

THE CORPORATION OF THE TOWN OF GANANOQUE
BYLAW 2011 - 27

BEING A BY-LAW TO PROVIDE FOR STANDARDS FOR THE MAINTENANCE AND
OCCUPANCY OF PROPERTY.

WHEREAS Section 15.1(3) of The Building Code Act, S.O. 1992 c.23 a By-law may be passed by Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property standards; and

AND WHEREAS the Official Plan for the Town of Gananoque includes provisions relating to property conditions; and

AND WHEREAS the Council of the Town of Gananoque is desirous of passing a by-law under Section 15.1 (3) of the Building Code Act, S.O. 1992 c.23; and

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992 c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992 c.23 shall provide for the establishment of a Property Standards Committee.

NOW THEREFORE the Council of The Corporation of the Town of Gananoque enacts as follows:

DEFINITIONS:

For the purposes of this by-law, the following words shall have the following meanings:

Acceptable shall mean:

- (a) Accepted by the Chief Building Official of the municipality with respect to matters under the Building Code, S.O. 1992, as amended, and Regulations hereunder
- (b) Accepted by the Chief Fire Official of the municipality with respect to matters under the Fire Protection and Prevention Act, 1997, S.O. 1997 as amended, and Regulations and the Fire Code hereunder; or
- (c) Accepted by the Property Standards Officer with respect to all other matters regulated by this By-law.

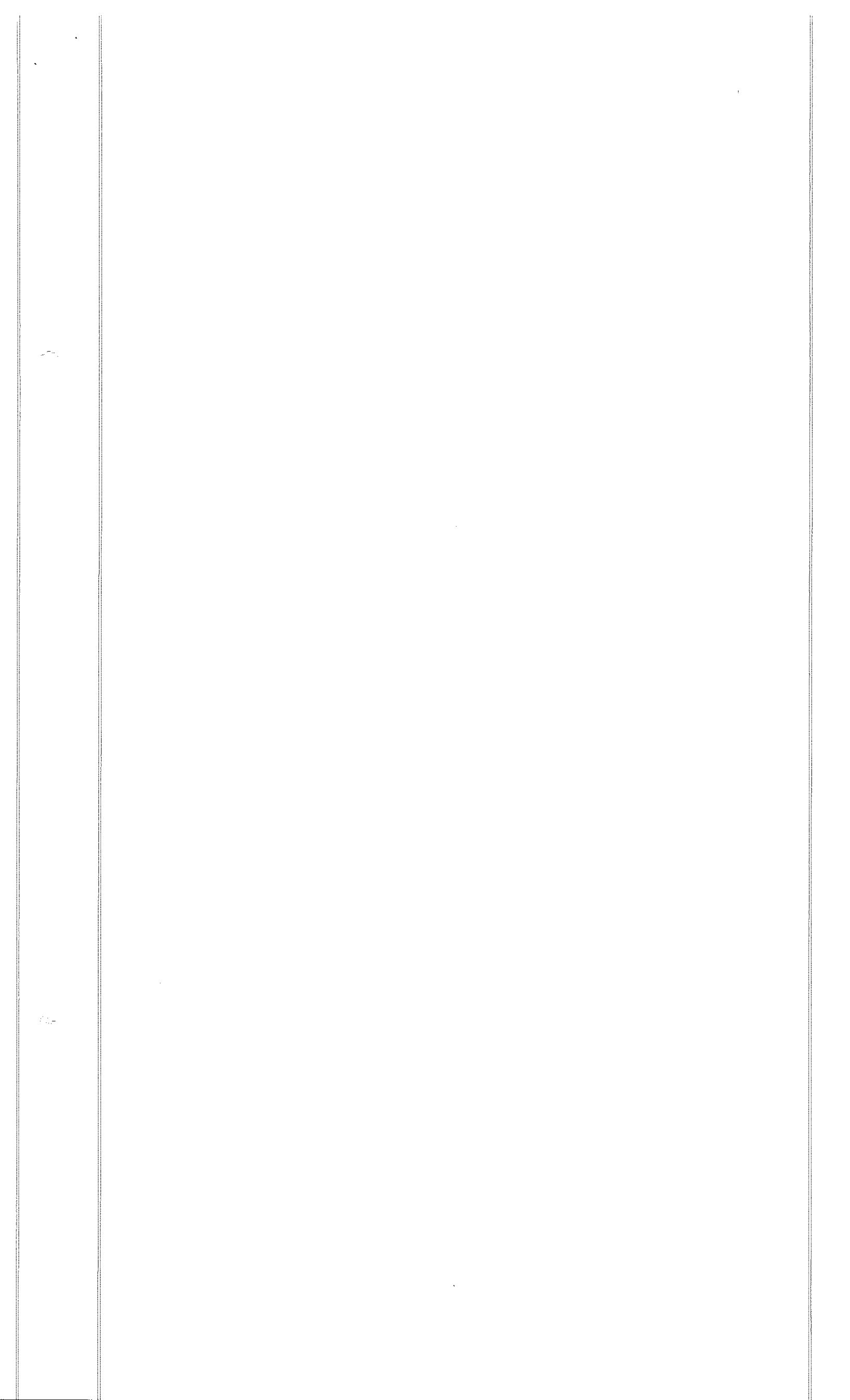
Accessory Building shall mean a subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.

Basement shall mean the portion of the building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished grade.

Bathroom shall mean a room containing at least a washbasin and toilet and bathtub or shower; or two rooms, which contain in total at least one washbasin and one toilet and one bathtub or shower.

Boarding, Rooming or Lodging House shall mean a dwelling unit, in which the proprietor supplies lodging, with or without meals, in return for monetary compensation. For the purposes of this By-law, a boarding or rooming house shall not include a motel, hotel, bed and breakfast establishment, heritage tourist inn, group home or hospital.

Building shall mean a structure occupying an area greater than ten (10) square metres (108 square feet) consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing works, fixtures and service systems appurtenant thereto; a structure occupying an area greater than ten (10) square metres (108 square feet) or less that contains plumbing appurtenant thereto; plumbing not located in a structure; a sewage system; or, structures designated in the Building Code.



Building Code shall mean the regulations made under Section 34 of the Building Code Act, 1992, S.O. 1992, c.23, as amended.

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

Chief Building Official means the Chief Building Official of the Town of Gananoque or authorized representative.

Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the finished grade.

Committee shall mean the Property Standards Committee established pursuant to the provisions of this by-law.

Dwelling shall mean a detached building occupied or capable of being occupied as the home, residence or sleeping place by one or more persons, and containing one or more dwelling units but shall not include a trailer, houseboat or motor home.

Dwelling Unit shall mean a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation and sanitary facilities are provided, but shall not include a boarding house, mobile home or recreational vehicle, hotel, motel, rental cottage or cabin, or similar commercial use of a private or semi-private institution.

Fence shall mean any barrier or structure constructed on chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials, which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Good Workmanlike Manner shall mean a condition where something is free from:

- significant damage;
- peeling surfaces;
- broken, missing or fallen parts;
- rot or other significant deterioration;
- openings which are not secured against trespassers or infiltration or air and precipitation; or
- other visual evidence or a lack of general maintenance.

Grade shall be used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior at the base of a building and when used with reference to a structure shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway means the highest elevation of the street, road or highway by the Town or other designated authority.

Ground Cover shall mean any suitable material applied to the ground to prevent the erosion of soil and includes concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

Heritage Attribute shall mean, in relation to real property, and to buildings and structures on real property, an attribute of the property, building or structure that contribute to its cultural heritage value or interest and that is defined or described:

- i. in a by-law designating a property passed under Section 29 Part IV of the Ontario Heritage Act and identified as a heritage attribute, reason for designation or otherwise;
- ii. in a Minister's order made under Section 34.54, Part IV of the Ontario Heritage Act and identified as a heritage attribute or otherwise;
- iii. in a by-law designating a heritage conservation district passed under Section 41, Part V of the Ontario Heritage Act and identified as a heritage attribute or otherwise;

Medical Officer of Health shall mean the Medical Office of Health for the Leeds, Grenville and District Health Unit.

Non-habitable Room shall mean any room in a dwelling or dwelling unit other than a habitable room and includes bathroom boiler room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys.

Non-residential Property shall mean property which is not intended to be or which is not capable of being occupied in whole or in part for the purpose of human habitations.

Occupant shall mean any person or persons over the age of eighteen (18) years in possession of the property.

Owner shall mean the person(s) that appears on the tax roll as the owner of a parcel of land. Without limiting the generality of the foregoing, an Owner may also include the person who at any time manages or receives the rent of the land or premises whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who under the terms of a lease is required to repair and maintain the property.

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

Property Standards Officer shall mean a Property Standards Officer as may from time to time by Council be assigned the responsibility of administering and enforcing this By-law.

Receptacle shall mean a solid metal or plastic container for receiving garbage or refuse.

Sign shall mean any advertising device or notice and means any visual medium including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, or advertising purposes.

Standards shall mean the standards of physical conditions and occupancy set out in this By-law.

Town shall mean the Corporation of the Town of Gananoque.

Yard shall mean the land other than publicly owned land around or appurtenant to the whole or any part of a dwelling unit and used or intended to be used or capable of being used with the dwelling.

1.0 Administration

1.1 The Building Department, By-law Enforcement and Fire Department are responsible for the administration and enforcement of this by-law.

2.0 Interpretation

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

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

3.0 General

3.1 General Standards set out in Section 3 the following regulations, shall apply to all properties within the Town of Gananoque.

- 3.2 The owner of a property shall repair, maintain and keep the property in good repair in accordance with the standards and take immediate action to eliminate any unsafe conditions and unsightly conditions.
- 3.3 Every owner or occupant of a dwelling unit, in that part of the dwelling unit that the occupant occupies or controls shall:
- 3.3.1 Maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - 3.3.2 Keep all exits from the dwelling unit clean and unobstructed;
 - 3.3.3 Maintain the dwelling unit in a clean and sanitary condition.
- 3.4 Where exterior walls have been painted, they shall be maintained in good workmanlike manner in a clean and slightly condition and free of peeling or flaking paint.
- 3.5 All repairs to any property shall be made in good workmanlike manner with materials that are suitable, sufficient for the purpose, and free from defects.
- 3.6 Without restricting the generality of Section 3.5:
- 3.6.1 The requirement that repairs be made in a "good workmanship manner" using materials that are "suitable and sufficient for the purpose" includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials; and
 - 3.6.2 the requirement that repairs be made with materials that are "suitable and sufficient for the purpose" includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials

4.0 General Standards for all Designated Heritage Properties

- 4.1 In addition to the standards, obligations and requirements that apply to all property under this By-law, all heritage attributes of Part IV heritage properties, including both interior and exterior heritage attributes, and all heritage attributes of Part V heritage properties shall be:
- 4.1.1 Maintained so as to prevent deterioration; and
 - 4.1.2 Repaired of any damage.
- 4.2 Subject to any applicable provisions of the Ontario Heritage Act:
- 4.2.1 Where subsection 4.1 can be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall not be replaced and the repair shall be undertaken in a manner that minimizes damage to the heritage attribute;
 - 4.2.2 Where subsection 4.1 cannot be complied with by means of repair, despite any other provision to the contrary, the heritage attribute shall be replaced with material of the same type as the original material and in keeping with the design, colour, texture and any other distinctive feature as the original material or in such a manner as to replicate the design, colour, texture and any other distinctive feature of the original material.
- 4.3 In addition to the standards, obligations and requirements that apply to all property under this by-law, a part of the Part IV heritage property or a Part V heritage property, including but not limited to a roof, wall, floor, retaining

wall or foundation, that supports or protects a heritage attribute and without which the heritage attribute may be at risk of deteriorating or being damaged shall be structurally sound and maintained so as to properly perform its intended function.

4.4 Subsection 4.3 shall be complied with in a manner that minimizes damage to the heritage attribute.

5.0 Unoccupied Buildings

5.1 Where any property is unoccupied, the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons, and shall protect against weather damage.

5.2 The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.

5.3 Notwithstanding Subsection 5.2, the owner of a vacant building may cover all openings with rigid or flexible construction or decorative material in a colour compatible with the surrounding walls to the satisfaction of the Property Standards Officer.

5.4 Where a building remains vacant and unattended for a period of more than sixty (60) days, the owner or his agent shall ensure that all utilities serving the property are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.

