properties, so that owners and occupiers establish and maintain minimum standards for persons who may live at, attend, or otherwise be affected by the condition of buildings and properties;

AND WHEREAS fees and charges may be imposed under the authority of the *Municipal Act, 2001*, as amended, and the *Building Code Act, 1992*, as amended;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas hereby enacts as follows:

1. Short Title

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

2. Definitions

2.1 Definitions for the By-law include:

"Accessory Building" means a detached subordinate building that,
a) Is devoted exclusively to a use normally incidental to the main use of the property;
b) Is not used for human habitation;
c) Is on the same lot as the main building, and an accessory building includes a farm building.

"Adequate" means equal or amounting to what is sufficient, fitting, suitable, or equal to what is required.

"Approved" means acceptance by the authority having jurisdiction.

"Basement" means the portion of a building between two (2) floor levels, which is partly underground and which has at least one-half of its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building.

"Building" means a structure occupying an area greater than ten (10) square meters consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, words, fixtures and service systems appurtenant thereto, and includes:

- (a) a structure occupying an area of ten (10) square meters or less that contains plumbing, including the plumbing appurtenant thereto;
- (b) plumbing not located in a structure such as a sewage system; or,
- (c) structures designated in the Building Code.

"Building Code" means the regulation made under Section 34 of the *Building Code Act, 1992, S.O. 1992, c.23*, and amended.

"Building Code Act" means the *Ontario Building Code Act, 1992, S.O. 1992, c.23*, as amended.

"Bathroom" means a group of plumbing fixtures installed in the same room, consisting of a water closet or wash basin and either one bathtub or shower.

"Cellar" means that portion of a building between two (2) floor levels, which is partly underground and which has more than one-half its height from finished floor to the underside of the first floor joists below the average finished grade level adjacent to the exterior walls of the building;

"Chief Building Official" means the Chief Building Official of the Municipality of South Dundas or an authorized representative.

"Commercial Container" means a receptacle,

- a) used for the storage and collection of garbage, refuse and trade waste; or,
- b) designed to permit it being emptied by a forklift packer vehicle.

"Committee" means the Property Standards Committee established under this By-law.

"Council" means the Council of the Corporation of the Municipality of South Dundas.

"Crawl Space" means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1.8 meters (5ft, 11in) in height.

"Debris" includes but is not limited to garbage, refuse, rubbish, or wrecked, decayed, dilapidated, or inoperative vehicles or machinery, and parts thereof.

"Demolish" means the clearing of all buildings and structures and the clearing of debris or refuse and the grading or leveling of the lands thereunder.

"Dwelling" means a building or structure, or any part of it, occupied or capable of being occupied, in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

"Dwelling Unit" means a suite operated as a single housekeeping unit, used or intended to be used as a domicile by one (1) or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

"Farm Building" means a building or part thereof which does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming, and used primarily for the housing of farming equipment or livestock, or for the production, storage or processing of agricultural and horticultural produce or feed.

"Fence" means any freestanding structure, screen, wall, or barrier other than building, erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a property, providing security or protection to property, and does not include a hedge.

"Fire Code" means the regulation made under the *Fire Protection & Prevention Act, 1997*.

"Floor Area" means the maximum area contained within the outside walls of a building or within the walls of a room, as the case may be.

"Grade" means the average level of proposed or finished ground adjoining a building at all exterior walls.

"Ground Cover" means any suitable material applied to the ground to prevent the erosion of soil and includes concrete, flagstone, gravel, asphalt, grass or other similar materials.

"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 locations to prevent accidental falls from one level to another.

"Habitable Room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include a den, library, sunroom or recreational room or any combination thereof.

"Handrail" means the hand support along the edge of stairs or steps.

"Inspector" means a property standards officer, building inspector, or any other person appointed to enforce this By-law, and includes the term Officer.

"Maintenance" means the preservation and repair of a property.

"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 usually located outside a building.

"Municipality/Corporation" means the Corporation of the Municipality of South Dundas or the geographic area of the Municipality of South Dundas as the context requires.

"Multiple Dwelling" means a building containing two (2) or more dwelling units.

"Non-Habitable Room" means any room in a building or dwelling unit other than a habitable room, and includes:

- (a) a bathroom, powder room, restroom, laundry, pantry, lobby, communicating corridor, stairway, closed, boiler room, garage; or
- (b) other service and maintenance space in a building.

"Normal Farm Practice" means a practice that,

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.

"Occupant" means any person or persons over the age of eighteen (18) in possession of a property.

"Officer" means a property standards officer who has been assigned or appointed by the Municipality of South Dundas as a Property Standards Officer and/or a Municipal Law Enforcement Officer to either administer or enforce this By-law and includes a building inspector for the Municipality of South Dundas.

"Order" means any order issued under the *Ontario Building Code Act*.

"Owner" includes,

- (a) the person managing or receiving the rent of the land or premises, whether on the person's own account or as an agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- (b) the 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 maintenance and occupancy of a property.

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

"Plumbing System" means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances thereto used for the provision, processing or management of water, human body waste, toilet or other bathroom waste, and shower, tub, culinary sink and laundry waste.

"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, mobile buildings, mobile homes, outbuildings, fences, retaining walls, landscaping, walkways and erections thereon and includes vacant lands.

"Repair" means the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this By-law.

"Residential Property" means any property that is used or is capable of being used as a dwelling, two-unit dwelling or multiple dwelling, and includes any land or buildings that are appurtenant to such establishments including but not limited to all steps, walks, driveways, parking spaces, fences and yards.

"Retaining Wall" means a structure which supports and confines a mass of earth or water where there is an abrupt change in ground elevation.

"Rubbish" means any combustible or non-combustible, discarded or waste materials, except garbage or brush.

"Sanitary Sewage" means liquid or water borne waste that is,

- (a) of industrial or commercial origin; or
- (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary sink and laundry waste.

"Sewage System" means the Municipality of South Dundas' sanitary sewage system, storm sewage, or a private sewage disposal system approved by the authority having jurisdiction.

"Sign" means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, indemnification, advertisement, business promotion or the promotion of a product, activity, service or idea.

"Storm Sewage" means water that is discharged from a surface as a result of rainfall, snow melt, snowfall, or other precipitation.

"Storm Sewer" means a sewer that conveys storm sewage.

"Structure" means a combination of materials used to form a construction or fixed erection which is not adapted to permanent or continuous occupancy, and includes a tent, reviewing stand, platform, staging wall, retaining wall, radio or television antenna supporting structure, shed, refuse bin, fence, sign, and every other construction or fixed erection that is not a building.

"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, motor hotels, boarding houses, lodging houses or rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

"Unsafe Condition" means any condition that could cause undue hazard to life, limb or health of any person authorized or who could inadvertently gain access to the property.

"Vacant Land" means land, other than open space land, with no buildings and not devoted to the practice of farming.

"Vermin" means a mammal, bird or insect injurious to humans, game, or crops including but not limited to foxes, rodentia, bats, mice, moles, owls, weasels, fleas, bugs or lice.

"Yard" means land other than publicly owned land, around and appurtenant to the whole or any part of the property and used or capable of being used, in connection with the property whether or not the land is owned by the owner of the building.

All other definitions are defined in the *Ontario Building Code*.

3. General Requirements

- 3.1 No owner or occupant of a 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.
- 3.2 The owner of a property shall repair, maintain, and keep the property in accordance with these standards and take immediate action to eliminate any unsafe conditions.
- 3.3 Every occupant of a dwelling, in that part of the dwelling that the occupant occupies or controls, shall:
- (a) within the dwelling unit, maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - (b) keep all exits from the dwelling clean and unobstructed;
 - (c) maintain the dwelling unit in a clean and sanitary condition.
- 3.4 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 these standards or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded and leveled condition.
- 3.5 This By-law does not apply so as to prevent a farm from 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.
- 3.6 All repairs to any property shall be made in good workmanlike manner with materials that are suitable, sufficient for the purpose, free from defects and approved by the *Ontario Building Code*.
- 3.7 Without restricting the generality of Section 3.6 of this By-law,
- (a) the requirement that repairs be made in "good construction practice" includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in with adjoining finishing materials; and
 - (b) the requirement that repairs be made with materials that are "suitable and sufficient for the purpose" includes a requirement for materials reasonably compatible in design and color with adjoining decorative finishing materials.

4. Structural Standards

- 4.1 Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal or permitted use, and having a factor of safety as required by the *Ontario Building Code*.
- 4.2 All exterior surfaces of buildings, structures, fences and retaining walls, including mobile structures and building, shall be of materials which resist deterioration by the elements or have resistant coatings applied to them, except that a non-residential farm building or farm structure may have unprotected wood surfaces.
- 4.3 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, replaced.

5. Sewage and Drainage

- 5.1 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 accordance with the *Ontario Building Code* requirements for on-site sewage systems.
- 5.2 Roof drainage or discharge from a sump pump or swimming pool shall not be permitted to discharge onto a sidewalk, stairs, neighboring property, or a street unless authorized by a subdivision agreement or any other agreement with the Municipality.
- 5.3 Storm water shall be drained from a yards so as to eliminate recurrent standing water or surface ponding, but shall not be directed to cause recurrent ponding of water on adjacent properties or so as to result in the entry of water into a basement or cellar.
- 5.4 Eavestroughs and downspouts shall be maintained,
 - (a) watertight and free from leaks;
 - (b) in good working order, and free from any obstructions;
 - (c) in a stable condition and shall be securely fastened to the structure; and
 - (d) shall not be directed to drain onto a neighbouring property.
- 5.5 Catch basins shall be kept in a state of good repair and free of debris and obstructions, which would prevent them from functioning properly.

6. Vacant Buildings

- 6.1 Where any building is vacant or unoccupied, the owner shall protect such building against the risk of accident or 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.

- 6.2 For the purposes of Section 6.1 of this By-law, doors, windows, hatches, and other openings through which entry may be obtained are to be kept in a state of good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the opening with:
- (a) boarding which completely covers the opening with at least 12.7mm (0.5 inches) of weatherproofed sheet plywood securely fastened to the building;
 - (b) rigid composite panels, securely fastened to the building;
 - (c) sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
 - (d) brick and mortar securely fastened to the building; or,
 - (e) concrete blocking and mortar securely fastened to the building.
- 6.3 The options available in Section 6.2 of this By-law shall be considered progressively more secure with 6.2(e) being the most secure, and the minimum standard imposed by Section 6.2 shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry, and further, where the owner's control, attendance, or lack of security measures to protect the property suggest that a more secure option is necessary to secure the property, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in Section 6.2.
- 6.4 Vacant buildings shall be kept clear 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.
- 6.5 Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building, which are not required for the safety and security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent properties.

7. Damaged Buildings

- 7.1 Where a building is damaged by accident, storm, neglect or intentional damage, the owner shall protect the building against further risk of further damage, accident, or the other danger, and shall effectively prevent entrance thereto by all unauthorized persons, by closing and securing openings to the building within accordance with Sections 6.2 and 6.3 of this By-law.
- 7.2 The exterior walls and other surfaces of a building shall have smoke damage or other defacement removed and the surfaces refinished.
- 7.3 Any such work required under this Section shall be done in compliance with the *Ontario Building Code*, other applicable codes and By-laws,

including but not limiting the generality of the foregoing, in compliance with the requirements to obtain a building or demolition permit.

8. Fire Damaged Buildings

- 8.1 Fire damaged buildings shall be kept clear of all garbage, refuse, and debris and shall have all water, electrical, and gas services terminated, except those services that are required for the security and maintenance of the property.
- 8.2 In the event of fire or explosion, damaged, or partially burnt material, demolished material shall be forthwith removed from the premises, except that such material may be temporarily stored for a maximum period of sixty (60) days within the barricaded fire damaged building or unit.
- 8.3 Any foundation left after a fire, explosion, or the demolition of a structure shall be filled within sixty (60) days, in such a manner as to prevent an accident hazard.
- 8.4 In the event of the normal locking and other security measures for a fire damaged building do not prevent entry, entry shall be prevented by covering all windows, doors and other openings in the building that provide a means of entry with plywood or equivalent material that shall be securely fastened and tight fitting.
- 8.5 If a fire damaged building shall be secured by fencing if the exterior poses a risk to public safety, including an unsafe porch etc.
- 8.6 Any such work required under this Section shall be done in compliance with the *Ontario Building Code*, other applicable codes and By-laws, including but limiting the generality of the foregoing, in compliance with the requirement for obtaining a building permit or demolition permit.

9. Exterior Walls

- 9.1 Exterior walls of a building or a structure and their components, including soffits, fascia, windows, and doors shall be maintained in a good state of repair free from cracked, broken, or loose masonry units, stucco and other defective cladding or trim.
- 9.2 Exterior walls and their components shall be maintained to prevent the entry of vermin and birds.
- 9.3 Exterior walls and their components shall be repaired of vandalism or other damage, including keeping them free of defacements by paint, inscription or other markings and the repair of broken windows.
- 9.4 Exterior walls of a building or structure, and their components shall be maintained so as to be free of posters, 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 which has loosened, dislodged, torn or is otherwise in poor condition.

9.5 Pursuant to the *Municipal Act, 2001*, as amended, the cost of removal of posters by the Municipality is collectable against the owner of the advertising device under the terms of the said Act notwithstanding any other term of this By-law.

10. Roofs

10.1 A roof and all of its components shall be weather-tight so as to be free from leaks, unsecured or unsafe objects or materials.

10.2 Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

10.3 A roof including the fascia board, soffit, cornice and flashing shall be maintained in a weather-tight condition, and able to prevent the leakage of water into the building.

10.4 Dangerous accumulations of snow or ice shall be removed from the roof.

10.5 A roof shall be kept clean and free from:

(a) rubbish or other debris; or

(b) objects or conditions that may create a health or accident hazard.

11. Doors and Windows

11.1 All exterior openings for doors and windows shall be fitted with doors or windows that will perform their intended function.

11.2 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 re-glazing where necessary.

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

12. Foundation

12.1 Foundation walls shall be maintained in a good state of repair to be structurally sound.

13. Stairs, Balconies, Porches and Other Platforms

13.1 Interior and exterior stairs, landings, balconies, porches and any other means of access shall be maintained to be free of holes, cracks, and other defects which may constitute possible accident hazards. Treads

or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced. Stairs that are to be replaced shall conform to the *Ontario Building Code*.

13.2 Handrails shall maintained in a good state of repair on all stairs.

14. Walls, Ceilings and Floors

14.1 Every wall, ceiling and floor in a building shall be maintained so as to provide a surface free of holes, mold, cracks, loose coverings or other defects which is not normal to the function of the building. Walls surrounding showers are bathtubs shall be impervious to water and be readily cleanable.

14.2 Every floor in a building shall be reasonably smooth, level and maintained so as to be free of mold and all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of vermin.

14.3 Every floor finishing in a bathroom, water closet room, kitchen, shower room and laundry room shall be maintained so as to be impervious to water and readily cleanable.

15. Plumbing and Water

15.1 All plumbing, drainpipes, water pipes and plumbing fixtures in a building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects.

15.2 All water pipes and appurtenances thereto shall be protected from freezing.

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

- (a) hot and cold potable water connected to every kitchen sink, every washbasin, bathtub, shower, lavatory, and laundry area;
- (b) piping for cold water connected to every toilet and hose bib.

15.4 Every dwelling shall be provided with an approved supply of potable water from at least one (1) of the following sources:

- (a) Municipal water system;
- (b) communal water system; or,
- (c) a private water system that is tested regularly for Coliform and E. Coli as recommended by the Eastern Ontario Health Unit.

15.5 Every fixture shall be of such materials, construction and design as will ensure that the exposed surfaces of all parts are hard, smooth, impervious to hot and cold water, readily cleanable and free from cracks or other defects that may harbor germs or impede thorough cleaning.

- 15.6 No sump pumps or backups are allowed to be connected to any part of a plumbing system or water supply system that is connected to a Municipal water system or to a Municipal sewage system.
- 15.7 No pipe connections are permitted between a private water source and a Municipal water system unless approved by the Municipality of South Dundas.

16. Heating Systems

- 16.1 A heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) in each habitable room. The heating system shall be operable continuously from the 15th of September until 1st of June and shall be maintained so as to be automatic in functionality without the requirement of human intervention.
- 16.2 The heating system and all mechanical equipment associated with building services shall be operated and maintained:
- (a) in good working order;
 - (b) free from unsafe conditions; and,
 - (c) in accordance with the requirements of the *Ontario Building Code* and other legislation and regulations.
- 16.3 Except in the event of an emergency, no dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- 16.4 Every fireplace, chimney, smoke pipe, flue, vent and similar construction shall be maintained so as to be free from defects and shall prevent gases and smoke from leaking into a dwelling unit.

17. Electrical Services

- 17.1 The capacity of the electrical connection to a building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
- (a) adequate for the intended use; and,
 - (b) Always maintained to be free from unsafe conditions and in accordance with the requirements of the Electrical Safety Authority.
- 17.2 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.
- 17.3 In dwelling units, extension cords, shall not be permitted as a permanent solution to inadequate receptacle locations. The use of extension cords should be limited to temporary, properly sized for the equipment attached and, in the opinion of the Officer, removed if a hazardous condition exists.

18. Lighting

- 18.1 Adequate interior and exterior lighting fixtures shall be installed and maintained over stairways, steps, ramps, entrance landings and other abrupt changes in floor elevation. Minimum light levels shall be achieved so that work and normal operations on the property can be undertaken in safely.
- 18.2 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and storage room shall be provided with a permanent lighting fixture.
- 18.3 Outdoor lighting and indoor lighting, that can be seen outdoors, shall not be directed, placed or shone onto a neighboring property. Light fixtures shall not be directed toward another dwelling unit on the same property.
- 18.4 The standard for lighting fixtures referred to Section 18.3 of this By-law:
- (a) does not include lighting located by a road authority;
 - (b) does not apply to property owned or occupied by a Municipal, Provincial or Federal government;
 - (c) does not require 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 re-direction, movement or the placing of shades or barriers to comply with the standards;
 - (d) does not require that an illuminated outdoor advertising sign 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 placing of shades or barriers to comply with the standards; or
 - (e) does not require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off at any time, but may require the re-direction, movement or the placing of shades or barrier to comply with the standards.

19. Walks and Safe Passage

- 19.1 There shall be a walkway leading from the principal entrance of every building to a Municipal sidewalk or street. Except that such walks may lead to a driveway or parking area provided such driveway or parking area leads to a Municipal street.
- 19.2 The surfaces of steps, walks, driveways, parking areas and similar areas of a yard shall be maintained to afford safe passage under their normal use.
- 19.3 All surfaced paths, walkways, patios, steps, ramps, building entrances, driveways and parking areas shall be adequately illuminated at night to afford safe use.

20. Fences, Barriers, Retaining Walls and Signs

- 20.1 Fences, barriers, retaining walls and signs shall be kept:
- (a) in good repair, free from accident hazards;
 - (b) stable, reasonably plumb and vertical, unless otherwise designed, as in the case of stepping retaining walls;
 - (c) free of hazards such as, but not limited to, barbed wire, electrical shock and loose or moving parts.
- 20.2 Unsightly markings, stains or other defacements on the exterior surfaces of fences, screens or other enclosures shall be removed and the surface shall be refinished when necessary
- 20.3 Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.

21. Water Closet Room, Kitchen and Bathroom Facilities

- 21.1 Every dwelling unit shall contain a kitchen sink, a water closet and hand wash basin, and a bathtub or shower.
- 21.2 Every bathroom or water closet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked.
- 21.3 No water closet of any kind shall be located within a habitable room.
- 21.4 Where a water closet room, kitchen or bathroom facilities are shared by the occupants of a residential accommodation, 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.

22. Ventilation

- 22.1 Every habitable room, bathroom, or water closet shall have an opening or openings for natural ventilation located in an exterior wall or skylight with a minimum aggregate unobstructed area of 0.09 square meters (1 square foot).
- 22.2 The natural ventilation requirements prescribed in Section 22.1 of this By-law may be omitted from any room where the equivalent ventilation is provided by mechanical ventilation equipment in good working order.

23. Accessory Buildings

- 23.1 Every accessory building shall be kept in good repair.
- 23.2 An accessory building or structure used or capable of being used as an out-house or outdoor pit privy is prohibited and shall be removed from any property unless used on a temporary basis and in conjunction with a construction site or a public event.
- 23.3 Shipping containers, trailers and other such equipment shall not be

used-as accessory buildings instead of their intended purpose.

24. Pest and Vermin Prevention

24.1 Buildings not intended for the housing of animals shall be kept free of rodents, vermin and insects. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990.

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

25. Exterior Garbage Disposal

25.1 Every Building shall be provided with sufficient receptacles or commercial containers as may be necessary to contain all garbage, rubbish and debris of the occupancies located therein.

25.2 Receptacles shall be acceptable containers that are:

(a) made of water-resistant construction;

(b) provided with a tight-fitting cover;

(c) maintained in a clean state;

(d) consistent with the Municipality's waste regulations.

25.3 Plastic bags shall not be stored outdoors unless protected from damage in proper receptacles

25.4 Garbage, rubbish and debris shall be removed from the property regularly in accordance with Municipality regulations, except that materials of an extreme flammable nature shall be removed immediately from residential property.

26. General Prohibition

26.1 Prohibition

(a) No person shall remove an order posted by an Officer;

(b) No person shall fail to comply with an order of an Officer

(c) No person shall fail to maintain a safe access to a property;

(d) No person shall fail to maintain a fence;

(e) No person shall fail to maintain a building;

(f) No person shall occupy or allow occupancy of a building which fails to meet human habitation and occupancy standards.

27. Enforcement

27.1 Persons appointed or assigned for the purposes of enforcing or administering this by-law are property standards officers and/or Municipal

Law Enforcement Officers, and have the authority to carry out the duties assigned to officers under this by-law and the *Ontario Building Code Act*, and may enforce the provisions of this by-law and the applicable Sections of the *Ontario Building Code Act*.

- 27.2 A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under Section 15.3(7) of the *Building Code Act*, 1992, to provide for:
- (a) repair of the property; or
 - (b) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, where the cost of doing the work does not exceed \$20,000.
- 27.3 With respect to Section 27.2(b) of this By-law, where the cost of doing the work exceeds \$20,000, the Chief Building Official shall seek the authorization from Council to carry out the requirements of the order.
- 27.4 Upon completion of the work, repairs or demolition by or on behalf of The Municipality, the Municipality 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 property taxes and may be added by the Treasurer of the Municipality to the tax roll and collected in the same manner and with the same priorities as Municipal real property taxes as provided for by statute.

28. Responsibilities and Compliance with Orders

- 28.1 The owner or occupant of a property shall:
- (a) comply with all standards prescribed in this By-law;
 - (b) not permit any person to use or occupy any property owned, managed or controlled by that person unless such property conforms to the standards prescribed in this By-law;
 - (c) comply with any final and binding order of the Property Standards Officer;
 - (d) produce documents or things requested by the inspector, for inspection, as relevant to the property or any part thereof, and further to allow the removal of such documents or things, for the purpose of making copies;
 - (e) provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof;
 - (f) allow entry by the inspector or such persons as needed to carry out an inspection or test or in aid thereof;
 - (g) permit examination, tests, sampling or photographs necessary for the purposes 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; and,
 - (h) ensure, that in complying with 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 maintained in a condition and manner that avoids conditions dangerous to the health and safety of the owner, occupants or visitors to the property and to barricade and give adequate warning where such risks cannot be so avoided.

- 28.2 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 of the Municipality.
- 28.3 Where the proof submitted in Section 28.1 of this By-law is insufficient for the officer to determine compliance of the property with the order or part of the order, the person shall, subject to the *Building Code Act*, S.O. 1992, permit or arrange for a reasonable and timely inspection by the officer to determine compliance or that the proof submitted confirms compliance.
- 28.4 Where an officer determines there is compliance under this By-law with an order issued and/or registered on the title to a property, the order shall be discharged from the title.

29. Administration

- 29.1 This By-law shall apply to all properties within the boundaries of the Municipality.
- 29.2 Where a provision of this By-law conflicts with a provision of another By-law in force within the Municipality, the provisions that establish the highest standards to protect the health, safety and welfare of the general public, shall prevail.

30. Property Standards Officer I Property Standards Committee

- 30.1 Council shall appoint an Officer(s) to be responsible for the administration and enforcement of this By-law.
- 30.2 Council shall appoint at large, by resolution, a Property Standards Committee for the term of office concurrent with Council.
- 30.3 The Property Standards Committee shall be structured in accordance with the Rules and Procedures Policy attached as Schedule "A" to this By-law.

31. Right to Enter and Inspect

- 31.1 Where a By-law under Section 15.1 of the *Building Code Act*, 1992, as amended, is in effect, an officer acting under this 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:
- (a) whether the property conforms with the standards prescribed in the By-law; or,
- (b) whether an order made under this By-law has been complied with.

31.2 Notwithstanding Section 31.1 of this By-law, an officer shall not enter or remain in any room or place actually used as a dwelling without, requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act, 1992*, as amended.

32. Orders

32.1 If, after inspection, an officer is satisfied that in some respect the property does not conform with this By-law, 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.

32.2 The order referred to in Section 32.1 of this By-law hereof shall:

(a) state the Municipal address or the legal description of the property;

(b) 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;

(c) 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 Municipality may carry out the repair or clearance at the owner's expense;

(d) indicate the final date for giving notice of appeal from the order; and,

(e) serve or cause to be served, by personal service, or by prepaid registered mail sent to the last address of the person to whom notice is to that person's agent for service.

33. Emergency Order

33.1 (a) Notwithstanding any other provision of this By-law, if upon inspection of a property the officer is satisfied that there is a non-conformity with the standard prescribed in this By-law to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs of other work to be carried out immediately to terminate the danger.

(b) the order under 33.1(a) shall be served on the owner of the property and such other person affected thereby as the officer determines and a copy shall be posted on the property.

© After making an order under 33.1(a), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the Municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant.

(d) The officer, Municipality or person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its power under

33.1(a).

34. Appeal of Order

- 34.1 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.
- 34.2 An order that is not appealed within the time referred to in Section 34.1 of this By-law, is deemed to be confirmed.
- 34.3 Any owner or occupant or person affected by a decision of the committee, may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Municipality in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision.
- 34.4 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.

35. Registration of Order

- 35.1 An order issued pursuant to Section 32.1. 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 on which the order was served under Section 32 of this By-law.
- 35.2 When the requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

36. Certificate of Compliance

- 36.1 An Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this By-law may issue a certificate of compliance to the owner.

37. Penalties

- 37.1 Every person who contravenes or causes or permits any contravention of any of the provisions in this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, as amended.
- 37.2 A person who fails to comply with an order that is final and binding under this By-law is guilty of an offense under Section 36(1) of the *Ontario Building Code Act* and is liable to a penalty or penalties as set out in Section 36 of that Act.
- 37.3 A person who is convicted of an offence is liable to a fine pursuant to the *Ontario Building Code Act* of not more than \$50,000.00 for a first offence and to a fine of not more than \$100,000.00 for a subsequent

offence.

37.4 If a Corporation that is convicted of an offence is liable to a fine pursuant to the *Ontario Building Code Act* of not more than \$100,000.00 for a first offence and \$200,000.00 for a subsequent offence.

38. Interpretation

38.1 In this By-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

38.2 Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only.

38.3 In this By-law, the word "metre" shall be represented by the abbreviation "m", the word "centimetre" shall be represented by the abbreviation "cm", the word "millimetres" shall be represented by the abbreviation "mm", the word "feet" shall be represented by the abbreviation "ft", and the word "inches" shall be represented by the abbreviation "in".

38.4 It is declared that if any Section, Subsection or part or parts thereof declared by any Court of Law to be bad, illegal or ultra vires, such Section, Subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

38.5 This By-law does not apply to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act*, 1998, from carrying out a normal farm practice.

39. Permits

39.1 If a building permit is required for the purpose of, building, repairing or demolishing a structure or building, it is the responsibility of the property owner to obtain such permit. Failure to obtain the proper permit could result in a fine under the *Ontario Building Code*.

40. Power to Restrain

40.1 If this By-law, Acts or regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this Act, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

50. By-law No. 79-2 Property Standards for Iroquois and By-law No. 28-86 Property Standards for Morrisburg shall be repealed in their entirety.

51. This By-law shall come into force and effect on the date of passing.

READ and passed in open Council, signed and sealed this 14th day February, 2022.



MAYOR



CLERK

Schedule "A"

Property Standards Committee

RULES AND PROCEDURES

1. DEFINITIONS

- 1.1 "**Business Meeting**" means a meeting arranged for the general discussion and business of the Committee but does not include an "appeal hearing" as stated in Section 15.3(1) of the *Building Code Act, 1992, c.23*, as amended.
- 1.2 "**Committee or Property Standards Committee**" means individuals appointed by the Council of the Municipality of South Dundas by By-law under Section 15.6 of the *Building Code Act, 1992, c.23*, as amended.
- 1.3 "**Chair**" means a member of the Committee elected from amongst the Members of the Committee, or in the absence of the Chair then as elected on a hearing by hearing basis. The chair shall be responsible for the conduct of a Hearing to consider an appeal application as outlined in Section 15.3(1) of the *Building Code Act*, as amended, in accordance with the Committee resolutions. The term Chair also includes an acting Chair.
- 1.4 "**Appeal Hearing**" means a meeting called by the Secretary or Chair pursuant to an appeal made under Section 15.3(1) of the *Building Code Act, 1992, c.23*, as amended, and in accordance with the Rules and Procedures of the Committee. An Appeal Hearing may include a Business Meeting.
- 1.5 "**Member**" means an individual appointed by the Council of the Municipality of South Dundas to sit on the Property Standards Committee by By-law under Section 15.6 of the *Building Code Act, 1992, c.23*, as amended.
- 1.6 "**Secretary**" means the Secretary of the Committee as appointed by the Property Standards Committee of the Municipality of South Dundas under Section 15.6(6) of the *Building Code Act, 1992, c.23*, as amended.

2. BUSINESS MEETINGS

- 2.1 Generally, the Property Standards Committee shall hold a business meeting at least once during their term which shall be open to the public. The purpose of the meeting shall be, among other matters, to elect a Chair and appoint a secretary, to discuss and establish by resolution, the policies and practices of the Committee, and to address any other matters related to the Committee operation. The business meeting may be combined with a regular Appeal Hearing
- 2.2 The Chair or Secretary may call a business meeting.
- 2.3 No business meeting shall take place unless reasonable efforts have been taken to give a minimum of one week notice to all Committee Members and the Secretary.

- 2.4 All business meetings shall be held at 34 Ottawa Street, Morrisburg, unless specified otherwise on the notice.
- 2.5 Quorum, for the purpose of a business meeting shall be attendance by four (4) or more Members.
- 2.6 If no quorum is present thirty (30) minutes after the time appointed, the Secretary or Chair of that business meeting may discharge the Members present and reschedule the business meeting.
- 2.7 In the absence of the elected Chair of the Committee, the Secretary may act as Chair until a Chair or an acting Chair is elected from amongst the Members of the Committee. In the case of an acting Chair that member shall act as Chair of the Committee until the next Chair is elected by the Committee at a subsequent Meeting of the Committee.
- 2.8 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a Committee member, including voting.
- 2.9 The resolutions of the Committee affecting Committee policy and practice, shall be those resolutions passed by a supporting vote of no less than four (4) Members at a business meeting.

3. APPEAL HEARINGS

- 3.1 All hearings of the Property Standards Committee, pursuant to Section 15.3(1) of the *Building Code Act, 1992, S.O. 1992, c.23*, as amended, to consider an appeal (Appeal Hearings) shall be called by the Secretary or Chair of the Committee.
- 3.2 All hearings of the Property Standards Committee are closed to the public and all information revealed during the hearing will be kept confidential by all those who attend the meeting. Visitors who are requested to attend the meeting to provide information to the committee will be advised by the chair of this rule, and all persons must agree to keep confidentiality in order to remain in attendance.
- 3.3 Notice of an Appeal Hearing shall be sent within ten (10) days of the hearing date to the applicant for the Appeal Hearing, the owner as defined in Section 15.1(1) of the *Building Code Act, 1992, S.O. 1992, c.23*, as amended, and to those persons whom the committee deems advisable. Such notice may include posting on the property if the committee deems advisable or if the Property Standards Officer has posted the orders so appealed.
- 3.4 An appeal hearing shall be heard no later than thirty (30) days from the date the application was received by the Secretary.
- 3.5 An application to appeal the orders of a Property Standards Officer shall include the name, address, and phone number of the applicant, the location of the property described in the orders, the name and phone number of the owner, the name and phone number of all the occupants, the willingness to appear before the committee, and the reasons for the appeal. The applicant shall pay to the Municipality a fee of no less than \$200.00.

- 3.6 Notice of an Appeal Hearing shall include the date, time, place of the hearing, subject property, and the purpose and effect of the appeal.
- 3.7 The Secretary may cancel or reschedule an Appeal, only if a written request is made by the applicant, authorized agent, or applicant's representative before the Notice of an Appeal is sent out. At which time and subject to the recovery of any costs to the Municipality, the Municipality may provide a full refund to the applicant.
- 3.8 All Appeal Hearings shall be held at 34 Ottawa Street, Morrisburg, unless specified otherwise on the notice of appeal.
- 3.9 An application information packet including a copy of the Orders served, a detailed brief of the office file, and notes of the Property Standards Officer, shall be provided by the Secretary or designate, to the Committee Members only. The information packets will be kept confidential by the members and returned to the Secretary for disposal after the hearing.
- 3.10 Rotation of Committee Members
- (a) Of the five (5) appointed Members of the Property Standards Committee, only three (3) of the five (5) Members may be summoned to attend an Appeal Hearing by the Secretary. If the Chair of the Committee is not summoned than an acting Chair shall be elected among the summoned members as the first order of business.
- (b) The Secretary shall select and evenly alternate the Members of the Committee who attend each Appeal Hearing. An attendance record shall be maintained and brought to each Appeal Hearing.
- (c) Three Members constitute a quorum for an Appeal Hearing. The Chair shall be counted in determining quorum.
- (d) If no quorum is present thirty (30) minutes after the time appointed for an Appeal Hearing, the Secretary or Chair of that hearing may discharge the Members present and may reschedule the Appeal Hearing.
- 3.11 The Committee shall be called to order by the Chair of the Appeal Hearing or the Secretary, or designate of the Committee.
- 3.12 The first order of business shall be to appoint an Acting Chair if the Chair of the Committee is not present
- 3.13 The Chair shall call for any requests for deferral of an appeal or for any request for withdrawal of an application.
- (a) A request to defer the consideration of an application to a later Appeal Hearing date must be for a reasonable cause as determined by the Committee. The Committee at its own volition may defer the consideration of an application or reject a request for deferral and continue with the hearing. The Committee may set a new Appeal Hearing date for the consideration of the appeal and shall indicate any other requirements or conditions for deferral, such as re-notification, additional costs for a subsequent Hearing to be charged to the applicant if applicable, amendment or additional required information. The Committee may determine that the consideration of an application on a deferred date is peremptory

(final).

(b) The Committee may continue to hear an appeal even if the owner or the applicant is not present.

3.14 The Chair shall call each application in an order determined by the agenda or in an order determined by the Chair of the Appeal Hearing and/or the Committee.

3.15

(a) The Chair shall review the information packet to present a summary of the case file. The chair may also engage such employees, officers, and consultants as is considered expedient within the limits of the money appropriated for that purpose.

(b) Following the summary review, the Chair may ask the applicant, the owner or anyone else in attendance to introduce themselves and present any other information in relation to the application.

3.16 The Committee Members, through the Chair, may ask questions of those persons in attendance. Questions may be asked during the presentation, however, typically questions are put forward by the Members of the Committee at the conclusion of the presentation(s).

3.17 The Chair may ask any individual or member who fails to conduct themselves in a reasonably calm manner, to remove themselves from the hearing. The committee may continue to hear the appeal without the information or participation of that individual, or choose to speak at anytime with that individual apart from the others in attendance.

3.18 The Committee (through its quorum) has all the same powers and functions of the Property Standards Officer. The Committee may;

(a) confirm, modify, or rescind the order to repair or demolish the structure(s); or

(b) extend the time for compliance with the order if, in the opinion of the committee, the general intent and purpose of the By-law and of the Official Plan or Policy Statements are maintained.

3.19 The Committee, though not required to view the property, may choose to do so with or without the owner present. Where the committee chooses to review the property the Members, as a quorum, shall visit the property together reserving any discussion or decision for the Appeal Hearing. The Members of the Committee may ask questions at anytime of those persons present but shall endeavor to hold discussion, on the merits of various findings, for the Appeal Hearing.

3.20 During deliberations the Members should stay focused on the intent of the Property Standards By-law with respect to the property and its owner. There are many issues which may overlap with the jurisdiction of the Rental Tribunal and the Tenant Protection Act. The Committee may choose to hear such issues but shall endeavor to stay focused on the Property Standards By-law and the property it serves.

3.21 After having considered the issues raised by the applicant, the owner, any respondents, and the evidence heard at the Hearing by the Committee, the Chair shall ask whether the Members wish to conduct further discussions on the merits of the appeal. At the conclusion of submissions, the Chair shall ask the Members of the Committee for a motion with respect to the disposition of the appeal. The Chair, upon receipt of a motion from a Committee Member shall ask for a seconder to the motion. The Chair shall call for a vote by the Committee on the motion and the Chair shall announce, at the Appeal Hearing, the decision of the Committee, whether it be approved, refused, or deferred. The Chair shall be entitled to all rights of a Committee Member, including voting.

3.22 Committee Members concurring in the decision of the Committee shall sign the Notice of Decision at the Application Hearing and the names of the Members present not concurring in the decision shall be noted.

4. OTHER

4.1 The conduct of Members and business meetings, with respect to matters not specifically addressed, shall generally in accordance with the *Municipal Act 2001*, as amended, the *Municipal Conflict of Interest Act*, as amended, and Robert's Rules of Order.

Schedule "B"

THE MUNICIPALITY OF SOUTH DUNDAS

Part I Provincial Offences Act

By-Law Number 2022-20: Property Standards

ITEM	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Removed an Order posted by an Officer	26.1(a)	\$350.00
2	Failed to comply with and Order of a Officer	26.1(b)	\$350.00
3	Failed to maintain safe access to a property	26.1(c)	\$350.00
4	Failed to maintain a fence	26.2(d)	\$350.00
5	Failed to maintain a building	26.1(e)	\$350.00
6	Occupied or allowed occupancy of a building which fails to meet human habitation and occupancy standards	26.1(f)	\$350.00

NOTE: the general penalty provision for the offences listed above is Section 37 of the By-law No. 2022-20 a certified copy of which has been filed.