

THE MUNICIPALITY OF NORTH PERTH
BY-LAW NO. 80-2020

A By-law to establish a Property Standards Committee for the Municipality of North Perth and for prescribing standards for the maintenance and occupancy of all property within the Municipality of North 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 under Section 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended (the "***Building Code Act***"), a by-law may be passed by the Council of a municipality to establish a Property Standards Committee and for prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The County of Perth and Municipality of North Perth (Listowel Ward) includes provisions relating to property conditions;

AND WHEREAS the Council of the Municipality of North Perth is desirous of passing a by-law under Section 15.1(3) of the *Building Code Act*;

AND WHEREAS Section 15.6(1) of the *Building Code Act* requires that a by-law passed under Section 15.1(3) of the *Building Code Act* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Municipality of North Perth enacts the following:

PART I DEFINITIONS

In this By-law:

- 1.01 "**Accessory Building**" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 "**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 "**Approved Cover**" means a tight fitting cover which is specifically designed or manufactured as a motor vehicle cover and is capable of remaining in place under inclement weather conditions.
- 1.05 "**Basement**" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.06 "**Bathroom**" means a room containing at least a toilet and bathtub or shower, or two rooms which contain in total at least one toilet and one bathtub or shower.
- 1.07 "**Cellar**" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.

- 1.08 **"Committee"** means the Property Standards Committee for the Municipality of North Perth.
- 1.09 **"Crawl Space"** means that space below the floor of the first storey of a building which is not less in height than 0.5 metres from the underside of the floor joists to the surface below and is not a cellar or basement as defined in this Article.
- 1.10 **"Demolition"** means the removal of all buildings, structures, debris or refuse from property and leaving the property in a graded and levelled condition
- 1.11 **" Dwelling "** means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.12 **" Dwelling Unit "** means a room or a suite operated as a house-keeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.13 **" Dilapidated "** means a building or structure in a state of disrepair or ruin as a result of age or neglect.
- 1.14 **" 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.
- 1.15 **" Graffiti "** means any work, figures, letters, numbers or drawings sprayed, scribbled, scratched, etched or otherwise applied on a surface.
- 1.16 **" Guardrails "** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.17 **" Habitable Room "** means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.18 **" Injurious Insects "** include members of almost all orders and comprise species which destroy cultivated plants and forest trees, others which injure grain and stored products, manufactured goods and raw materials; there are again species which infest domestic animals as well as those which molest or harm man himself.
- 1.19 **" Maintenance "** means the preservation and keeping in repair of a property.
- 1.20 **" 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.
- 1.21 **" Motor Vehicle "** means a vehicle that is drawn, propelled, or driven by any means other than muscular power, but does not include a vehicle of a railway that is operated on rails.
- 1.22 **" Multiple Dwelling "** means a building containing three or more dwelling units.
- 1.23 **" Municipality "** means The Corporation of the Municipality of North Perth.
- 1.24 **" 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.

- 1.25 **"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.
- 1.26 **"Noxious Weeds"** as defined by the Ontario Weed Control Act.
- 1.27 **"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 1.28 **"Occupant"** means any person(s) over the age of eighteen years in possession of the property.
- 1.29 **"Officer"** means a By-law Enforcement Officer or a Property Standards Officer appointed by by-law and assigned the responsibility for enforcing and administering this By-law.
- 1.30 **"Order"** means an Order to Comply pursuant to section 15.2 of the *Building Code Act*.
- 1.31 **"Owner"** includes 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 his or her own account or as agent or trustee of any other person or 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 a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.
- 1.32 **"Person"** means an individual, firm, corporation, association or partnership.
- 1.33 **"Property Standards Officer"** shall mean a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the *Building Code Act*.
- 1.34 **"Repair"** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in this By-Law.
- 1.35 **"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any 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.
- 1.36 **"Safe Condition"** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
- 1.37 **"Shall"** in this By-law means is mandatory and not discretionary, words in the plural include the single number and words in the present tense include the future.
- 1.38 **"Standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-Law.
- 1.39 **"Toilet Room"** means a room containing a water closet and a wash basin.
- 1.40 **"Vehicle"** includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
- 1.41 **"Waste"** means any debris, rubbish, refuse, sewage, effluent, discard or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all

garbage, discarded material or things, broken or dismantled things, and material or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather.

- 1.42 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART 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, Ontario Fire Code and the *Fire Prevention and Protection Act, 1997*, where applicable.

YARDS

- 2.02 Every yard and every vacant lot shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that might create a health, fire, or accident hazard;
- (2) wrecked, dismantled, discarded or abandoned machinery, inoperative vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (3) Any vehicle, including a trailer, which is in a wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left on any property, unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (4) No property shall be used for the parking or storage of:
 - (i) a motor vehicle which is not currently licensed for operation pursuant to the provisions of the *Highway Traffic Act* or amendments thereto for the Province of Ontario; or
 - (ii) a motor vehicle which has had part or all of its superstructure, running gear or source of motive power removed;

unless it is necessary for the operation of a business enterprise lawfully situated on the property or is contained within a building or approved cover.

- (5) lawns, hedges, bushes, and noxious will not be permitted to become overgrown or unsightly. Specifically, grass and weeds shall not exceed 20.33 cm (8 inches) in height;
- (6) dilapidated or collapsed structures or partially constructed structures which are not currently under construction;
- (7) injurious insects, termites, rodents, vermin or other pests; and
- (8) dead, decayed or damaged trees, hedges or other natural growth (including branches or limbs thereof).

SURFACE CONDITIONS

- 2.03 Surface conditions of yards shall be maintained so as:

- (1) to prevent ponding of storm water;
- (2) to prevent instability or erosion of soil;

- (3) to prevent surface water run-off from entering basements;
- (4) not to exhibit an unsightly appearance;
- (5) to be kept free of garbage and refuse;
- (6) to be kept free of deep ruts and holes;
- (7) to provide for safe passage under normal use and weather conditions, day or night; and
- (8) not to create a nuisance to other property.

SEWAGE

- 2.04 Sewage shall be discharged into the sewage system.
- 2.05 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.

DRAINAGE

- 2.06 Exterior property areas shall be:
- (a) graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon; and,
 - (b) cultivated or protected with a suitable ground cover to prevent erosion of the soil.
- 2.07 All catch basins, swales and ditches shall be maintained so as to not impede the natural flow of water.
- 2.08 The storm water run-off from all downspouts of impervious surfaces shall be contained within the limits of the property from which it originates until absorbed by the soil or drained to a storm sewer, or to a natural or artificially-created swale, ditch or watercourse.

PARKING AREAS, WALKS AND DRIVEWAYS

- 2.09 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 2.10 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

ACCESSORY BUILDINGS, AND OTHER STRUCTURES

- 2.11 Accessory buildings and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.12 Accessory buildings and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

FENCES

- 2.13 Fences shall be maintained in good condition free from loose, insufficiently secured, rotten, warped or broken materials and free from accident hazards.

- 2.14 Fences shall be reasonably plumb, unless specifically designed to be other than vertical.

RETAINING WALLS

- 2.15 Retaining walls shall be safe, structurally sound and plumb, and capable of performing its intended function. Refer to the Ontario Building Code requirements.

GARBAGE DISPOSAL

- 2.16 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 2.17 All garbage, refuse, and ashes shall be promptly placed in the suitable container and made available for removal in accordance with the municipal garbage collection by-law, where applicable.

COMPOST HEAPS

- 2.18 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic or wood container designed for composting.

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 corridors, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.03 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress 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 level of safety to that as 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.
- 3.08 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired, replaced or repaired.

FOUNDATIONS

- 3.09 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.
- 3.10 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

- 3.11 All exterior walls and surfaces of every building or structure shall be:
- (a) sound, plumb and weather tight;
 - (b) free from loose or unsecured objects;
 - (c) maintained in good repair;
 - (d) free from cracked or broken masonry units;
 - (e) free from defective or deteriorated cladding, siding or trim;
 - (f) free from cracked, broken or loose stucco;
- 3.12 All exterior walls that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
- 3.13 Appropriate measures shall be taken to remove any graffiti, unsightly markings, stains or other defacement occurring on an exposed exterior surface and, where feasible to restore the surface as nearly as possible to the original condition.

WINDOWS AND DOORS

- 3.14 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and 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.
- 3.15 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.
- 3.16 Exterior doors shall be provided for all entrances to dwellings and dwelling units.
- 3.17 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.

- 3.18 Every window in a leased or rented 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

- 3.19 Roofs of dwellings and their components shall be maintained in a weathertight condition, free from loose or unsecured objects or materials.
- 3.20 The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- 3.21 Where eavestroughing, roof gutters, are provided it shall be kept in good repair, free from obstructions and properly secured to the building.

WALLS, CEILINGS AND FLOORS

- 3.22 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.23 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 3.24 Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

STAIRS PORCHES AND BALCONIES

- 3.25 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

GUARDRAILS

- 3.26 A guard rail 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 where there is a difference in elevation of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

KITCHENS

- 3.27 Every dwelling shall contain a kitchen area equipped with:
- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
 - (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 imperious 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

- 3.28 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet or a drainless composting toilet, 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.
- 3.29 Every required bathroom or toilet room shall be accessible from within and the ability to being locked so as to allow privacy for the persons using said room.
- 3.30 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

- 3.31 Each wash basin, bathtub or shower and kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 45 degrees Celsius (113 degrees Fahrenheit), and shall not exceed 49 degrees Celsius (120.2 degrees Fahrenheit)
- 3.32 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.33 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.
- 3.34 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.35 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.

ELECTRICAL SERVICE

- 3.36 The capacity of the connection to a building or accessory building and the system of circuits distributing the electrical supply of the building or accessory building shall be adequate for the use and intended use.
- 3.37 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. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- 3.38 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.39 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.40 Lighting fixtures and appliances installed throughout a residential building, including dwelling units, stairways, hallway corridors, passageways, garages and

basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 3.41 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.
- 3.42 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- 3.43 Where a heating system or part thereof that requires solid or liquid fuel to operate a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 3.44 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 3.45 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.46 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.
- 3.47 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

- 3.48 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.
- 3.49 In addition to the provisions of Article 3.47 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall be;
- (a) be equipped with visual or audio indication that they are in operating condition;
 - (b) be mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

- 3.50 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

- 3.51 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.
- 3.52 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 559 mm, (42 x 22 inches) with a sill height of not more than 1000 mm, (39 3/8 inches), above the inside floor. A single exit is permitted from a dwelling unit where the means of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

NATURAL LIGHT

- 3.53 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

VENTILATION

- 3.54 Every habitable room shall have an opening or openings for natural ventilation and such openings shall have an adequate aggregate unobstructed free flow area.
- 3.55 An opening for natural ventilation may be omitted from a kitchen, living room or living/dining-room if mechanical ventilation is provided, which changes the air once each hour.
- 3.56 Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation, or a system of mechanical ventilation which operates on a switch and vents to the outside air.
- 3.57 Every basement and unheated crawl space shall be adequately vented to the outside air.

ELEVATING DEVICES

- 3.58 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

DISCONNECTED UTILITIES

- 3.59 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

- 3.60 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed the habitable floor area as prescribed in the Ontario Building Code.
- 3.61 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.) and a floor area of at least seven square metres (75 sq. ft). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person, or as prescribed in the Ontario Building Code.
- 3.62 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 service rooms by a suitable fire separation and approved under the Ontario Building Code; and,
 - (d) access to each habitable room shall be gained without passage through a service 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 II 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 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.

PART V NON-RESIDENTIAL PROPERTY STANDARDS

- 5.01 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.

YARDS

- 5.02 The yards of non-residential property shall be maintained to the standards as described in Part II Article 2.02 of this By-law.
- 5.03 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 painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

PARKING AREAS AND DRIVEWAYS

- 5.04 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface or gravel and dust from the gravel surfaces shall be applied with dust retardants.
- 5.05 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

STRUCTURAL SOUNDNESS

- 5.06 Every part of a building structure shall be maintained in a 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 level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 5.07 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

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.

GUARDRAILS

- 5.10 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or where there is a difference in elevation of 600 mm (24") between adjacent levels. Guardrails 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.

ORDERS

- 6.03 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the exercise of a power or the performance of a duty under the By-law.
- 6.04 The Order shall be served on the owner of the property and such other persons affected by it as the Officer determines and a copy of the Order may be posted on the property in a location visible to the public.
- 6.05 No person shall obstruct the visibility of an Order and no person shall remove a copy of any Order posted under this By-law unless authorized to do so by an Officer.
- 6.06 An Order required by this By-law to be served may be served personally, by email to the last known email address of the person to whom service is required to be made or by 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.

APPEAL OF ORDER

- 6.07 An owner or occupant who has been served with an Order made under subsection 15.2(2) of the *Building Code Act* and who is not satisfied with the terms or conditions of the Order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the Order.
- 6.8 Every Order shall be deemed confirmed where an appeal has not been filed within the prescribed period.
- 6.9 Every person to whom an Order is issued shall, where the Order has been confirmed, comply with the requirements and/or conditions of the Order by the prescribed date.
- 6.10 Failure to comply with the requirements of an Order shall constitute an offence pursuant to section 36 of the *Building Code Act*.
- 6.11 Where an owner fails to comply with the conditions of an Order within the prescribed time period, the Municipality and its agents may enter upon the property and take the actions necessary for compliance with the Order.
- 6.12 All costs incurred by the Municipality under clause 6.13 may be recovered as taxes upon the property.

OFFICERS

- 6.13 The Council of the Municipality shall appoint Property Standards Officer(s) responsible for the administration and enforcement of this By-law.

PROPERTY STANDARDS COMMITTEE

- 6.15 There shall be, and is hereby established, a Property Standards Committee consisting of five (5) members, who shall be ratepayers in the Municipality, appointed by by-law of the Council of the Municipality to hold office for the term established by Council.

- 6.18 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium of \$50.00 per meeting for their attendance at Committee meetings, except if held in conjunction with other Committee meetings.
- 6.17 Each person who initiates an appeal of an Order made under Section 15.2(2) of the *Building Code Act* shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3(1) of the *Building Code Act*.
- 6.18 The Council of the Municipality shall fill any vacancy that occurs in the membership of the Committee as soon as possible.
- 6.19 The members 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.
- 6.20 A majority of the members constitutes a quorum for transacting the Committee's business.
- 6.21 The members shall provide for a secretary for the Committee.
- 6.22 The secretary shall keep on file records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the *Municipal Act, 2001* applies with necessary modifications to the minutes and records.
- 6.23 The Committee shall, subject to subsection 15.6(8) of the *Building Code Act* adopt Council's policies and procedures for its operation and any member may administer oaths.
- 6.24 The Committee shall give notice or direct that notice be given of the hearing of an appeal to such person as the Committee considers advisable.

COMPLIANCE

- 6.25 The owner of any property which does not conform to the standards as set out in this By-law shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a levelled and graded condition.
- 6.26 Where any owner or occupant fails to comply with an Order made under the *Building Code Act*, the Municipality may cause the required work to be done including any necessary removal of waste or vehicles at the cost of the owner or occupant to whom the Order is directed.
- 6.27 The Municipality intends to recover the cost of undertaking the work under section 6.26 of this By-law by collecting such costs in the same manner as property taxes and such actual costs will include any administration fees.

PENALTY

- 6.29 An owner or occupant who fails to comply with any provision of this By-law is guilty of an offence.

VALIDITY

- 6.30 If an article of this By-law is for any reason held by a Court of Law or other Administrative Tribunal to be invalid, the remaining articles shall remain in effect until repealed.
- 6.31 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.

TRANSITIONAL RULES

6.32 After the date of the passing this By-law, By-Law No. 31-ZB-1999, as amended shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the Municipality shall have been concluded.

TITLE

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

REPEALS

6.34 By-Law No. 72-2009 as amended is hereby repealed.

6.35 This By-Law comes into force on the date of passing.

READ A FIRST AND SECOND TIME this 1st day of June, 2020

READ A THIRD TIME AND FINALLY PASSED this 1st day of June, 2020.



MAYOR, Todd Kasenberg



CLERK, Patricia Berfelz

**MUNICIPALITY OF NORTH PERTH
BY-LAW NO. 80-2020**

Part 1 Provincial Offences Act Schedule of Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to maintain land free from rubbish or debris	2.02(1)	\$300.00
2	Fail to maintain land free from wrecked/dismantled/or abandoned machinery, vehicles, trailers or boats	2.02(2)	\$300.00
3	Fail to maintain land free from overgrown and unsightly lawns, hedges and bushes, specifically, grass and weeds which exceed 20.33 cm (8 inches) in height	2.02(5)	\$150.00
4	Fail to maintain land free from dilapidated/collapsed structure or partially constructed structures not currently under construction	2.02(6)	\$300.00
5	Fail to maintain land free from injurious insects/termites/rodents/vermin or other pests	2.02(7)	\$250.00
6	Fail to maintain land free from dead/decayed or damaged trees or other natural growth	2.02(8)	\$250.00
7.	Fail to maintain drainage standard	2.07 & 208	\$250.00
8.	Fail to maintain structural components standard	5.06	\$500.00
9.	Fail to maintain residential tenancy standard	3.01 or 3.02	\$300.00
10.	Fail to maintain occupancy standard	3.60, 3.61 or 3.62 (a-d)	\$250.00
11.	Fail to maintain unoccupied building standard	4.04 or 4.05	\$250.00
12.	Obstruct, hinder or otherwise interfere with an Officer	6.03	\$250.00
13.	Fail to comply with a Property Standards Order	6.04	\$250.00
14.	Obstruct visibility of an Order-No authorization	6.05	\$250.00
15.	Remove posted Order – No authorization	6.05	\$250.00

“Note the general penalty provision for the offences listed above is section 6.29 of Bylaw 80-2020, a certified copy of which has been filed and section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended”