

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

BY-LAW 2013-01

PROPERTY STANDARDS BY-LAW

Being a By-Law to prescribe standards for the maintenance and occupancy of buildings and property.

WHEREAS the Council of the Corporation of the Township of Chisholm is empowered under Section 15 of the *Ontario Building Code Act S.O. 1992, c. 23 as amended*, to pass a by-law;

- (a) Prescribing standards for the maintenance and occupancy of property within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards,
- (b) Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and neat condition.

NOW THEREFORE the Council of the Corporation of the Township of Chisholm enacts as follows:

SECTION 1: GENERAL

1.1 Short Title

This By-law may be cited as the “Property Standards By-law”.

1.2 Defined Area

This By-law applies to all property within the boundaries of the Township of Chisholm.

1.3 Scope

No property shall be used and no building or structure or part thereof, shall be erected, altered, enlarged, maintained, used, or occupied for any purpose within the Township of Chisholm except in conformity with the provisions of this By-law.

1.4 General Obligations

- 1.4.1 No person shall use, permit the use of, rent or offer to rent any property that does not conform to the standards of this By-Law.
- 1.4.2 Where a notice or order has been issued by the Property Standards Officer pursuant to this By-Law, the owner or occupant thereof shall:
 - (a) repair and maintain the property in accordance with the standards, or
 - (b) remove or demolish and remove, the whole or the offending part of the property that is not in accordance with the standards;
- 1.4.3 Where an Officer has placed or caused the placing of a placard containing the terms of a notice or order upon the premises under the authority of Section 15.2(3) of the *Ontario Building Code Act, S.O. 1992, as amended*, no one shall remove the said placard except with the consent of an Officer.

SECTION 2: DEFINITIONS

2.1 “Accessory Building” means

- (a) a detached building or structure that is not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot therewith, and
- (b) includes a detached private garage, detached carport, boathouse or detached deck.

- 2.2 “Agricultural Use”** means any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, or produce grown or raised on the premises.
- 2.3 “Approved”** means as applied to grade, material device or method of construction, approved by the Municipal Law Enforcement Officer under the provisions of this By-Law; approved by the Building Inspector under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code, or approved by other authority designated by law to give approval to the matter at question.
- 2.4 “Basement”** means
- (a) that portion of a building or structure within which 50% or more of the interior wall height from finished floor to finished ceiling is below the average finished grade level adjacent to one or more of the exterior walls of the building or structure, but
 - (b) does not mean or include a storey or part of a storey.
- 2.5 “Bathroom”** means a room consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin, bathtub and shower shall have an adequate supply of hot and cold running water and every water closet shall have a suitable supply of running water.
- 2.6 “Building”** means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in the *Ontario Building Code Act S.O. 1992, as amended*, but does not include any vehicle as defined herein.
- 2.7 “Cabin”** means a ‘cottage’ as defined in this By-law.
- 2.8 “C.B.O.”** means Chief Building Official appointed by The Council and charged with the duty of enforcing the provisions of the *Ontario Building Code Act S.O. 1992, as amended* or any successors thereto, together with any Regulations made thereunder.
- 2.9 “Committee”** means the Property Standards Committee, as established in accordance with Section 15 of the *Ontario Building Code Act S.O. 1992, as amended*.
- 2.10 “Complainant”** means the party being a resident and/or ratepayer of the Township of Chisholm who submits a confidential complaint in writing to the Municipal Office on the prescribed form, or has a complaint recorded by the office staff.
- 2.11 “Corporation”** means the Corporation of the Township of Chisholm.
- 2.12 “Cottage”** means a detached building used as an occasional and seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously or as a principal residence or as a year-round permanent dwelling.
- 2.13 “Derelict Vehicle”** means a motorized vehicle that by reason of its age, appearance, mechanical condition or lack of current license plates is inoperative.
- 2.14 “Dwelling”** means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would or could be intended to be used for such purposes except for its state of disrepair, but shall not include a mobile home having less than eighty (80) square metres in area.
- 2.15 “Dwelling Unit”** means
- (a) one room or a group of rooms in a building used or designed or intended to be used by only one household as a single, independent and separate housekeeping establishment,

- (i) in which food preparation and sanitary facilities are provided for the exclusive use of such and household, and
 - (ii) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
 - (b) does not mean or include a tent, trailer, or a room or suite of rooms in a hotel, motel, motor hotel or bed and breakfast business.
- 2.16 “Exit”** means that part of a means of egress including doorways, that leads from the floor area it serves to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.
- 2.17 “Exterior Property Area”** means the property excluding the buildings.
- 2.18 “First Storey”** means the floor area of the lowest story of a building approximately at or just above the finished grade level excluding any basement, which area is measured between the exterior faces of the exterior walls at the floor level of such storey.
- 2.19 “Foundation”** means a structure of a building through which the loads from the building are transferred to supporting soil or rock such as a footing, pile or pier, as per the Ontario Building Code.
- 2.20 “Garbage”** means (1) the animal or vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations, and (2) does not include hazardous waste.
- 2.21 “Good Repair”** means that a building, structure or appurtenance thereof including mechanical equipment shall be maintained in such a condition as to be free from accident or fire hazards, not unsightly by reason of deterioration, damage or defacement.
- 2.22 “Grade”** means
- (a) when used in reference to a building, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, or
 - (b) when used in reference to any other structure, the average elevation of the finished surface of the ground at the base of such structure, exclusive of any artificial embankment at the base of such building or structure.
- 2.23 “Guest Sleeping Cabin”** means a separate building of not more than 23 square metres (250 square feet) in floor area and not more than 4.5 metres (15 feet) in height which contains no kitchen facilities or bathrooms or any water or sewage treatment system and is not to be used for year-round human habitation.
- 2.24 “Habitable Room”** means a room which
- (a) is located within a dwelling unit;
 - (b) is designed for living, sleeping or eating, and contains sanitary or food preparation facilities, and
 - (c) can be used at all times throughout the year but does not include any room specifically defined herein as a non-habitable room.
- 2.25 “Hazardous Waste”** mean any toxic material as defined by Reg. 347.
- 2.26 “Insect”** means any of numerous invertebrate animals (as spiders, centipedes, cockroaches, termites, ticks, etc.
- 2.27 “Landscaped Open Space”** means
- (a) an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and paths, walks, patios, fences and similar appurtenances, but
 - (b) does not include parking areas, parking lots, driveways or ramps.

- 2.28 “Maintenance” or “Maintained”** means the preservation and keeping in good repair of a property and building.
- 2.29 “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.
- 2.30 “Motor Vehicle”** means automobile, including a motorcycle and including any other vehicle propelled or driven otherwise than by muscular power such as a snow vehicle and each motor vehicle must be in running order and carry a valid license sticker.
- 2.31 “Multiple Dwelling”** means a building containing two or more dwelling units.
- 2.32 “Municipal Law Enforcement Officer”** means an Officer appointed by Council and charged with the duty of enforcing the provisions of this By-law, other related By-laws and any amendments thereto.
- 2.33 “Municipality”** means the Corporation of the Township of Chisholm .
- 2.34 “Non-residential Property”** means a building or structure or part thereof, not occupied nor capable of being occupied in whole or in part, for the purpose of human habitation and without limiting the generality of the foregoing, includes the land and premises appurtenant thereto and all accessory buildings, out-buildings, fences, structures or erections on or in such land and premises.
- 2.35 “Noxious Weeds”** means any weeds classed as noxious by the *Weed Control Act, R.S.O. 1990* or the latest amendment(s).
- 2.36 “Occupant”** means any person or persons over the age of eighteen years in ownership or possession of the property.
- 2.37 “Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons, animals and property.
- 2.38 “Owner”** means:
- (a) the person who, for the time being, managing or receiving the rent of or paying the municipal taxes on the land or premises, whether on their own account or as an agent or trustee of any other person, who would so receive the rent if such land or premises were let.
 - (b) the person for the time being receiving installments of the purchase price of the land or premises in connection with which the word “owner” is used, sold under an agreement for sale whether on his own account or as an agent or trustee for any other person or who would so receive the installments of the purchase price if such land premises were sold under agreement for sale; and
 - (c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 2.39 “Person”** means any human being, association, firm, partnership, incorporated company, corporation, agent, trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.40 “Property”** means a building or structure or part thereof, including the lands and premises appurtenant thereto and all accessory buildings, mobile homes, mobile structures, trailers, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant land.

- 2.41 Property Standards Officer**” means an inspector/officer appointed under Section 3(1) of the *Ontario Building Code Act S.O. 1992, c. 23, as amended* by the Council of the Township of Chisholm for the purpose of enforcing the Property Standards By-Law.
- 2.42 “Repair”** means the making of additions or alterations or the taking of such action as maybe required so that the property shall conform to the standards established in the By-law, and in conformity with all other legislation.
- 2.43 “Residential Property”** means any land, buildings or structures used for human habitation, and includes all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 2.44 “Rodents”** means any of an order (Rodentia) of relatively small gnawing mammals as a mouse, a squirrel or a rat, etc.
- 2.45 “Rubbish”** means any combustible or noncombustible, discarded or waste material, except garbage and hazardous waste.
- 2.46 “Service Room”** means any area within a dwelling that is not a habitable room ie. washroom, laundry.
- 2.47 “Sewage”** means sanitary sewage or storm sewage.
- (a) Sanitary sewage means liquid or water borne waste of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- (b) Storm sewage means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.
- 2.48 “Sewage System”** means a properly maintained and functioning private sewage system.
- 2.49 “Standards”** means the standards of physical condition and of occupancy prescribed for the property in this By-law.
- 2.50 “Store or Stored”** means to accumulate or put away for future use.
- 2.51 “Structurally Sound”** means construction capable of withstanding the forces placed upon the structure under normal use.
- 2.52 “Structure”** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground.
- 2.53 “Trailer”** means any vehicle, excluding a mobile home or park model home, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicles unless it is used or intended for the living, sleeping or eating accommodation of persons therein; and shall be deemed to include a tent.
- 2.54 “Unsafe Condition”** means any condition that could be hazardous to the health or safety of persons in the normal use of the premises or, persons whose access to the premises has not been reasonably prevented.
- 2.55 “Unsightly Condition”** means clutter, a disordered state or collection, litter, heap or pile in a confused manner.
- 2.56 “Vacated”** means a structure or property no longer occupied.
- 2.57 “Vehicle”** includes a motor vehicle, trailer, utility trailer, farm tractor, motorcycle, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

2.58 “Vermin” means small common harmful or objectionable animals that are difficult to control.

2.59 “Waste or Waste Material” means any article or thing that appears to have been cast aside, discarded, or abandoned, or appears to be worthless, useless, or of no particular value, or appears to be used up in whole or in part or expended or worn out and shall include but is not limited to:

- (a) accumulations or deposits of litter, rubbish, garbage, trash;
- (b) refrigerators, freezers or other appliances or parts thereof;
- (c) furnaces, furnace parts, pipes, fittings to pipes, water, fuel or propane tanks;
- (d) inoperative or derelict motor vehicles;
- (e) paper, cartons, fabrics or carpets;
- (f) furniture;
- (g) piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (h) containers or pallets of any size, type or construction;
- (i) material resulting from, or as part of, construction or demolition of projects; and
- (j) rubble, inert fill except loose soil, sand, or gravel.

2.60 “Yard” means an open, uncovered space on a lot appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

SECTION 3: GENERAL STANDARDS FOR ALL PROPERTY

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 Act S.O. 1992, c. 23 as amended, the Ontario Fire Code and the Fire Prevention and Protection Act, S.O. 1997, c. 4* where applicable.

3.1 Yards

3.1.1 Every person shall keep all yards visible to the public, including vacant lots, clean and free from:

- (a) garbage, rubble, waste, construction material, brush or other debris arranged or stored in an unsafe condition, that constitutes an unsightly or unsafe condition as per definitions outlined in Sections 2.54 and 2.55;
- (b) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (c) holes, pits, excavations, or trenches constituting an unsafe condition;
- (d) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers, snowmobiles or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (e) conditions which would attract rodents or injurious insects;
- (f) dilapidated, collapsed or partially constructed structures which are not currently under construction.

3.1.2 No person shall store tires on any lot, other than four seasonal tires per vehicle permitted on the property, as per Section 3.1.5 of this By-law. Those actively engaged in farming may store a maximum of twenty (20) tires for their use.

3.1.3 Every landscaped open space shall be kept clean and free from all items in Section 3.1.1 and excessive growth of grass, brush, undergrowth and noxious weeds, and dead, decayed or damaged trees or other natural growth.

3.1.4 All vehicles or trailers parked on a residential lot must be in running order and carry a valid license sticker. This shall not prevent the occupant from storing operable unlicensed vehicles or trailers strictly for the use of off road operation for his/her own personal use and not for commercial purposes on any lot. This also shall not prevent an occupant of any premises from repairing a vehicle or trailer for his or her own use and not for commercial purposes while such a repair is carried on.

- 3.1.5 All permitted vehicles, trailers, machinery, implements strictly intended for agricultural use, and material stored on a property shall be stored in a neat, orderly manner preferably in an enclosed structure and in such a way that it does not create a negative impact on adjacent properties.
- 3.1.6 Every person shall cap all wells with a structurally secure material and such caps shall be maintained in good repair.

3.2 Surface Conditions

Surface conditions of yards shall be maintained so as to:

- (a) prevent ponding of storm water;
- (b) not exhibit an unsightly appearance;
- (c) be kept free of garbage and refuse;
- (d) provide for safe passage under normal use and weather conditions, day or night;
- (e) and, not to create a nuisance to other property.

3.3 Drainage and Sewage

- 3.3.1 Sewage or organic waste, excluding floor drains, shall be discharged into a sewage system as per the Ontario Building Code. Where a sewage system does not exist, sewage or organic waste shall be disposed of in accordance with the *Environmental Protection Act*.
- 3.3.2 Storm water shall be drained from the property in a manner designed to prevent excessive ponding, prevent the entrance of water into a building, and in such manner as to not affect adjacent properties.
- 3.3.3 Exterior property areas where new work has been undertaken shall be graded and maintained to prevent ponding of water creating an unsafe condition, or encouraging mosquito breeding grounds. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water. Natural ponds or swamps exclusive, as they are protected by various environmental legislation.

3.4 Parking Areas, Walks and Driveways

- 3.4.1 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.

3.5 Exterior Walls

- 3.5.1 Exterior walls of a building or structure and their components, including soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.5.2 Exterior walls of a building or structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

3.6 Structural Soundness

- 3.6.1 Every building and every structural member of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of the safety required by the Ontario Building Code. Structural members or materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

3.6.2 Every exterior wall, roof, porch, chimney or exterior portion of a building shall be maintained in a manner so as to prevent the collapse of same or injury to the occupants of the dwelling or to the public in general.

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

3.7 Fire Damage

3.7.1 In the event of fire, measures shall be taken as soon as possible, to make the damaged building safe, and/or to prevent entry into unsafe conditions.

3.8 Guardrails

3.8.1 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 inches) 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 in a rigid nature, as defined in the *Ontario Building Code S.O. 1992, c. 23 as amended*.

3.9 Accessory Buildings, Fences, and Other Structures

3.9.1 Accessory Buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition, in good repair, and free from fire, health or safety hazards.

3.10 Garbage Disposal

3.10.1 Every building, dwelling, and dwelling unit shall be provided by the owner of the property with suitable receptacles to contain all recyclable materials, garbage, refuse in a sanitary manner.

3.10.2 Notwithstanding Section 3.10.1, accumulation or storage of domestic or household garbage, refuse, appliances, furniture shall not be permitted on a property.

3.10.3 Garbage storage areas shall be screened from public view and the garbage stored in such a fashion that access by predators is controlled.

SECTION 4: RESIDENTIAL STANDARDS

4.1 General Conditions

4.1.1 Every owner, tenant, 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.

4.1.2 No person shall use or occupy, or permit the use or occupancy of any property that does not conform to the standards set out in Sections 3.6 and 3.7 of this By-law.

4.1.3 The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to such standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a graded, leveled condition.

4.2 Pest Prevention

4.2.1 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 *Pesticide Act R.S.O. 1990, c. P.11*.

4.3 Roofs

4.3.1 Every person shall maintain roofs of dwellings and their components in a weather tight condition, free from loose or unsecured objects or materials.

4.4 Kitchens

4.4.1 Every dwelling unit shall contain a kitchen area equipped with a sink, serviced with hot and cold water, and include storage facilities, a counter top work area, and space for a stove and refrigerator.

4.5 Toilet and Bathroom Facilities

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

4.5.2 Every bathroom shall be equipped with running water, and all plumbing fixtures shall be connected to the sewage system.

4.6 Electrical Service

4.6.1 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 *Ontario Electrical Safety Authority*.

4.6.2 Such dwellings shall have electrical outlets as provided for in the *Ontario Building Code Act R.S.O. 1992, c. 23*, as amended and shall conform to the regulations established by the *Ontario Electrical Safety Authority*. Extension cords shall not be used on a permanent basis.

4.7 Heating, Heating Systems, Chimneys and Vents

4.7.1 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 21 degrees Celsius (70 degrees Fahrenheit) in the occupied dwelling unit. 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.

4.7.2 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to CSA standards.

4.8 Exception

Exceptions to Sections 4.4; 4.5 and 4.7 are cabins and hunting lodges. These dwellings will be evaluated on a case by case basis.

4.9 Fire Escapes, Alarms and Detectors

- 4.9.1 In every dwelling unit in a building, a listed smoke alarm approved by the Canadian Standards Assoc. or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed on each level and maintained in working condition by the owner 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) equipped with visual or audio indications that they are in operating condition; and
 - (b) mounted on the ceiling a minimum of 100 mm (4 inches) from the wall or on a wall between 100 and 300 mm (4 to 12 inches) below the ceiling.
- 4.9.2 Every owner shall install or cause to be installed a minimum of one (1) Carbon Monoxide Alarm in each dwelling unit which contains a fuel burning appliance; and in the case of a two family dwelling, in each dwelling unit located on the same floor level as a fuel burning appliance as well as in each dwelling unit or two family dwelling which contains an attached garage. This carbon monoxide alarm shall be installed in accordance with the manufacturer's instructions and shall be maintained in good operating condition at all times and in accordance with the manufacturer's maintenance instructions.
- 4.9.3 Buildings using a fire escape as a secondary means of egress shall have and maintain the escape in good condition, free from obstructions and easily be reached through an openable window or door.

4.10 Egress

- 4.10.1 Every dwelling 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.
- 4.10.2 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common of the one of which may be the stairs or fire escape shall be provided to *Ontario Building Code* standards. A single exit is permitted from a dwelling unit where the path 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.

4.11 Ventilation

- 4.11.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air at least 0.3 square metres (3 square feet), or an approved system of mechanical ventilation that provides adequate air exchanges.
- 4.11.2 All systems of mechanical ventilation shall be maintained in good working order.
- 4.11.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately vented.

4.12 Disconnected Utilities

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 and only by an agent of the appropriate utility.

4.13 Occupancy Standards

4.13.1 No person shall use or permit the use of a non-habitable room in a building for a habitable purpose.

4.13.2 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; and
- (e) every basement and crawlspace shall be adequately drained and adequately ventilated to the outside air.

SECTION 5: NON-RESIDENTIAL STANDARDS

5.1 Yards

5.1.1 The yards of non-residential property shall be maintained to the standards as described in Sections 3.1, 3.2 and 3.3 of this By-law.

5.1.2 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 or continuing non-residential use 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, as determined by the Property Standards Officer, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 meters (6 feet) in height and maintained in good repair.

5.2 Parking Areas and Driveways

The parking areas and driveways of non-residential property shall be maintained to the standards as described in Section 3.4 of this By-law.

5.3 Lighting

All non-residential establishments shall install and maintain sufficient windows, skylights, and/or 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. Lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighboring properties.

5.4 Structures

All structures shall be maintained to the standards as described in Sections 3.5; 3.6; 3.8 and 3.9 of this By-law.

5.5 Garbage Disposal

A central refuse storage collection area must be provided for any garbage generated by the non-residential use and maintained with all refuse enclosed in a dumpster or in a location screened with growing trees, hedges, fences, walls or a combination thereof in such manner as may be approved by the Municipality.

SECTION 6: STANDARDS FOR VACATED LANDS AND BUILDINGS

6.1 Vacated Lands

Vacated land shall be maintained to the standards described in Section 3.1; 3.2; 3.3 and 3.4 of this By-law.

6.2 Vacated Buildings

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

6.2.2 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.

6.2.3 Vacated buildings shall be maintained to the standards described in Sections 3.5; 3.6; 3.7; 3.8; and 3.9 of this By-law.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedure for the enforcement of the standards and shall be carried out according to the *Ontario Building Code Act R.S.O. 1992, c. 23, as amended*.

7.1 Application

This By-law shall apply to all property within the boundaries of the Corporation of the Township of Chisholm.

7.2 Property Standards Committee

A Property Standards Committee shall be established as set out in the Reference, attached as Schedule "F" to this By-law.

7.3 By-law Enforcement Officer

The Council shall, by By-law, appoint a Property Standards Officer who shall be responsible for the administration and enforcement of this By-law.

7.4 Non-Conformance

7.4.1 If, after an initial inspection, the officer is satisfied that in some respect the property does not conform to the standards prescribed in the By-law, he or she shall serve or cause to be served by personal service upon or sent by prepaid registered mail to the owner of the property and all who have interest therein, a Notice of Non-Conformance, attached as Schedule B to this By-law, containing particulars of the non-conformity.

7.4.2 The notice shall be sent to the last known address of the owner and shall state:

- (a) That the property does not comply with the standards prescribed by this By-law and shall specify the standards with which the property does not comply.
- (b) That after a certain date to be specified in the notice of non-conformance by the Officer, the property will be subject to re-inspection at which time the Officer may issue an Order to Remedy under Section 7.5 of this By-law.

7.4.3 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 owners of the property shall clear all buildings, structures, debris or refuse and leave the property in good condition, to be determined at the discretion of the Property Standards Officer

7.5 Order to Remedy Violation

7.5.1 At any reasonable time, on or after the date specified in the Notice of Non-Conformance given under section 7.4 where an Officer finds that the property does not conform with any of the standards prescribed in this By-law, the Officer may issue an Order to Remedy Violation, attached as Schedule C to this By-law:

- (1) stating the municipal address or the legal description of such property;
- (2) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
- (3) indicating the time for complying with the terms and conditions of the order and giving notice, that if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (4) indicating the final date for giving notice of appeal from the order.

7.5.2 An order issued in accordance with article 7.5.1 shall be served on the owner of the property and such other persons affected by it as the officer determines and it shall be served personally or by registered mail, sent to the last known address of the person to whom the order is being given.

7.5.3 If the Officer is unable to effect service under article 7.5.2, he/she shall place a placard containing the terms of the Order, attached as Schedule D to this By-law, in a conspicuous place on the property and the placing of the placard shall be deemed as sufficient service of the notice or order on the owner or other persons.

7.6 Registration of Order

7.6.1 An order made under article 7.5.1 may be registered in the proper Land Registry Office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under article 7.5.1 and, when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

7.7 Appeal of Order

7.7.1 When the owner or occupant upon whom an Order has been served in accordance with article 7.5.1 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee, within fourteen (14) days after service of the Order and in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

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

7.7.3 If any party is dissatisfied with the decision of the Property Standards Committee, an appeal can be made to the Court of Appeal for Ontario, as per section 15.3, (4), (5), (6) and (7) of the Building Code Act.

SECTION 8: ENFORCEMENT

8.1 Enforced on a Complaint Basis:

This By-law shall be enforced on a complaint basis and pursuant to the provisions of Section 15 of the *Ontario Building Code Act S.O. 1992, c. 23*, as amended.

8.1.1 Each complaint must be in writing and shall be on the complaint form which is set out in “Schedule A” and shall provide:

- (a) the address of the non-compliant property
- (b) the nature of the non-compliance and
- (c) the name, address and phone number of the complainant.

8.1.2 Complainants shall be kept confidential:

The Complainant’s name, address and phone number shall be kept confidential.

8.1.3 Exception to confidentiality of Complainant:

Should the complainant be required as a witness in court it shall be necessary to reveal the complainant’s name for the purpose of giving the defendant disclosure.

8.2 Power of Corporation to repair or demolish

If the owner or occupant of the property fails to repair, clean-up or demolish the property in accordance with an Order as confirmed or modified, the Municipality in addition to all other remedies:

- (a) shall have the right to repair, clean up or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property;
- (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of the Section: and
- (c) shall have a lien for any amount expended by or on behalf of the municipality under the authority of this Section together with interest thereon, upon the property in respect of which such amount was expended and the certificate of the Clerk of the Municipality as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the Collector’s Roll to be collected in the same manner as Municipal Realty Taxes. There shall be an administration fee.

SECTION 9: PENALTIES

Any person who contravenes any provisions of this By-law or any part thereof shall be guilty of an offence and, upon conviction, be liable to a penalty recoverable under the *Provincial Offences Act*.

SECTION 10: RECOVERY OF EXPENSE

In addition to any other remedy and to any other penalty imposed under this by By-law or under the *Ontario Building Code Act R.S.O. 1992, c. 23, as amended*, where any person is in default in doing any matter or thing directed or ordered to be done pursuant to this By-law, such matter or thing may be done by the Corporation at the expense of such person and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes.

SECTION 11: CERTIFICATE OF COMPLIANCE

11.1 Issuance

Following the inspection of a property, the Officer may, or on the request of an owner, shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.

11.2 Fees

Where a certificate of compliance referred to in Section 15 of the *Ontario Building Code Act, S.O. 1992, c. 23, as amended*, is issued at the request of the owner, the owner shall be required to pay a fee to the Corporation of the Township of Chisholm as set out in the fees by-law of the municipality.

SECTION 12: OTHER REMEDIES PROTECTED

The imposition of a penalty under this By-law shall not be a bar to further prosecution under this By-law and shall not preclude any other proceeding or remedy against a person or a building, which does not conform to the standards of this By-law.

SECTION 13: VALIDITY

- 13.1** If an article of this By-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 13.2** If a provision of this By-law conflicts with a provision of another By-law of the Corporation the provision that established the higher standard to protect the health, safety and welfare of the occupants and of the general public shall prevail.

SECTION 14: ENACTMENT

This by-law shall come into full force and effect upon the final passing thereof.

SECTION 15: REPEAL

By-law 2006-16 is hereby repealed in its entirety.

READ A FIRST AND SECOND TIME THIS 8TH DAY OF JANUARY, 2013.

Mayor, Leo Jobin

Clerk-Treasurer, Linda Ringler

READ A THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF JANUARY, 2013.

Mayor, Leo Jobin

Clerk-Treasurer, Linda Ringler

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "A" TO BY-LAW 2013-01



Rank _____

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

OCCURRENCE NO.: _____

DATE: _____ TIME: _____

Taken by: _____

Informant Name: _____ Update requested: Yes/No

Contact Telephone Number: _____

TYPE OF OCCURRENCE (circle)

Property Standards

Fire

Landfill

Municipal By-laws

Building Code

Recycling

Animal Control

Roads

Other: _____

DETAILS OF OCCURRENCE

Property Owner: _____

Legal Description of Property: _____

Mailing Address: _____

DETAILS OF THE OCCURRENCE

Date: _____ Time: _____

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "B" TO BY-LAW 2013-01



Corporation of the Township of Chisholm
2847 Chiswick Line
Powassan, ON P0H 1Z0
Tel: (705) 724-3526

REGISTERED & ORDINARY MAIL

**THE CORPORATION OF THE TOWNSHIP OF CHISHOLM
NOTICE OF NON-CONFORMANCE**

Please be informed that the following items at

_____ are deemed to be a violation of Property Standards By-Law 2006-16 as amended:

Please be advised that failure to comply with this notice within _____ days will result in the issuance of an Order to Remedy Violation made under the Building Code Act.

Upon issuance of the Order to Remedy Violation, a \$100.00 administrative charge is payable by the Owner to the Township of Chisholm.

In the event that you do not comply, then the Property Standards Officer is also authorized to have the items corrected at your expense and collect the cost in like manner as municipal taxes from you. A copy of the By-law is available from the Property Standards Officer.

Please conduct yourself accordingly.

Dated at Chisholm Township this _____ day of _____, in the year _____.

Property Standards Officer
Telephone: (705) 724-3526

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "C" TO BY-LAW 2013-01



Corporation of the Township of Chisholm
2847 Chiswick Line
Powassan, ON P0H 1Z0
Tel: (705) 724-3526

**ORDER TO REMEDY VIOLATION
OF STANDARDS OF MAINTENANCE AND OCCUPANCY**

Pursuant to Section 15.2 (2) of the Ontario Building Code Act

REGISTERED & ORDINARY MAIL

Owner(s) Name & Address:

Dear Sir/Madam:

RE: _____

WHEREAS on _____ you were served with a Notice of Non-Conformance that required you to remedy certain violations of standards of maintenance and occupancy of your property, described above.

AND WHEREAS you have failed to remedy the noted violation(s) as set out in the Notice of Non-Conformance attached hereto and which forms part of this Order.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in said Notice be remedied and the property brought into a condition of conformance with the prescribed standards set out in the Property Standards By-law No. 2006-16, as amended, on or before _____.

TAKE NOTICE that pursuant to By-Law 2006-16, an administrative charge of \$100.00 is payable by the property owner to the Township of Chisholm upon the issuance of this Order to Remedy Violation. In the event the property owner refuses to pay the administrative charge, the fee will be added to the tax roll and collected in like manner as taxes.

TAKE NOTICE that if such violation(s) are not remedied within the time specified in this Order, the municipality may correct such violations at the expense of the owner and/or charges may be laid under the Provincial Offences Act.

APPEAL TO PROPERTY STANDARDS COMMITTEE

An owner or occupant who has been served with an Order 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 the Order.

FINAL DATE FOR APPEAL: _____

DATE: _____

ISSUED BY: _____
Property Standards Officer

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "D" TO BY-LAW 2013-01

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SUBSTANDARD PROPERTY

Section 15 of the Ontario Building Code Act S.O. 1992, c.23 as amended

NOTICE OF VIOLATION

ORDER TO COMPLY

Re: *Description and Location of Property in Violation*

Township of Chisholm

THIS PROPERTY has been found NOT to be in conformity with the Standards of Maintenance and Occupancy established by this Municipality and as set out in the Property Standards By-Law 2013- .

SCHEDULE "A", attached hereto, sets out the work required to remedy such violation(s) and to bring the property into compliance with the By-Law.

BE ADVISED THAT THIS PROPERTY MUST BE MADE TO CONFORM WITH THE BY-LAW ON OR BEFORE THE DAY OF , 2013.

Further information may be obtained at the Property Standards Office located at 2847 Chiswick Line.

Dated this day of , 2013.

NOTE: Any person who removes or defaces this Placard is liable to a penalty not to exceed \$500.00.

Property Standards Officer

(Telephone Number)

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "E" TO BY-LAW 2013-01

PROPERTY STANDARDS COMMITTEE OF CHISHOLM TOWNSHIP



NOTICE OF APPEAL

(Pursuant to S. 15.3(1) of the BUILDING CODE ACT of Ontario
And Section 6.7.3 of By-Law 2006-16 of the Corporation of the Township of Chisholm)

IN THE MATTER OF

APPELLANT

And

The CORPORATION OF THE TOWNSHIP OF CHISHOLM

RESPONDENT

TO: THE PROPERTY STANDARDS COMMITTEE OF CHISHOLM TOWNSHIP
c/o Secretary to the Property Standards Committee of Chisholm Township
2847 Chiswick Line
Powassan, ON P0H 1Z0

APPEAL OF THE ORDER TO REMEDY VIOLATION OF STANDARDS AND
MAINTENANCE MADE UNDER BY-LAW 2006-16 OF THE CORPORATION OF THE
TOWNSHIP OF CHISHOLM.

I, _____, HEREBY APPEAL the ORDER of a Property
Standards Officer of the Corporation of the Township of Chisholm.

1. Appellant is: _____ The property owner
_____ The property occupant

2. Address of the Appellant for service:

3. Counsel/Agent for the Appellant:

Name: _____

Address for Service: _____

4. Address of the Corporation of the Township of Chisholm (Respondent):

2847 Chiswick Line, Powassan, ON P0H 1Z0
Telephone Number: (705) 724-3526
Fax Number: (705) 724-5099

5. Counsel for Respondent: Jack Wallace

6. Order of the Property Standards Officer being appealed:

a) _____

b) _____

c) _____

7. Date of Order: _____

8. The grounds of appeal are:

a) _____

b) _____

c) _____

9. Date: _____

10. SIGNATURE OF APPELLANT OR COUNSEL OR AGENT:

Note: a) This Notice of Appeal or any other appeal document you choose to use should be filed with _____, Secretary of the Property Standards Committee at 2847 Chiswick Line, Powassan, ON P0H 1Z0.

b) Note: Pursuant to Section 6.7.1 of By-law 2006-16, a Notice of Appeal should be sent “by registered mail” to the Secretary of the Committee within fourteen (14) days after service of the Order and in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "F" TO BY-LAW 2013-01

TERMS OF REFERENCES

PROPERTY STANDARDS COMMITTEE

Established:

This Committee shall be established pursuant to section 15.6 of *the Ontario Building Code Act S.O. 1992, c. 23 as amended*.

The Property Standards Committee shall hear the Appeal of a Property Standards ORDER, given under the Township of Chisholm Property Standards By-law, and have all the powers and functions of the Officer who made the ORDER.

Membership:

1. The Committee shall be composed of a minimum of at least three (3) persons and not more than five (5) members, as the Council deems advisable.
2. The Property Standards Committee shall hold Office during the term of Council of the Corporation of the Township of Chisholm and shall have the powers and perform the duties of The Property Standards Committee for the Municipality as prescribed in Section 15.3 (3.1) *The Ontario Building Code Act, S.O. 1992, c. 23*.
3. The committee, from its members, shall elect a chairperson, at a meeting, arranged by the secretary, shortly thereafter their appointment to said committee by council.
4. When the chairperson is absent through illness or otherwise, the committee may appoint another member to act as chairperson.
5. Two (2) members of the committee shall constitute a quorum if the committee consists of three persons and three (3) members of the committee shall constitute a quorum if the committee consists of four to five persons.
6. The Council of the Township of Chisholm will appoint the staff member who will serve as the Secretary for the Committee. The Secretary shall not have voting powers. The Secretary shall be paid the meeting fee as set out in the current Collective Agreement for the municipality.
7. The Committee members will receive \$60.00 for each Appeal heard.

Responsibility of the Committee Members:

Chairperson

1. The Chairperson shall insure oaths are administered.
2. The Chairperson is responsible to ensure that the corporation and the appellant are provided equal opportunity to give evidence in said Appeal.
3. The Chairperson shall ensure that the evidence is presented in accordance to procedures outlined in this document.
4. The Chairperson is responsible for the conduct of the meeting/appeals.

Secretary

1. The secretary of the Committee, upon receipt of the Notice of Appeal shall:
 - (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and
 - (b) give notice in writing of the date, place and time of the hearing to:
 - (i) the appellant;
 - (ii) the officer who issued the order, and
 - (iii) any others as the Committee may consider advisable
2. The secretary of the Committee shall notify:
 - (a) the appellant;
 - (b) the officer who issued the order; and
 - (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.

Duties of the Committee:

1. A duty arises when an Officer issues an ORDER pursuant to section 15.2.2 or 15.7 of the *Ontario Building Code Act, 1992, c. 23*, and
2. When the owner or occupant upon whom an ORDER has been issued is not satisfied with the ORDER or the terms or conditions thereof, the owner or occupant may appeal to the Committee by sending a Notice of Appeal, by registered mail, to the Secretary of the Committee, within fourteen (14) days after service of the ORDER and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.
3. The Committee shall hold the hearing at the date, place and time set out in the notice and shall have all the powers and functions of an Officer.
4. The Committee shall hear all evidence from the Corporation of the Township of Chisholm and the Appellant in accordance with the rules of evidence.

Procedure for an Appeal:

- The Committee will be given copies of the following:
 - Property Standards By-Law
 - Copy of the ORDER and Notice of Non-Conformance

- The Corporation will present its evidence to the Committee first – witness testimony and documentary evidence.
 - The chairperson prior to allowing any witness to give testimony will have the witness make OATH. The witness will take an oath swearing that he will tell the truth or he will affirm that he will tell the truth.
 - The appellant and the Committee will have the opportunity to question any Corporation witness, when the Corporation is finished with their line of questioning for that particular witness.(Cross examination)
 - The Corporation will have the opportunity to clarify any evidence brought out in cross-examination – meaning address the witness again by asking questions. (re-examination)

 - Once the Corporation has completed its evidence, the Appellant may present its evidence.
 - The parallel procedure applies as above.

 - Upon completion of the Appellant’s evidence the Corporation has the opportunity to give Reply Evidence. Meaning, if during the course of the defense, the appellant or witnesses have raised an issue not previously raised by the Corporation then as Reply Evidence the Corporation may call evidence on the point, which had not been previously raised.

 - Once the evidence for the appellant and the Corporation is completed, they will have the opportunity to summarize their evidence to persuade the Committee as to what conclusions he or she should draw from the evidence.
5. The Property Standards Committee may:
- a) confirm the ORDER;
 - b) modify or rescind the ORDER; or
 - c) extend the time for complying with the ORDER provided that the general intent and purpose of the By-law is maintained.
6. The Committee shall give its decision in writing within 10 working days.
7. The Corporation or any owner or occupant or person affected by the Committee’s decision may appeal to a judge of the Ontario Court (General Division) by notifying the clerk of the corporation in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision.