

THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN

BY-LAW 2018-36

**BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE
AND OCCUPANCY OF PROPERTY IN THE MUNICIPALITY AND TO
REPEAL BY-LAW 2013-53 AND BY-LAW 2017-19**

WHEREAS under Section 15.1 (3) of the Building Code Act, S.O. 1992, c23 as amended, a by-law may be passed by the council of a municipality prescribing the standard 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 Municipality of MARKSTAY-WARREN includes provisions relating to property conditions;

AND WHEREAS the Council of The Municipality of MARKSTAY-WARREN is desirous of passing a by- law under Section 15.1 (3) of the Building Code Act, S.O. 1992, C23 as amended;

AND WHEREAS Section 15.6 (1) of the Building Code Act, S.O. 1992, c23 as amended requires that a by- law passed under Section 15.1 (3) of the Building Code Act, S.O. 1992, c23 as amended shall provide for the establishment of a Property Standard Committee;

AND WHEREAS Section 426 of the Municipal Act, S.O. 2001, c 25, as amended, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS the Council of the Municipality of MARKSTAY-WARREN repeal BY-LAW 2013-53 and BY-LAW 2017-19 in order to establish BY-LAW 2018-36;

NOW THEREFORE the Council of The Municipality of MARKSTAY-WARREN hereby enacts the following:

SECTION 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 "Agricultural Operation" means an agricultural operation as defined by the Farming and Food Protection Act, S.O. 1998, c.1;

1.03 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.

1.04 "Approved" means acceptance by the Property Standards Officer.

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 above the average exterior finished grade.

1.06 "Chief Building Official" means the Chief Building Official (CBO) appointed by Council under the Building Code Act, S.O. 1992, c 23, as amended, or the person who is appointed to act in that capacity during his or her absence;

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 a Property Standards Committee as defined in the Ontario Building Code Act

1.09 "Debris" shall mean, but is not limited to, garbage, rubbish, refuse or wrecked, decayed, dilapidated, or inoperative motor vehicles, vehicles or machinery and parts thereof;

1.10 "Domestic Waste" means any debris, rubbish, refuse, sewage, effluent, discard or garbage arising from residential household use, belonging to or associated with a house or use of a house or residential land, which for greater certainty includes all garbage, discarded material or items, broken or dismantled items, and materials or items exposed to the elements, deteriorating or decaying on land due to exposure or the weather, and for even greater certainty "domestic waste" includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:

- a. Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber, excepting only cut and stacked;
- b. Paper, paper cartons and other paper products;
- c. Rotting vegetable matter, or rotting animal matter;
- d. Disconnected appliances, including refrigerators, stoves, freezers, or any part or parts of such items;
- e. Furnaces or furnace parts, ducting, pipes, fittings to pipes and wire;
- f. Water or fuel tanks;
- g. Inoperative machinery, inoperative motor vehicles, unlicensed vehicles and vehicles without visual proof of current validation, and parts or accessories of such items including tires, building or construction materials, other than those on site for ongoing construction;
- h. Accumulations of broken concrete or asphalt pavement, brick pavers, sidewalk slabs and used building materials;
- i. Materials resulting from the alteration, repair or demolition of any building or structure;
- j. Sewage;
- k. Containers such as crockery, dishes, glassware, pots and pans and cans.

Domestic Waste as defined in this by-law does not cease to become domestic waste by reason only that it may be commercially saleable or recyclable

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 of rooms operated as a housekeeping 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 "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.

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

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

1.16 "Industrial Waste" means any debris, rubbish, refuse, sewage effluent, discard, or garbage of a type arising from industrial, manufacturing, commercial or construction operations or belonging to or associated with an industry or commerce or industrial or commercial land, which for greater certainty includes all garbage, discarded material or items, broken or dismantled items, and due to exposure to the weather, and for even greater certainty "industrial waste" includes but is not limited to the following classes of material regardless of the nature condition of the material, article or items:

- (a) Debris, discarded items or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
 - (i) Animal or vegetable matter, paper, lumber or wood; or
 - (ii) Mineral, metal or chemicals, or fill contaminated with petrochemical or petroleum products;
- (b) Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;
- (c) Automotive parts not packaged for immediate shipment, inoperative vehicles, unplatd vehicles and vehicles without visual proof of current validation, vehicle parts, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the vehicle and mechanical equipment not contained in a legal salvage yard;
- (d) Piping, ducting tubing conduits, cable, wire and fittings or related accessories with or without adjuncts, and not packaged for immediate shipment;
- (e) Material resulting from or as part of construction, demolition, repair or renovation projects including debris and leftovers;
- (f) Rubble or fill;
- (g) Sewage;
- (h) Ashes;
- (i) Dust emanating from the operation of the enterprise;
- (j) Broken bricks, concrete or asphalt; and

Industrial Waste as defined by this by-law does not cease to be industrial waste reason only that it may be commercially saleable or recyclable.

1.17 "Infestation" means the presence of an unusually large number of insects or animals in a place, typically so as to cause damage or disease.

1.18 "Lagoon" means a Ministry of Environment approved waste stabilization pond consisting of an earthen basin designed and built for wastewater treatment to reduce the organic content and

remove pathogens from wastewater.

1.19 "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.

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

1.21 "Municipality" means the Corporation of the Municipality of MARKSTAY-WARREN

1.22 "Municipal Law Enforcement Officer" means the officer in charge of the By-law Enforcement of the Corporation of the Municipality of MARKSTAY-WARREN or his or her authorized subordinates or assistants;

1.23 "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.

1.24 "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.

1.25 "Occupant" means any person or persons over the age of 18 years in possession of the land;

1.26 "Officer" means a municipal law enforcement officer (MLEO), a building inspector, a fire prevention officer, a fire fighter, a health inspector, a weed inspector appointed under the Weed Control Act or any other person appointed or employed by the municipality for the enforcement of by-laws and includes a peace officer;

1.27 "Owner" includes:

- Both the owner in trust and the beneficial owner of land;
- The person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, who would receive the rent if the land and premises were let; and
- A lessee or occupant of the land who manages or controls the condition of the land;

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

1.29 "Refuse" means any article, thing, matter, substance or effluent that:

- Has been cast aside, discharged or abandoned, or
- Is disused from its usual and intended use, or
- Is used up, in whole or in part, or expanded or worn out, in whole or in part; and
- Shall include domestic and industrial waste;

1.30 "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.

1.31 "Service room" means a room provided in a building to contain equipment associated with building services.

1.32 "Sewage" includes any liquid waste containing human, vegetable or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off

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

1.34 "Standing water" means any water on property other than:

- a. A natural, moving body of water that exists on a permanent basis;
- b. A body of water that is maintained in such a way so as to prevent the breeding of and/or larvae growth of mosquitoes, through the operation of a re-circulation and filtration system and/or the additive of an approved substance that will prevent the breeding of and/or larvae growth of mosquitoes;
- c. Any body of water containing live fish;
- d. Any body of water natural to its surrounding environment including natural ponds, bogs, marshes and wetlands
- e. Any body of water within a municipally owned storm water management facility or lagoon; and
- f. Any body of water contained for less than four (4) days.

1.35 "Toilet Room" means a room containing a water closet and a washbasin.

1.36 "Yard" means the developed area on land or portion thereof 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.

SECTION 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* and any other applicable law.

YARDS

2.02 Every yard, including vacant lots shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business or enterprise lawfully situated on the property;
- (3) long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;

- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) injurious insects, termites, rodents, vermin or other pests;
- (6) wells must be capped with a secure and structurally adequate top to the satisfaction of the officers to prevent persons and animals from falling through and to prevent the infiltration of water and as per Ministry of Environment (MOE) requirements
- (7) abandoned dug and drilled wells shall be filled or sealed with approved material and by a qualified contractor as per MOE guidelines
- (8) dead, decayed or damaged trees or other natural growth within the boundaries of the Municipality.

SURFACE CONDITIONS

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

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

SEWAGE AND DRAINAGE

2.04 Sewage shall be discharged into an approved and appropriate 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.

2.06 Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

2.07 Storm water and pumped discharge water shall be drained from the yard so as to prevent recurrent pounding or the entrance of water into a building and in a manner that will minimize erosion of the property and adjacent properties.

2.08 Storm water and pumped discharge water shall not be discharged in to a municipal sanitary system.

2.09 Eavestroughs and downspouts shall be maintained in good repair.

PARKING AREAS, WALKS AND DRIVEWAYS

2.10 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking bricks, compacted stone or gravel and shall be kept in good repair free of dirt and litter.

2.11 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.

EXTERIOR WALLS, ACCESSORY BUILDINGS, FENCES AND OTHER STRUCTURES

2.12 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

2.13 Exterior walls of a building or a structure and their components, including soffits, fascia, windows 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.

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

DAMAGED BUILDINGS

2.15 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, damaged buildings shall be kept clear of all garbage, refuse and debris or any conditions which might endanger persons on or near the property, and the building or structure shall be property supported and barricaded until the necessary demolition or repair can be carried out.

2.16 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, damaged buildings 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.

2.17 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall protect the building against further risk or further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the building with appropriate materials.

2.18 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall demolish or repair the building within 30 days or a reasonable time arranged with the Municipality.

2.19 When a damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law and any other applicable law prior to occupancy.

2.20 In the event that the building or structure is beyond repair, the land shall be cleared of debris and remains and shall be left graded, level and in safe condition without reasonable delay.

GARBAGE DISPOSAL

2.21 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage. 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.

2.22 All garbage shall be promptly placed in a suitable container.

2.23 Garbage storage areas shall be screened from public view.

COMPOST HEAPS

2.24 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 enclosed container designed for composting.

SECTION III - RESIDENTIAL PROPERTY STANDARDS GENERAL CONDITIONS

This section refers to **RESIDENTIAL RENTAL DWELLINGS** only. The purpose of this section is for the health and safety of the occupants of the dwelling and for the general public.

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

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

3.03 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 insect or animal infestations 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 as required by the Ontario Building Code and as determined by the CBO of the Municipality.

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

FOUNDATIONS

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

WINDOWS AND DOORS

3.10 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. Where screening is provided on windows and doors it shall also be maintained in good repair.

3.11 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.

3.12 An exterior type door shall be provided for all entrances to dwellings and dwelling units.

3.13 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.

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

ROOFS

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

3.16 Where eaves troughing, roof gutters, are provided they shall be kept in good repair, free from obstructions, properly secured to the building and drain in a manner not to adversely affect the neighbours dwelling or buildings.

WALLS, CEILINGS AND FLOORS

3.17 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.

3.18 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.

3.19 Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

STAIRS, PORCHES AND BALCONIES

3.20 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

3.21 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") 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, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

KITCHENS

3.22 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 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

3.23 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin 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.

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

3.25 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

3.26 Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water

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

3.28 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 thereto shall be protected from freezing.

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

3.30 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 defects that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

3.31 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

3.32 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.

3.33 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (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.

3.35 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.

3.36 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

3.37 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 18 - 21 degrees Celsius (64 - 70° 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 unit to the required standard.

3.38 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.

3.39 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.

3.40 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.

3.41 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.

3.42 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.

3.43 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

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

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

- (a) equipped with visual or audio indication that they are in operating condition;
- (b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

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

EGRESS

3.47 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. A safe passage shall be determined by the Chief Building Official.

NATURAL LIGHT

3.48 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

3.49 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.

3.50 All system of mechanical ventilation shall be maintained in good working order.

3.51 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated and maintained to prevent entry of snow, rain, rodents and insects.

ELEVATING DEVICES

3.52 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

3.53 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

3.54 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.

3.55 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.

3.56 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;
- (d) access to each habitable room shall be gained without passage through a service room.

SECTION IV - VACANT LANDS AND BUILDINGS

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

VACANT LANDS

4.02 Vacant land shall be maintained to the standards as described in Part 2.02 of this By-Law.

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

VACANT BUILDINGS

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

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

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 including agricultural operations shall be maintained to the standards as described in Part 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 an agricultural operation, 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.

STRUCTURAL SOUNDNESS

5.04 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. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

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

GUARDRAILS

5.06 All guardrails shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") 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, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

LIGHTING

5.07 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

PART VI - ADMINISTRATION AND ENFORCEMENT

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

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

OFFICERS

6.03 The Council of the municipality shall appoint the By-law Enforcement Officer as a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law

PROPERTY STANDARDS COMMITTEE

6.04 Council shall appoint at large, by a Resolution (or By-Law) of Council, no fewer than three (3) persons of the municipality to the Property Standards Committee for a term of office concurrent with Council. Property Standards committee will be responsible to receive, investigate and schedule the appeal committee meeting. (see policy procedures in schedule "A" for appeals to the property standards committee)

6.05 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.

APPEALS

6.06 Every person who initiates an appeal of an Order made section 15.2 (2) of the *Ontario Building Code Act, S.O. 1992, c23*, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the *Act*. All Notices of Appeal shall be accompanied by a non-refundable payment of **\$150.00** dollars.

COMPLIANCE

6.07 The owner or owners of a property which does not conform to the required standards as set out in this By-law shall, on receiving an order to do so, repair and/or maintain said property to comply with the standards as set out in the order. Failure to comply may result in the municipality clearing the said property of all buildings, structures, debris and refuse with the land left levelled, graded and recover the expenses incurred in like manner as municipal taxes to be levied against such person or by an action.

ORDERS

6.08 An owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence under section 36(1) of the *Building Code Act, S.O. 1992, c.23* as amended, and is liable to a penalty or penalties as set out in the *Provincial Offences Act*.

VALIDITY

6.09 Should a court of competent jurisdiction declare a part or whole of any provision of this bylaw to be invalid or of no force and effect, the provision or part is deemed severable from this bylaw, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

6.10 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

6.11 After the date of the passing of this by-law, By-Law No. 2013-53 AND 2017-19, 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


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

AUTHORITY

6.13 Any and all By-laws inconsistent with this By-law are hereby repealed.

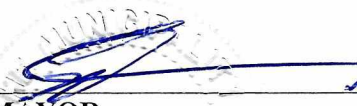
6.14 This By-law shall come into force and take effect upon third and final reading.

READ A FIRST AND SECOND TIME THIS 13th DAY OF August, 2018.


MAYOR


CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 13th DAY OF August, 2018.


MAYOR


CLERK

SCHEDULE “A” of By-law 2018-36

PROPERTY STANDARDS POLICY

All property owners are required to repair and maintain their property according to standards set in Property Standards By-law 2018-36, including owners of rental residential properties. (This is unless there is a specific agreement between the property owner and the lessee or occupants that assigns maintenance and repair responsibility, in accordance with the municipal property standards requirements, to the lessee or occupant.)

For examples of the standards contained in the Property Standards By-law 2018-**, please contact the municipal office for a copy of the by-law.

All complaints must be signed, written complaints.

When a complaint is received, a Property Standards Officer will investigate to determine if a violation exists. This by-law will not be used to resolve issues between neighbors. If a violation is found, the officer can issue a Property Standards Order advising the owner of the violation and requiring that it be remedied within a specified time period. During the inspection process, the officer will use a common-sense approach to the application of the property standards by-law. In view of the fact that the Municipality of MARKSTAY-WARREN has many diverse properties such as village areas, waterfront residential, waterfront commercial, farmland, and rural residential, enforcement will have to be done with some discretion taking into consideration the complainant, the geographic location of the property in question, the size of the property in question (farmland versus urban lot), the condition of the adjacent properties, and the effect of the infraction on adjacent properties and the general well-being of the residents of the area, and the Municipality. As the complaints and the investigations become more numerous, past practice data as well as the consistent application of the policy will become more evident, and will act as a guide in the application of the by-law.

Any owner has the right to appeal to the municipality’s Property Standards Committee if they are not satisfied with the terms of the Order. The committee can uphold the Order, rescind it or modify the length of time the owner has to comply.

If you are a tenant that has concerns regarding ill-maintenance of your home or apartment building, first advise the landlord of your concerns in writing. This gives the landlord an opportunity to address the issue. If these concerns are not adequately addressed, register a complaint with the By-law Enforcement office.

If an owner fails to comply with a Property Standards Order, municipal staff may initiate action to complete necessary repairs. Any costs associated with the work on the property will be applied to the tax rolls of the subject property or the owner will be sent an invoice for the cost. In addition, the municipality may initiate legal action against any person who fails to comply with a Property Standards Order under the Building Code Act. The maximum fine for non-compliance with a Property Standards Order is \$25,000 for an individual and \$50,000 for a corporation.

PROPERTY STANDARDS COMMITTEE

Established - composition

There shall be and is hereby established, a Property Standards Committee of at least three persons who either reside, work or own property in the Municipality to be appointed by Council every four years.

Chairman - appointment

The Committee shall appoint one member as Chairman and, when the Chairman is absent through illness or otherwise, the committee may appoint another member to act as Chairman.

Secretary - appointment

The Committee shall appoint a Secretary for the Committee who shall keep on file minutes and records of all applications and decisions thereon.

Quorum

A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure but, before hearing an appeal under Section 6.06, shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

APPEAL TO PROPERTY STANDARDS COMMITTEE

Appeal notice - by registered mail

When an owner or occupant upon whom an order of the Officer has been served is not satisfied with the terms or conditions of the order, the owner or occupant may appeal to the committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen days after service of the order and, if no appeal is taken, the order shall be deemed to have been confirmed.

Committee - powers on appeal

Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of this Property Standard By-law and the Official Plan are maintained.

APPEAL TO THE ONTARIO COURT OF JUSTICE

Notice - to Municipal Clerk

The municipality or an owner or occupant or person affected by a decision of the Property Standards Committee may appeal to a judge of Ontario Court (General Division) by notifying the Municipal Clerk in writing and applying to the Ontario Court (General Division) for an appointment within fourteen days after the sending of a copy of the decision.

Appointment of hearing - by judge

The judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in the appointment, may direct that it shall be served upon such persons and in such manner as the judge prescribes.

Judge - powers on appeal

The judge, on such appeal, has the same power and functions as the Committee.

Final and binding

The order, as deemed to have been confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the Order.

This information is for convenience and quick reference only. For specific information, contact the Municipality.