

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW NO. 2013-23

Being a By-law to Establish Standards for the maintenance and occupancy of buildings and property in the Township of Perry

WHEREAS the Council of the Township of Perry 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 BE IT RESOLVED THAT the Council of the Corporation of the Township of Perry 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 Perry.

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 Perry except in conformity with the provisions of this By-law.

1.4 General Obligations

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.

1.4.1 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;

1.4.2 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, c.23 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 thereof, and
- b) included a detached private garage, detached carport, boathouse or detached deck.

- 2.2 **“Approved”** means as applied to grade, material device or method of construction, approved by the By-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.
- 2.3 **“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 storey.
- 2.4 **“Bathroom”** means a room consisting of at least one fully operational water closet, wash basin, and a bathtub or suitable shower unit. Every wash basin, 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.
- 2.5 **“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, c. 23 as amended, but does not include any vehicle as defined herein.
- 2.6 **“B.E.O.”** means By-law Enforcement Officer appointed by Council and Charged with the duty of enforcing the provisions of this By-law, other related By-laws and an amendments thereto.
- 2.7 **“Cabin”** means a “cottage” as defined in this By-law.
- 2.8 **“C.B.O.”** means Certified Building Official appointed by The Council and charged with the duty of enforcing the provisions of the Ontario Building Code Act S.O.1992, c.23 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 Building code Act, S.O. 1992, c.23
- 2.10 **“Community”** means a group of people with common interests living together within the Township of Perry.
- 2.11 **“Complainant”** means the party being a resident, ratepayer or an individual who resides in close proximity of the Township of Perry who submits the complaint in writing to the Municipal Office on the prescribed form.
- 2.12 **“Corporation”** means the Corporation of the Township of Perry.
- 2.13 **“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 as a principal residence or as a year-round permanent dwelling.
- 2.14 **“Derelict Vehicle”** means a motor vehicle that by reason of its age, appearance, mechanical condition or lack of current license plates is inoperative.
- 2.15 **“Dwelling”** means a building, structure or part thereof, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation continuously, permanently, temporarily or transiently.

- 2.16 **“Dwelling Unit”** means
- (a) one room or a group of rooms in a building used to 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 a 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.
- 2.17 **“First Storey”** means the floor area of the lowest storey 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.
- 2.18 **“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.
- 2.19 **“Garbage” (1)** means 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. **(2)** does not include hazardous waste.
- 2.20 **“Good Repair”** means that a building, structure or appurtenance thereof including mechanical equipment shall be maintained in such a condition to be free from accident or fire hazards, not unsightly by reason of deterioration, damage or defacement.
- 2.21 **“Grade”** means
- (a) when used in reference to a building, the average elevations 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.
- 2.22 **“Guest Sleeping Cabin”** means a separate building of not more that 23 square meters (250) square feet) in floor area and not more than 4 .5 meters (15 feet) in height which contains no kitchen facilities or bathrooms or any waste or sewage treatment system and is not to be used for year-round human habitation.
- 2.22 **“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.
- 2.24 **“Hazardous Waste”** mean any toxic material as defined by Reg. 347.
- 2.25 **“Landscaped Open Space”** means
- (a) an area not build 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.
- 2.26 **"Maintenance"** means the preservations of and care for a property and building.
- 2.27 **"Means of Egress"** means a continuous, unobstructed path a 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 throughfare or an approved area of refuge usually located outside the building.
- 2.28 **"Multiple Dwelling"** means a building containing two or more dwelling units.
- 2.29 **"Municipality"** means the Corporation of the Township of Perry.
- 2.30 **"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.
- 2.31 **"Noxious Weeds"** means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990 or the latest amendments(s).
- 2.32 **"Occupant"** means any person or persons over the age of eighteen years in ownership or possession of the property.
- 2.33 **"Owner"** means the person, 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 person who would so receive the rent if such land and premises were let. The term shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair or maintain the property accordance with the standards for the maintenance and occupancy of the property.
- 2.34 **"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.
- 2.35 **"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.
- 2.36 **"Property Standard Officer"** means an inspector/officer appointed under Section 3(2) of the of the Ontario Building Code Act S.O. 1992, c. 23, as amended by the Council of the Township of Perry for the purpose of enforcing the Property Standards By-Law.
- 2.37 **"Repair"** means the making of additions or alterations or the taking of such actions as maybe required so that the property shall conform to the standards established in the By-law, and in conformity with all other legislation.
- 2.38 **"Residential Property"** means any land, building or structures used for human habitation, and includes all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 2.39 **"Rubbish"** means any combustible or noncombustible, discarded or waste material, except garbage and hazardous waste.
- 2.40 **"Service Room"** means any area within a dwelling that is not habitable room ie. washroom, laundry.

- 2.41 **“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.
- 2.42 **“Sewage System”** means a municipal sanitary sewage system, or a properly maintained and functioning private sewage system.
- 2.43 **“Standards”** means the standards of physical condition of occupancy prescribed for the property in this By-law.
- 2.44 **“Structurally Sound”** means construction capable of withstanding the forces placed upon the structure under normal use.
- 2.45 **“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.
- 2.46 **“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, 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, and shall not be occupied continuously or as a principal residence.
- 2.47 **“Vacated”** means a structure or property no longer occupied.
- 2.48 **“Vermin”** means small common harmful or objectionable animals that are difficult to control.
- 2.49 **“Waste or Waste of 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 or fuel 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;
 - (j) rubble, inert fill except loose soil, sand, or gravel.
- 2.50 **“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 and Property

3.1.1 Every yard, including vacant property, shall be kept clean and free from:

- (a) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (b) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (c) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (d) injurious insects, termites, rodents, vermin or other pests.

3.1.2 All property shall be kept free and clear of garbage, waste material, rubbish and other debris, objects and conditions that might create a health, fire or safety hazard.

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 No vehicle including a trailer or any part of such vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall be parked, stored or left outdoors **on any property** in the Township of Perry, with the following exceptions:

- (a) where a vehicle or trailer is being repaired by the owner for his or her own use,
- (b) where a vehicle or trailer is operable and is designed for off-road use by the manufacturer or M.T.O.. This includes farm and industrial equipment,
- (c) where a vehicle or trailer is normally licensed for only part of the year.

3.1.5 Additional vehicles or trailers not licensed or approved by the M.T.O. for off-road use must be stored in a safe, neat and orderly manner, not visible from the road or adjacent property owners, subject to the Corporation's Zoning and Wrecking Yard By-laws.

3.1.6 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.

3.1.7 Signs, posters, or similar forms of communicating or advertising when not prohibited by any other by-law of the Corporation, shall be free of painted slogans, graffiti or any profane language and notwithstanding the generality of the foregoing shall not include any slur or obnoxious comment or comments deemed offensive by a neighbour or the community.

3.2 Surface Conditions

Surface conditions of yards shall be maintained so as to:

- (a) prevent the long standing pooling or ponding of storm water; so as to prevent the stagnation of water and prevent the manifestation of mosquitoes,
- (c) prevent instability or erosion of soil;
- (d) prevent surface water run-off from entering basements;
- (e) not exhibit an unsightly appearance;
- (f) be kept free of garbage and refuse;
- (g) be kept free of deep ruts, holes and excavations;
- (h) provide for safe passage under normal use and weather conditions, day or night; and
- (i) 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 discarded into a sewage system. 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 Roof drainage shall not be discarded into sidewalks, stairs, or adjacent property.
- 3.3.4 Exterior property areas shall be graded and maintained to prevent ponding of water. Swales shall be installed and maintained, where necessary, to facilitate drainage and so as not to impede the natural flow of water.

3.4 Parking Area, Walks and Driveways

- 3.4.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of litter.
- 3.4.2 Steps, walks, driveways, parking spaces and other similar area 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.
- 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.

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 Guardrails

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 (42 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 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*.

3.8 Accessory Buildings, Fences, and Other Structures

3.8.1 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.

3.8.2 Accessory building, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material as determined by characteristics of local building.

3.9 Garbage Disposal

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

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

3.9.3 All garbage, waste material and ashes shall be disposed of in a manner acceptable to the local "Medical Health Officer" or the "Ministry of Environment".

3.9.4 Plants designated as noxious weeds and grasses must be controlled as specified by the "Ontario Weed Control Act".

SECTION 4: RESIDENTIAL STANDARDS

4.1 General Conditions

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

4.1.3 Accumulation or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

4.2 Compost Heaps

4.2.1 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is enclosed on all sides by concrete block, or lumber, or a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting and not greater than 2 cubic meters.

4.3 Pest Prevention

4.3.1 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*.

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

4.4 Basement

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

4.5 Foundations

Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to or to solid rock.

4.6 Windows and Doors

4.6.1 Windows, doors, skylights and basements or cellar hatchways shall be maintained in good repair, weather-tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and castings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

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

4.6.3 Solid core or metal clad doors shall be provided for all entrances to dwellings and dwelling units.

4.7 Roofs

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

4.7.2 The roofs of dwellings and accessory buildings shall be kept clear of hazardous accumulations of ice and snow, or both.

4.7.3 Where eavestroughing or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.8 Walls, Ceiling and Floors

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

4.9 Stairs, Porches and Balconies

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

4.10 Kitchens

Every year round permanent dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a suitable storage area of not less than 0.23 cubic meters (8 cubic feet);
- (d) a counter or work area at least 600 mm (24 inches) in width by 1,220 mm (48 inches) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable, and;
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

4.11 Toilet and Bathroom Facilities

- 4.11.1 Every year round permanent dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin, bathtub and shower shall have an adequate supply of hot and cold running water. Every water closet shall have a supply of running water.
- 4.11.2 Every required bathroom or toilet shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the person using said room.
- 4.11.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.
- 4.12.1 Each washbasin, bathtub or shower and at least one sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees Fahrenheit).
- 4.12.2 Every year round permanent dwelling unit shall be provided with an adequate supply of water.

- 4.12.3 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working conditions free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.12.4 All plumbing fixtures shall be connected to the sewage systems through water seal traps.
- 4.12.5 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbor germs or impede thorough cleaning.

4.13 Electrical Service

- 4.13.1 Every year round permanent dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 4.13.2 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwelling, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporation Act R.S.O. 1990, c. P.17*, as amended.
- 4.13.3 Every habitable room in a year round permanent dwelling 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 *Power Corporation Act R.S.O. 1990, c. P.17*. Extension cords shall not be used on a permanent basis.
- 4.13.4 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages, and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

4.14 Heating, Heating Systems, Chimneys and Vents

- 4.14.1 Every year round permanent 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 units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.14.2 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to CSA standards.
- 4.14.3 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a condition that meets or exceeds CSA standards, and in a convenient location so as to be free from fire or accident hazard.
- 4.14.4 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling that is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separation shall conform to the *Ontario Building Code Act R.S.O. 1992 c. 23*, as amended.
- 4.14.5. All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, chimney flue or other approved method.

4.14.6 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing joints, and the repair of loose or broken masonry units.

4.14.7 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

4.15 Exception

4.15.1 Exceptions to Sections 4.10; 4.11; 4.12 and 4.14 are cabins and hunting lodges. These dwellings will be evaluated on a case by case basis.

4.16 Fire Escapes, Alarms and Detectors

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

4.16.2 In addition to the provisions of Section 4.16.1 hereof in, in every dwelling unit in a building, listed smoke alarm approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed on each level and maintained in working condition by the owner between bedrooms at 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.

4.16.3 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 open able window or door.

4.17 Egress

4.17.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

4.17.2 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.

4.18 Natural Light

Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space for the admission of natural light.

4.19 Ventilation

4.19.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilations providing an unobstructed free flow of air at least 0.3 square meters (3 square feet), or an approved system of mechanical ventilation that provides adequate air exchanges.

4.19.2. All systems of mechanical ventilation shall be maintained in good working order.

4.19.3 All enclosed areas including basements, cellars, crawl spaces and attics of roof spaces shall be adequately vented.

4.20 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.

4.21 Occupancy Standards

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

4.21.2 Any basement or portion thereof, used as a dwelling 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 crawl space 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 of storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, as determined by the Property Standards Officer, the offensive area shall be suitably enclosed by a solid wall or a 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 describe 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 of enjoyment of neighbouring properties.

5.4 Structures

All structures shall be maintained to the standard as described in Sections 3.5, 3.6, 3.7 and 3.8 of this By-law.

5.5 Garbage Disposal

A central refuse storage collection area must be provided and maintained with all refuse enclosed in a dumpster or in a location screened with growing trees, hedges, fences, walls or combination thereof, in such manner as 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 and 3.8 of this By-law.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedure for the enforcement of the stands and shall be carried out according to the *Ontario Building Code Act 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 Perry.

7.2 Property Standards Committee

A Property Standards Committee shall be established as set out in the attached Terms of Reference, attached hereto as Schedule 'A'.

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-Compliance

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.

7.5 Notice of Violation

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

- 7.5.1 That the property does not comply with the standards prescribed by this By-law and shall specify that standards with which the property does not comply.
- 7.5.2 That after a certain date to be specified in the notice of non-compliance by the Officer, the property will be subject to re-inspection at which time the Officer may issue an Order.
- 7.5.3 That the Officer may be contacted for the purpose of requesting information and advice or report what action is being or will be taken to effect compliance with this By-law.

7.6 Appeal of Notice

All appeals shall follow the process as set out in the attached Terms of References for the Property Standards Committee.

SECTION 8: ENFORCEMENT

8.1 Enforcement on a Complaint Basis:

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

- 8.1.1 Each complaint must be in writing and shall be on the complaint form 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.

8.2.1 Power of Corporation to repair to demolish

If the owner or occupant of the property fails to repair or to 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;
- (c) 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 the provisions of this By-law or any part of thereof shall be guilty of an offence and, upon conviction, be liable to a penalty recoverable under the *Provincial Offences Act*.

SECTION 10: CERTIFICATE OF COMPLIANCE

10.1 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.

10.2 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 Perry as set out in the current tariff of fees By-law of the municipality.

SECTION 11: 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 12: VALIDITY

12.1 If an article of this By-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

12.2 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.

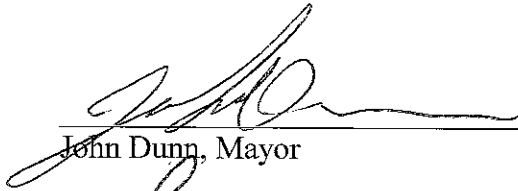
SECTION 13: REPEAL

THAT By-law 2006-13 is hereby repealed.

SECTION 14: EFFECTIVE DATE

THAT this By-law shall come into force and take effect on the day it is passed.

READ a First and Second Time this 15th day of May, 2013.

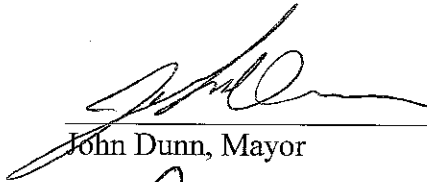


John Dunn, Mayor



Beth Morton, Clerk-Administrator

READ a Third and Final Time and Enacted in Open Council this 19th day of June, 2013.



John Dunn, Mayor



Beth Morton, Clerk-Administrator

SCHEDULE 'A'

TO BY-LAW 2013-23

TERMS OF REFERENCES

PROPERTY STANDARDS COMMITTEE

Established:

This Committee shall be established pursuant to section 15.6 of *the Ontario Building Code Act R.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 Perry 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 Perry 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, R.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 Perry 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 wage by-law for the municipality.
7. The Committee members will receive \$50.00 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/appeal.

Secretary

1. The secretary if 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 Perry 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 Informal Notice (if applicable)
- 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 witness 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.