5.5 Section 4.4 does not apply where such utilities are necessary for the safety, security or maintenance of the building.

5.6 Every building or property not in conformity with the standards set out in this By-law and remaining vacant for a continuous period of sixty (60) days or more shall be sufficiently secured to prevent entry by unauthorized persons and such buildings may only be kept secured for a period of twelve (12) months after which time the building or buildings may be ordered to be:

5.6.1 Restored to comply with the standards of the By-law within the next three (3) succeeding months; or

5.6.2 Demolished.

6.0 Vacant and/or Damaged Designated Heritage Properties

6.1 In addition to complying with all other applicable provisions of this By-law, the owner of a building that is vacant or is damaged by accident, storm, fire, neglect or otherwise shall comply with this section.

6.2 Despite Subsection 5.4, where a building on a Part IV heritage property or a Part V heritage property remains vacant for a period of more than 60 days, the owner shall ensure that appropriate utilities serving the building are connected as required to provide, maintain and monitor property heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.

6.3 Despite Subsection 5.2 and 5.3, where a building on a Part IV heritage property or a Part V heritage property is vacant or damaged by accident, storm, fire, neglect or otherwise, the owner shall protect the building against the risks described in Subsection 6.1 and shall effectively prevent

the entrance of all unauthorized person by closing and securing openings to the building with boarding:

- 6.3.1 Which completely covers the opening and its properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - 6.3.2 On the window openings, which is painted a matte black to resemble window glass;
 - 6.3.3 On door openings, which is painted a colour that matches the colour of the original door;
 - 6.3.4 On an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the building; and
 - 6.3.5 Which is fastened securely with screws at least 50 mm in length and installed at appropriate intervals on centre
- 6.4 Subject to any applicable provisions of the Ontario Heritage Act, the options available in 6.3 shall be considered progressively more secure with 6.3.5 being the most secure, and the minimum standard imposed by Subsection 6.3 shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry.
- 6.5 At any time where there are circumstances to support a more secure option, including an option beyond that is more secure than those listed in Subsection 6.3, the owner shall supply such more secure option as may be required a by a Property Standards Order.
- 6.6 No window, door or other opening shall be closed or secured in accordance with Subsection 6.3 with brick, concrete blocking or any other masonry units and mortar, except where required by a Property Standards Order under Subsection 15.

7.0 Structurally Sound

- 7.1 Every part of a building, structure, pier or wharf shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it is subject.
- 7.2 Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced.
- 7.3 Walls, roof and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.
- 7.4 Where an owner disputes the need for repairs under this Section, he/she may submit a written report signed and sealed by a professional engineer licensed to practice in the Province of Ontario on the matters thereto.
- 7.5 The Property Standards Officer may accept the findings in the report pursuant to Subsection 7.4 as the requirements for compliance with the required repairs provided he/she is satisfied all deficiencies have been identified and appropriately dealt with by the report.
- 7.6 The Property Standards Officer may require an engineer's report of a building or structure if in his/her opinion that building or structure is not structurally sound, such engineer's report to be at the expense of the owner(s).

7.7 For the purposes of this section, “structure” includes a fence, shed, permanent sign or other small building in addition to structures defined in the Ontario Building Code.

8.0 Pedestrian Access, Parking Areas, Driveways

8.1 A safe pedestrian access shall be provided to the principal entrance of every residential building.

8.2 Suitable hard surfaced walks shall be made available and maintained leading from the main entrance of a building to the street or driveway.

8.3 All areas used for vehicular traffic and parking shall be covered with asphalt, crushed stone or gravel surfacing, be graded, drained and free from debris or other litter and kept in good repair at all times. Notwithstanding the foregoing, on a non-residential property which abuts residential properties, all areas for parking and vehicular traffic shall be covered only with asphalt, concrete, crushed stone, paving stones or similar surface.

9.0 Lighting

9.1 Any lights used to illuminate yards or parking areas shall be so arranged or shielded to deflect light away from abutting properties and or the public right of way.

10.0 Pest Prevention

10.1 A dwelling shall be kept free of vermin at all times and methods used for exterminating shall be in accordance with the provisions of the Pesticides Act, latest edition.

10.2 Buildings shall be maintained reasonably free of rodents, vermin and insects at all times, and methods used for exterminating rodents, vermin and/or insects shall be in accordance with provisions of all applicable statutes and regulations of any authority having jurisdiction.

10.3 Basement and cellar windows or ventilators used or required for ventilation, and any other openings in a basement or cellar including a floor drain that might permit the entry of rodents, shall be screened with wire mesh, metal grille or other durable material which will effectively exclude rodents.

11.0 Drainage

11.1 Storm water drainage shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement or cellar.

11.2 Sewage or organic water shall be discharged into the municipal sewage system or a septic tank subject to the requirements of the Ontario Building Code, latest edition.

11.3 All reasonable means shall be employed to prevent the erosion of the soil in the yard.

11.4 No roof drainage, swimming pool, pump discharge or surface water shall be discharged on sidewalks, stairs or directed to neighbouring property.

11.5 Where eaves troughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2m (4 ft) from the building when it is physically possible.

- 11.6 Subsection 11.5 does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining properties.
- 11.7 Snow storage shall not be located so as to cause recurrent ponding of water on adjacent properties or so as to result in the entry of water into a basement or cellar.

12.0 Accessory Buildings, Fences and Retaining Walls

- 12.1 An accessory building shall be:
 - 12.1.1 Constructed and maintained with suitable and uniform materials;
 - 12.1.2 Kept in good repair and free from hazards; and
 - 12.1.3 The exterior shall be protected by paint, preservatives or other resistant materials.
- 12.2 A fence, retaining wall shall be:
 - 12.2.1 Kept in good repair;
 - 12.2.2 Free from accident hazards;
 - 12.2.3 Stable;
 - 12.2.4 So as not to present an unsightly appearance;
 - 12.2.5 Free of barbed wire, unless on a rural property
 - 12.2.6 Where fences have been painted or otherwise treated, they shall be maintained so as to be free of peeling or other coatings.
 - 12.2.7 Maximum fence height shall be limited to 1.8m (6ft)
- 12.3 Where an accessory building, fence, retaining wall or the land may harbor the infestation of insects or rodents all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.
- 12.4 Swimming Pools, Ponds
 - 12.4.1 Every enclosure required for a private owned pool/pond shall be maintained in accordance with the Town's swimming pool by-law as it may be amended from time to time.

13.0 Appliances

- 13.1 All appliances, equipment, accessories and installations provided by the owner shall be installed and maintained in good repair and working order and used for their intended purposes.

14.0 Foundations

- 14.1 Foundation walls shall be maintained so as to prevent the entrance of insects, rodents and moisture.
- 14.2 Where exterior foundation walls have been painted, they shall be maintained in a clean and sightly condition and free of peeling or flaking paint.

15.0 Doors and Windows

- 15.1 All exterior openings for doors and windows shall be fitting with doors or windows.
- 15.2 Windows, exterior doors and basement or cellar hatchways shall be maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents into the building.
- 15.3 Rotted or damaged doors, doorframes, window frames, sashes and casings, weather-stripping, broken glass, defective door, and window hardware shall be repaired and/or replaced, and maintained and protected from the elements and against decay and rust by application of a weather coating material such as paint or other protective materials.
- 15.4 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- 15.5 When an opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:
 - 15.5.1 A wire mesh screen, metal grille or other equivalent durable materials; or
 - 15.5.2 Other protection so as to effectively prevent the entry of rodents or vermin.
- 15.6 Where exterior foundation walls have been painted, they shall be maintained in a clean and sightly condition and free of peeling or flaking paint.

16.0 Heating

- 16.1 Each dwelling unit shall have a heating source capable of maintaining an interior temperature of 20°C (68°F) from September 15 to June 1st each calendar year.

17.0 Plumbing

- 17.1 Each dwelling unit shall have hot and cold running water and be provided with a kitchen sink, bathroom containing a washbasin, toilet and bathtub or shower and a hot water tank.

18.0 Electrical Service

- 18.1 Each dwelling unit shall be wired for electricity and it shall be operational.

19.0 Walls, Ceilings and Floors

- 19.1 Every wall, ceiling and floor shall be maintained so as to be free of holes, cracks, loose coverings or other defects.
- 19.2 Every floor shall be of an acceptable level, free of all loose, cracked, or broken boards. Sloped floors shall not exceed 3" over a 10' span and not more than 1" over 2'.

20.0 Stairs, Porches, Ramps and Balconies

- 20.1 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, other defects and be kept in a structurally safe and sound condition as determined by the Property Standards Officer.
- 20.2 The maintenance, reconstructing or repair shall include any remedial work requested by the Property Standards Officer in accordance with the Ontario Building Code requirements or as directed by a Professional Engineer.

21.0 Occupancy Standard

- 21.1 No person shall use or permit the use of a non-habitable room in a dwelling for habitable room purpose.
- 21.2 The maximum number of occupants in a dwelling unit shall not exceed one person per 100 square feet of habitable room floor area.
- 21.3 For the purpose of computing the number of occupants in Subsection 21.2 any child under one year of age shall be deemed one-half person.
- 21.4 For the purpose of computing the habitable room space in Subsection 21.2 the floor area under a ceiling which is less than five feet high shall not be counted.
- 21.5 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least sixty square feet with not less than 40 square feet for each additional occupancy, provided that for the purpose of this subsection, two children under the age of six years may be counted as one person.

22.0 Administration and Enforcement

22.1 Officers and Inspectors:

- 22.1.1 The person or persons appointed as Property Standards officers for the Corporation of the Town of Gananoque shall be responsible for the administration and enforcement of this By-law.
- 22.1.2 Any Building Inspector, By-law Enforcement Officer, an Inspector with the Fire Department are hereby authorized to act as a Property Standards Officer.
- 22.1.3 The Property Standards Officer and any person acting under his or her instruction, may at all reasonable times, and upon producing proper identification, enter and inspect any property.
- 22.1.4 The Property Standards Officer and any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under Section 21 of the Building Code Act.

22.2 Notice of Violation Prohibiting Use of Property:

- 22.2.1 The Property Standards Officer may issue a notice prohibiting the use of property that does not conform to the standards of this By-law.
- 22.2.2 The Property Standards Officer may cause a placard to be placed on the exterior of any building, which does not conform to the standards contained in this By-law. The placard shall state the particulars of the non-conformity and that the use of the

property is prohibited until it conforms to the standards set by this By-law. No person shall pull down or deface any such placard.

22.3 Orders:

22.3.1 An Officer who finds that a property does not conform with any of the standards may make and serve or cause to be served upon or send by prepared Registered Mail to such a person an order containing:

22.3.1.1 The municipal address or legal description of each property.

22.3.1.2 Reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition, the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not done within the time specified in the order, the Town may carry out the repair or clearance at the expense of the owner.

22.3.1.3 The final date for giving notice of appeal from the order.

22.3.2 A notice under Subsection 22.2.1 when sent by registered mail sent to the last known address of the Owner in accordance with the information contained in the latest tax roll maintained by the Town, which shall establish an effective date of service as the date the order is delivered for registered mailing at the Post Office; or

22.3.3 By placing the order on the property in a prominent place, which date shall establish the effective date of service as the date of posting the order on the property.

22.3.4 An order under Section 22.3 may be registered in the property Land Registry Office and upon such registration any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under Section 21.3 and when the requirements of the order have been satisfied, the Clerk of the Town shall forthwith register in the property Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order all at the cost of the property owner.

22.4 Responsibility of Occupant:

22.4.1 Notwithstanding the responsibility of the owner, where the maintenance of any property affected by this By-law is, by the written terms of a lease or an agreement for occupancy, made the responsibility of the occupant, the Property Standards Officer may require the occupant to repair and maintain the property to the satisfaction of the Property Standards Officer in accordance with the particular of the repairs set forth in the order.

22.5 Property Standards Committee:

22.5.1 There shall be and is hereby established a Property Standards Committee of no less than three members, in accordance with

the Building Code Act as amended, who shall be appointed by by-law to hear appeals to this by-law.

22.5.2 The Committee shall elect a chair from its members and may appoint another member in the absence of the Chair pro tempore.

22.5.3 An employee of the Town is not eligible to be a member of the Committee.

22.5.4 A majority of the Committee constitutes a quorum.

22.6 Appeal:

22.6.1 When an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of that order, he or she may appeal to the Property Standards 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.

22.6.2 Where an appeal has been made to the Committee, it shall hear the appeal and shall have all the powers and functions of the Officer who made the Order and may confirm, modify or rescind the Order to demolish or repair or extend the time for complying with the Order if, in the Committee's opinion, the general intent and purpose of the by-law and the Official Plan or Policy Statement are maintained.

22.6.3 The Corporation or any owner or any occupant or any person affected by the decision of the Property Standards Committee under Section 22.6.2 above may appeal to a judge of the Ontario Court by so notifying the Clerk of the Town in writing and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision and;

22.6.3.1 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 person and in such manner as he or she prescribes;

22.6.3.2 The appointment shall be served in the manner prescribed; and

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

22.7 Decision of the Committee:

22.7.1 The Committee may confirm, modify or rescind the order to demolish or repair; or

22.7.2 Extend the time for complying with the Order

22.7.3 The Committee shall give its decision in writing to the appellant, the Officer and any other person who appeared at the hearing of the appeal.

22.8 Certificate of Compliance:

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

22.8.2 An Officer shall issue a certificate of compliance to an owner who requests such a certificate and who pays the fee set out in the General Fees and Rates By-law, after inspection of the

property, the Officer is of the opinion that the property complies with this by-law.

23.0 Emergency Powers:

- 23.1 Notwithstanding any other provisions of this By-law, if upon inspection of a property, the Officer is satisfied there is a non-conformity with the standards prescribed in the By-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.
- 23.2 After making an order under Section 22.3, either the Officer may before or after the order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger and for this purpose, the Town has the right, through its servants and agents to enter upon the property from time to time.
- 23.3 The Officer, Town or anyone acting on behalf of the Town is not liable to compensate the owners, occupant or any other person by reason of anything done by or on behalf of the Town in a reasonable exercise of its power under Section 22.3.
- 23.4 Where an Order was not served before measures were taken by the Officer to terminate the danger, the Officer shall forthwith after the measures have been taken, serve or send copies of the order in accordance with Section 22.3 and each copy shall have a statement by the Officer describing the measures taken by the Corporation and providing details of the amount expended in taking the measures.
- 23.5 Where the Order was served before, the measures were taken, the Officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in Section 23.4 on the owner of the property and all persons mentioned Section 22.3.

24.0 Offences and Penalty:

- 24.1 It is an offence to contravene any provision of this By-law or any order made under this By-law.
- 24.2 Each day or part of a day that a person contravenes any provision of this by-law constitutes a separate offence.
- 24.3 Any individual who contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine pursuant to the Provincial Offences Act as follows:
 - 24.3.1 A minimum fine of five hundred dollars (\$500), to a maximum fine of ten thousand dollars (\$10,000).
 - 24.3.2 Any corporation that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a minimum fine of five hundred dollars (\$500), to a maximum of ten thousand dollars (\$10,000).
- 24.4 In addition to all other fees/fines, the Town may impose actual costs plus an administration fee as set out in the General Fees and Rates By-law.
- 24.5 All costs incurred by the Town to remedy a contravention of this by-law as provided for herein, including the storage of any item, shall be due within 30 days from the date of an invoice delivered by the Town.
- 24.6 All fees including any interest thereon and due to the Town in accordance with this By-law may be added to the tax roll of the real

property owned by the person(s) that incurred the fees arising from the remedy of the contravention and collected in like manner as municipal taxes.

24.7 The Town shall not be liable to the owner, any other person by reason of any work conducted, the storage of any item, or any other loss during the exercise of the powers contained within this By-law.

25.0 Repeal:

25.1 Any prior property standards by-law is hereby repealed.

26.0 Effective Date:

26.1 This by-law shall come into effect on the date of passing, thereof.

27.0 Title of By-law:

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

READ A FIRST TIME THIS 15th DAY OF MARCH, 2011.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

READ A SECOND TIME THIS 05th DAY OF APRIL, 2011.



Mayor, Erika Demchuk




Clerk, Bonnie Dingwall

READ A THIRD TIME, PASSED, SIGNED, AND SEALED WITH THE CORPORATE SEAL THIS 19th DAY OF APRIL, 2011



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall