

THE CORPORATION OF THE TOWN OF ENGLEHART

BY-LAW 2020-16

**A By-law to Prescribe Standards for Maintenance and Occupancy of Properties within the
Town of Englehart
(Maintenance and Occupancy Property Standards By-Law)**

WHEREAS under Section 15.1(3) of the *Building Code Act*, SO 1992, c.23, a By-law may be passed by the 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 conditions;

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

AND WHEREAS the Council of the Town of Englehart is desirous of passing a By-law under Section 15.1(3) of the *Building Code Act*, SO 1992, c.23;

AND WHEREAS Section 15.6(1) of the *Building Code Act*, SO 1992, c. 23 requires that a By-law passed under Section 15, 1(3) of the *Building Code Act*, SO 1992, c. 23 shall provide for the establishment of a Property Standards Committee;

That this by-law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED THIS 9TH DAY OF
DECEMBER 2020.**

MAYOR

CLERK

Part 1 – General Provision

1.1. Short Title

This By-law shall be cited as the “Maintenance and Occupancy Property Standards By-law”.

1.2. Scope

The provisions of this By-law shall apply to all property within the geographic limits of the Town, except where otherwise provided

1.3. Enforcement

This By-law shall be enforced by a By-Law Enforcement Officer.

1.4. Conflicts with other by-laws

Where provisions of the By-law conflict with a provision of another by-law in force in the Town, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well being of the *municipality*, shall prevail to the extent of the conflict.

Part 2 - Definitions

Definitions of words and phrases used in this by-law that are not included in the list of definitions in this Part shall have the meanings as defined in the *Building Code Act* and/or Article 1.4.1.2 of Division A of the *Ontario Building Code* where so provided, and otherwise the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words and phrases defined in this section have the following meaning for the purposes of this By-law:

- 2.1. Accessory Building** means a detached *building* or structure, not used for human habitation, that is naturally and normally incidental and subordinate to the primary use of the *building* or structure located on the same *property*.
- 2.2. Apartment Buildings** means a *building* containing two or more *dwelling units* which have interior access to each other or which share a common access to exit, or common exit through an internal or exterior corridor system, lobby or stair and includes all such buildings whether under single ownership or condominium tenure.
- 2.3. Approved** means approved by the By-Law Enforcement Officer.
- 2.4. Barrier-Free** means that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.
- 2.5. Basement** means one or more *storeys* of a *building* located below the *first storey*.
- 2.6. Building** means “building” as defined in the *Building Code Act*.
- 2.7. Building Code Act** means the Building Code Act, S.O. 1992, c.23, as amended.
- 2.8. Town** means the Town of Englehart.
- 2.9. Common Area(s)** means those areas of a *building*, on a *Residential Use Property* that are not located within a *dwelling unit*, which are accessible to and for the use of the occupants of the *building* and or the public, and includes, but is not limited to; interior and exterior stairs, stairways, fire escapes, corridors, hallways, landings, decks, platforms, mezzanines, lobbies, laundry rooms, garbage rooms, exercise rooms, recreational rooms, and *toilet rooms*.
- 2.10. Council** means the *Council* of the Town of Englehart.

- 2.11. Development Lot** means all privately owned *property* located in any zone as prescribed in the Zoning By-law(s) currently in effect in the Town of Englehart and amendments thereto.
- 2.12. Dwelling Unit** means a *suite* within a *building* on *residential use property* operated as a housekeeping unit, used or intended to be used as a domicile by one or more *persons* and usually contains cooking, eating, living, sleeping, and sanitary facilities.
- 2.13. Exterior Envelope** means those parts of a *building* normally exposed to the elements and the effects of the sun, rain, snow and wind including the walls, roofs, soffits, fascia, gable ends, windows, doors and portions of the foundation located above grade.
- 2.14. First Storey** means the *storey* with its floor closest to grade and having its ceiling more than 1.8 metres (5 ft 11 in) above grade.
- 2.15. Guard** means a protective barrier around openings in a floor, or at the open side or sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another.
- 2.16. Means of Egress** includes exits and access to exits and means a continuous path of travel provided for the escape of *persons* from any point in a *building* or in a contained open space to,
- (a) a separate *building*,
 - (b) an open public thoroughfare, or
 - (c) an exterior open space that is protected from fire exposure from the *building* and that has access to an open public thoroughfare
- 2.17. Non-residential Use Property** means a *property* on which there are no *buildings* or structures that contain a *dwelling unit*, or on which no *buildings* or structures could lawfully be constructed that contain a *dwelling unit*, other than as permitted in *Industrial Zones*,
- and includes the lands and premises and *accessory buildings*, structures, fences or erections thereon or therein.
- 2.18. Ontario Building Code** means O. Reg 332/12 made under the Building Code Act, S.O. 1992, c.23 and amendments thereto.
- 2.19. Owner** shall mean and include:
- (a) the *person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the *person's* own account or as agent or trustee of any other *person*, or who would so receive the rent if such land and premise were let, and
 - (b) 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*.
- 2.20. Officer** means a By-Law Enforcement Officer.
- 2.21. Pesticides Act** means the Pesticides Act, R.S.O. 1990 c. p. 11
- 2.22. Person** means an individual, firm or corporation.
- 2.23. Property Standards Committee** means the Committee established pursuant to Section 15.6 of the *Building Code Act*.
- 2.24. By-Law Enforcement Officer** means the *person* or *persons* duly appointed by *Council* as By-Law Enforcement Officer.
- 2.25. Property** means the area of land as further defined in this bylaw as *Residential Use Property*, *Non-Residential Use Property* and/or *Vacant Property*.
- 2.26. Residential Use Property** means a *property* on which a *building* is located, or on which a *building* could lawfully be constructed for use as a dwelling unit(s) for one or more persons, but does not include medical or correctional institutions or facilities, and encompasses any lands and *accessory buildings* and all stairways, walkways, driveways, parking spaces, and fences associated with the *building* and its *yard*.

2.27. Standards means the minimum standards of the physical condition of a *building* to allow occupancy as prescribed for in this Bylaw.

2.28. Story means the portion of a building,

- (a) that is situated between the top of any floor and the top of the floor next above it, or
- (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

2.29. Suite means a single room or a series of rooms of complimentary use, operated under a single tenancy, and includes,

- (a) *dwelling units*,
- (b) individual guest rooms in motels, hotels, boarding and rooming houses and dormitories, and
- (c) individual stores and individual or complimentary rooms for business and personnel services occupancies

2.30. Temporary Shelter means a non-permanent commercially prefabricated accessory structure that is designed to provide shelter to a vehicle and is designed to be easily dismantled or removed.

2.31. Toilet Room means a room containing a toilet and a wash basin.

2.32. Undeveloped Property means land that is not a *Developed Lot*.

2.33. Vehicle means an automobile, motor vehicle, all terrain vehicle, bicycle, bus, farm tractor, truck, trailer, traction engine, motorcycle, motorized snow vehicle, road-building machine.

2.34. Vacant Property means the area of land situated between the lot lines of a lot, on which there are no *buildings* or structures, or portions thereof currently constructed or situated.

2.35. Yard means vacant land on *developed lots* and areas of land on *developed lots* between the exterior wall of any *buildings* or structures that are located on the lot, and the lot lines of said lot.

2.36. Zone(s) means a designated area of land use as prescribed in the Zoning By-law(s) currently in effect in the Town of Englehart and amendments thereto.

Part 3 – Residential Standard

3.1. General conditions for the exterior envelope and the common areas of residential use property.

Every *owner* of a *building* on a *residential use property* shall maintain the *exterior envelope* and the *common areas* of the *buildings* located on the property in accordance with this Part. Outside property and land is to be kept in a clean and clear condition and owners must adhere to Clean Yard By-Law # 2014-20.

3.2. Pest Prevention

3.2.1. Openings in the *exterior envelope* of *buildings* on *residential use property* that may permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

3.2.2. *Buildings* on *residential use property* shall be kept reasonably free of rodents, vermin and insects at all times.

3.3. Structural Soundness

3.3.1. *Buildings* on *residential use property* shall be maintained in a structurally sound condition so as to be capable of withstanding the live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

3.3.2. Foundation walls supporting *buildings on residential use property* 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, and the installation of sub soil drains at the footing level, grouting masonry cracks, and the damp proofing and waterproofing of walls and floors where necessary.

3.4. Exterior Envelope

The *exterior envelope of buildings on residential use property*, including siding or cladding, masonry, soffits, fascia, and trim components shall be maintained in good repair, free from loose or improperly secured objects or materials. Paint or other suitable preservatives or coatings must be applied where necessary so as to prevent deterioration due to weather conditions, insects or other hazards.

3.5. Window and Doors

3.5.1. Windows, doors, skylights, and *basement hatchways* in the *exterior envelope of buildings on residential use property* shall be maintained in good repair, weather tight and draught free, so as to prevent heat loss and infiltration by the elements. Maintenance includes painting, and the repair or replacement of damaged doors, door frames, window frames and sashes, and the replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

3.5.2. Windows and doors in a required *means of egress* shall be equipped with hardware that can be readily opened from the interior without keys, special devices or special knowledge and shall be maintained in operable condition.

3.5.3. Doors between the *common areas of buildings* and individual *suites* shall be equipped with dead bolt type locking device with a minimum 1-inch bolt throw.

3.5.4. Where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed

between individual *dwelling units* and a secured entrance area, the said system shall be maintained in good working order at all times.

3.5.5. All windows located above the second story in the *exterior envelope of a building on residential use property* that have a sill height less than 1000 mm (3 ft 3 in) from the adjacent floor level shall be equipped with an *approved* safety device that prevents any part of the window from being opened to a position that would permit the passage of a 100 mm diameter (4 inches) sphere, or the window shall be protected by a *guard* described in Section 3.8 of this by-law.

3.5.6. Notwithstanding Section 3.5.5, where an exterior balcony is constructed the full length of the window and this balcony is equipped with an *approved* guard system, the safety device described in section 3.5.5 need not be installed on the window.

3.6. Roofs

3.6.1. Roofs and their components on *buildings on a residential use property* shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

3.6.2. Roofs shall be kept clear of accumulations of ice or snow where such accumulations could result in hazard as a result of the ice or snow falling from the roof or could affect the structural integrity of the *building*.

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

3.7. Interior Walls, Ceilings and Floors

Every wall, ceiling and floor in the *common area* of a *building* on a *residential use property* shall be maintained so as to provide a continuous surface free from excessive holes, cracks, loose coverings or other defects and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

3.8. Interior and Exterior Stairs, Porches, Balconies, Landings, Mezzanines and Fire Escapes

Every stair, porch, balcony, landing, mezzanine and fire escape located in the *common area* or on the *exterior envelope* of a *building* on a *residential use property* shall be maintained in good repair and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

3.9. Guards

3.9.1. Roofs shall be kept clear of accumulations of ice or snow where such accumulations could result in hazard as a result of the ice or snow falling from the roof, or could Every open side of a flight of steps, ramp, porch, balcony, landing, mezzanine or fire escape that is located in the common area or on the exterior envelope of a building on a residential use property, in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a guard in conformance with the Ontario Building Code.

3.9.2. Notwithstanding Sections 3.9.1 existing guards are acceptable, unless considered unsafe by the Property Standards Officer.

3.10. Handrails

3.10.1. Every ramp, and stairway with 3 risers or more in the *common area* and *exterior envelope* of a *building* on a *residential use property*, shall have a handrail on at least one side, and where 1.5 metre (59 in) or more in width, shall have handrails on both sides. Handrails shall be constructed in conformance with the Ontario Building Code

3.10.2. Notwithstanding Sections 3.10.1 existing handrails are acceptable, unless considered unsafe by the *Property Standards Officer*.

3.11. Electrical Service

Every *building* on a *residential use property* that has access to hydro shall be wired for electricity and shall be connected to an approved electrical supply system unless it can be shown that an alternate method of supply is being provided. The electrical wiring, fixtures, switches, receptacles, and appliances located or used in a *building* in a *residential use property* shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards and in conformity with the Ontario Electrical Safety Authority.

3.12. Lighting

3.12.1. An electrical light fixture shall be installed in *common areas* of *building* on a *residential use property*, including but not limited to storage rooms, service rooms, laundry rooms, service hallways, stairways, recreation rooms and public *toilet rooms*.

3.12.2. Lighting fixtures and appliances installed in *common areas* of *building* on a *residential use property* shall provide an adequate illumination level at the floor or tread level and at angles and intersections and changes of level where there are stairs or ramps.

3.12.3. Notwithstanding Sections 3.12.2 existing lighting fixtures are acceptable, where *approved* by the *Property Standards Officer*.

3.13. Heating, Heating Systems

- 3.13.1. The *common area* of a *building* on a *residential use property* located within the interior of the *exterior envelope* shall be provided with a heating system and those areas shall be maintained with a minimum ambient temperature of 18⁰ C (64⁰ F.).
- 3.13.2. Notwithstanding Section 3.13.1, the minimum ambient temperature requirement does not apply to storage rooms, service rooms or recreation rooms.

3.14. Elevating Devices

Required elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems in the *common areas* of a *building* on a *residential use property* shall at all times be in good condition, operational and maintained.

3.15. Disconnected Utilities

Owners of *residential use property* 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 the *common area* of a *building* on an occupied *residential use property*, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

Part 4 – Non-Residential Use Property Standards

4.1. Structural Soundness

Every part of a *building* or structure on a *non-residential use property* shall be maintained in a sound condition so as to be capable of withstanding the anticipated live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed under normal use, having a level of safety required by the *Ontario Building Code*. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

4.2. Exterior Walls

Exterior walls and their components on a *building* on *non-residential use property*, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim and shall be free of unauthorized signs that would require a building permit. 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.

4.3. Roofs

- 4.3.1. Roofs and their components on *buildings* on *non-residential use property* shall be maintained in a weather tight condition, free from loose or unsecured objects or material and shall be kept clear of accumulations of ice or snow where such accumulation may have a detrimental effect on the structural integrity of the building or where such accumulations otherwise creates a hazard.
- 4.3.2. Where eaves trough or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.4. Guards

- 4.4.1. Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located on the exterior or interior of a *building* on a *non-residential use property*, and in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1in 2, shall be protected by a *guard* constructed to the *standards* as described the Ontario Building Code.

4.4.2. Notwithstanding Section 4.4.1, if it can be shown that children will unlikely be present except under strict supervision, guards in a *building* of Industrial Occupancy may be built with openings that will prevent a spherical object having a diameter of 200 mm (7-7/8 inches) from passing through it.

4.4.3. Notwithstanding Section 4.4.1, if it can be shown that children will unlikely be present except under strict supervision, guards in a *building on a non-residential use property* are not required at loading docks, maintenance pits or at such locations where the

presence of the guard would detrimental to the functionality of the business currently operating in the *building*.

4.5. Handrails

4.5.1. Every ramp, and stairways with 3 risers or more in a *building on a non-residential use property*, shall have a handrail on at least one side, and where 1.5 metre (59 inches) or more in width, shall have handrails on both sides. Such handrails shall be constructed to the standards as described in the Ontario Building Code.

4.5.2. Notwithstanding Sections 4.5.1 existing handrails are acceptable, unless considered unsafe by the *Property Standards Officer*.

4.6. Lighting

4.6.1. Every *building on a non-residential use property* shall have sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

4.6.2. Notwithstanding Section 4.6.1, interior or exterior lighting on *non-residential use property* shall not be positioned or directed in manner that causes any impairment of use or enjoyment of neighbouring properties or causes a hazard to pedestrian or vehicular traffic on public streets, highways, or pedestrian walkways.

Part 5 – Interior Residential Property Maintenance

In addition to the standards, obligations and requirements of this by-law, Sections 5.1 through 5.13 shall apply to all residential properties in the municipality.

5.1 Security

5.1.1 All operable windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.

5.1.2 All exterior doors to a dwelling unit shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space.

5.1.3 Solid core or equivalent exterior type doors shall be provided for all entrances to dwellings and dwelling units.

5.1.4 The owner of a dwelling or multiple dwelling, upon the written request of an occupant of the dwelling units in which children under the age of ten years are occupants, shall subject to Section 5.1.5 below, provide and install a protective device on any window that,

(a) has a moveable sash, and

(b) is more than 2.0 metres (6 feet 3 inches) above adjacent finished ground level.

5.1.5 The protective device shall be installed within seven (7) days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, unless that such person and the occupant giving notice agree that the protective device is not required on every such window that meets the requirements of Section 5.1.4 above.

5.1.6 The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 millimetres (4 inches).

5.2 Water

5.2.1 Every dwelling shall be provided with a supply of potable water from at least one of the following sources:

- (a) Municipal Water System;
- (b) Communal Water System; or
- (c) Private Source

5.2.2 For the purpose of this by-law, hot water shall be supplied at a temperature of not less than 43° Celsius (100° Fahrenheit) and not more than 49° Celsius (120° Fahrenheit) other than for installed dishwashers or clothes washers

5.3 Kitchen and Washroom Facilities

5.3.1 Every dwelling unit shall contain plumbing fixtures in operative condition, consisting of a minimum of:

- (a) one kitchen sink;
- (b) one water closet;
- (c) one hand wash basin; and
- (d) one bathtub or shower

5.3.2 The walls to a minimum height of 900 mm (3 feet) above the bathtub rim in every washroom is to be maintained as to be water-resistant and readily cleaned.

5.3.3 All washrooms and toilet rooms shall be located within and accessible from within the building.

5.3.4 All washrooms and toilet rooms shall be fully enclosed so as to provide privacy for the occupant.

5.3.5 A hand wash basin shall be located in the same room as each toilet or in an adjoining washroom except that no sink in a kitchen shall be considered a hand wash basin for the purpose of this Part.

5.3.6 Where toilet, kitchen or washroom facilities are shared by the occupants of residential accommodation, 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. The minimum number of toilets, kitchens or washrooms required shall be in accordance with the Ontario Building Code.

5.3.7 Every washroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good work order.

5.3.8 No toilet or urinal shall be located within a bedroom or kitchen.

5.4 Kitchen Facilities

5.4.1 Every dwelling unit shall be provided with a kitchen.

5.4.2 The kitchen provided for in Section 5.4.1 shall:

- (a) be equipped with a sink that:
 - i) is provided with a potable cold and hot water supply; and
 - ii) is maintained in a state of good repair; iii) has a back splash which is water & grease resistant

- (b) be equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking surface;
- (c) when equipped with a refrigerator, cooking surface, or kitchen fixtures, such appliances or fixtures shall be maintained in working order;
- (d) has a clear space above any exposed cooking surface of a cooking apparatus of at least 610 mm (24 inches).

5.5 Electrical Services

5.5.1 Where electrical services are available, every suite and dwelling unit shall be:

- (a) connected to an electrical supply system; and
- (b) wired to receive electricity.

5.5.2 An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

5.6 Ventilation

In every dwelling unit, all habitable rooms, washrooms and toilet rooms shall have adequate ventilation, either natural or mechanical to maintain a healthy environment.

5.7 Garages

Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

5.8 Egress

5.8.1 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.

5.8.2 Each dwelling and every building containing more than one dwelling unit shall have at least two (2) exits. 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 through a room or means of egress that has unrestricted access to the occupants of the dwelling unit.

5.9 Elevators

A building containing one or more dwelling units and more than three storeys in height and which has an elevator or elevators for the use of tenants shall have at least one elevator maintained and operable except for such reasonable time as may be required for repair or replacement.

5.10 Pest Control

5.10.1 Every dwelling, multiple dwelling and dwelling unit shall be kept free of infestation by pest(s).

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

5.11 Interior Structure and Floors

5.11.1 Every structural component in every building, shall be of sound material and adequate for the load to which they are subjected.

5.11.2 Every floor shall be level and free of excessive holes and maintained to be safe, such defective floors shall be repaired or replaced.

5.11.3 Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that may create an unsafe condition, the sheet or other flooring shall be repaired or replaced.

5.11.4 Every wall and ceiling shall be maintained in a condition free from excessive holes, open cracks, loose covering or other substantial defects. Walls surrounding showers and bathtubs shall be impervious to water.

5.11.5 Where fire resistant walls, doors and/or floors exist between separate dwelling units, they shall be maintained in a condition, which maintains their fire-resistant quality.

5.12 Plumbing System

5.12.1 The plumbing system in every building shall be maintained in good working order and free from leaks and defects.

5.12.2 All water pipes and appurtenances thereto shall be protected from freezing.

5.12.3 All plumbing fixtures shall be connected to a sewage system shall be protected by a P trap.

5.13 Heating System

5.13.1 Except for spaces exempted by the Ontario Building Code, a heating system shall be installed in every building or dwelling that is capable of supplying during normal hours of occupancy sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) at the outside design temperature specified in the Ontario Building Code.

5.13.2 For the purposes of Section 5.13.1, heat shall be provided and maintained so that the room temperature at 1.5 metres (5 feet) above floor level and 1 metre (39 inches) from exterior walls in all habitable rooms and in any area intended for use by occupants including washrooms, and laundry rooms but excluding sun rooms, locker rooms and garages, is capable of maintaining 20° Celsius (68° Fahrenheit).

5.13.3 A fuel fired heating appliance shall not be located in corridors, hallways or other means of egress.

5.13.4 Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.

5.13.5 All fuel burning appliances, equipment and accessories to such appliances and equipment, in a dwelling shall be installed and maintained to the standards provided by the applicable legislation.

5.14 Exemption

5.14.1 This by-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.

5.14.2 This by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the most current version of the Farming and Food Production Protection Act, from performing day to day operations.

5.15 Reporting of Section 5

5.15.1 Any persons reporting inadequate property maintenance standards covered by sections 5.1 through 5.14, must be:

- (a) A resident of the dwelling unit or property the concern applies to; or
- (b) an agent acting directly on the behalf of a resident of the dwelling unit

5.15.2 Except in the case of immediate life safety concerns, before provisions of Section 5 of this by-law are enforced all issues shall be reported in writing to the property owner or agent, and a reasonable amount of time be given to allow necessary repairs.

Part 6 – Administration and Penalty

6.1 Property Standards Committee

Council shall pass a by-law to provide for the establishment of a *property standards committee*, composed of such *persons*, not fewer than three, as the *council* considers advisable to hold office for such term and on such conditions as the by-law may establish.

6.2 Duty of Property Standards Committee

The *property standards committee* shall hear appeals.

6.3 Powers of Property Standards Committee

On an appeal, the property standards committee has all the powers and functions of the *officer* who made the order and the *property standards committee* may do any of the following things if, in the *property standards committee's* opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order.

6.4 Filling of Vacancies

The *council* shall forthwith fill any vacancy that occurs in the membership of the *property standards committee*.

6.5 Chair

The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the *property standards committee* may appoint another member as acting chair.

6.6 Quorum

Where a *property standards committee* is composed of three members, two members constitute a quorum, and where a *property standards committee* is composed of more than three members, three members constitute a quorum.

6.7 Secretary

The members shall provide for a secretary for the *property standards committee*.

6.8 Duty of Secretary

The secretary shall keep on file the records of all official business of the *property standards committee*, including records of all applications and minutes of all decisions respecting those applications.

6.9 Rules of Procedure and Oaths

The *property standards committee* may, subject to subsection 6.10, adopt its own rules of procedure and any member may administer oaths.

6.10 Where Property Standards Committee Required to Give Notice

The *property standards committee* shall give notice or direct that notice be given of the hearing of an appeal to such *person* as the *property standards committee* considers advisable.

6.11 Compliance

6.11.1 The *owner* of any *property* that does not conform to the standards as set out in this By-law shall repair and /or maintain said *property* to comply with the standards or the *property* shall be cleared of all *buildings*, structures, debris or refuse and left in a levelled and graded condition.

6.11.2 Where any *person* fails to comply with an order issued, the municipality may cause the required work to be done at the cost of the *person*. The cost of such work may be

recovered by action, or by adding the cost to the tax roll and collecting it in the same manner as property taxes.

6.13 Informal Notice

The form for use as an "INFORMAL NOTICE" shall be as laid out in Appendix 02 to this Schedule. A fifty dollar (**\$50.00**) administrative fee shall accompany the issuance of an "Informal Notice".

6.14 Orders

6.14.1 Where an "Informal Notice" has been provided, an "Order to Remedy Violation of Property Standards" issued pursuant to Section 15.2-(2) of the Building Code Act shall be as laid out in Appendix 03 to this Schedule. A one hundred dollar (**\$100.00**) administrative fee shall accompany the issuance of an "Order to Remedy Violation of Property Standards".

6.14.2 Where no "Informal Notice" has been provided an, "Order to Remedy Violation of Property Standards" issued pursuant to Section 15.2-(2) of the Building Code Act shall be as laid out in Appendix 04 to this Schedule. A one hundred dollar (**\$100.00**) administrative fee shall accompany the issuance of an "Order to Remedy Violation of Property Standards".

6.15 Appeal of Order

6.15.1 Every person who initiates an appeal of an Order made under section 15.2-(2) of the *Ontario Building Code Act, S.O. 1992, c23*, shall submit a "Notice of Appeal" in the time frame and in the manner as prescribed in section 15.3-(1) of the *Act*. All "Notice of Appeals" shall be accompanied by a non-refundable payment of fifty dollars (**\$50.00**).

6.15.2 A "Notice of Appeal to the Property Standards Committee" issued pursuant to Section 15.3- (1) of the *Building Code Act* shall be as laid out in Appendix 05 to this Schedule.

6.16 Certificate of Compliance

6.16.1 Where an *Officer* has inspected a *property* and is of the opinion that the *property* is in compliance with the standards established in this By-law, he may issue a Certificate of Compliance to the *owner*.

6.16.2 An *Officer* shall issue a Certificate of Compliance to the *owner* of a property who has requested one, where the *Officer* has inspected the *property* and is of the opinion that the *property* is in compliance with the standards established in this By-law, and the *owner* has paid the fee set by *Council* pursuant to Section 15.5-(3) of the *Building Code Act*.

6.16.3 The fee for issuance of a Certificate of Compliance with the standards established in this By-law shall be One Hundred and Fifty Dollars (**\$150.00**).

6.17 Fees for Service / Activity

Fees associated with this by-law shall be as set out in Appendix 01 to this Schedule.

6.18 Penalty

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

6.19 Validity

It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the *Council* to enact, such section or sections or parts thereof shall be deemed to be severable and that all sections or parts of this by-law are separate and independent from the other and enacted as such.

Appendix 01

Service or Activity	Fee
<p>Appeal of Order The fee for a notice of appeal shall be:</p>	<p>Fifty Dollars (\$50.00)</p>
<p>Informal Notice Upon receipt of an Informal Notice, the <i>owner</i> who has been served with the Informal Notice, shall pay and administration fee of:</p>	<p>Fifty Dollars (\$50.00)</p>
<p>Order to Remedy Violations Upon receipt of an Order, the <i>owner</i> who has been served with the Order, shall pay and administration fee of:</p>	<p>One Hundred Dollars (\$100.00)</p>
<p>Inspections where <i>owner</i> fails to comply with an Order <i>Owners</i>, who fail to comply with a confirmed Order, shall pay an inspection fee of: for each additional inspection conducted to determine if contraventions observed on an initial inspection have been corrected:</p>	<p>Fifty Dollars per Inspection (\$50.00/inspection)</p>
<p>Certificate of Compliance The fee for issuance of a Certificate of Compliance with the standards established in this By-law by an <i>Officer</i> shall be:</p>	<p>One Hundred and Fifty Dollars (\$150.00).</p>

Appendix 02



ENGLEHART - ONTARIO

Roll No.: 54-18- _____ - _____ - _____

Corporation of the Town of Englehart

Informal Notice

Date: _____

Owner's Name and Address

Dear Sir/ Madam:

Re: *Description and Location of Property in Violation*

Be advised that on **(insert date of inspection)** an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law No. 2020-

Schedule "A", attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-law. As per Appendix 01 a fifty dollar **(\$50.00)** administrative fee shall accompany the issuance of an Informal Notice.

Be advised that **By-law No. 2020-** gives the municipality the authority to issue an **Order to Remedy Violation** pursuant to Section 15.2-(2), Ontario Building Code Act, S.O. 1992, c.23. As per Appendix 1 a one hundred dollar **(\$100.00)** administrative fee shall accompany the issuance of an **Order to Remedy Violation**.

It is desired that you will comply with this Informal Notice so that the aforementioned procedural step will not be necessary.

A follow-up inspection of this property will take place on or about **(insert date)** to ascertain compliance.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer



ENGLEHART - ONTARIO

Corporation of the Town of Englehart

Order to Remedy Violation of Property Standards

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

Date: _____

Owner's Name and Address

Dear Sir/ Madam:

Re: *Description and Location of Property in Violation*

Whereas on *(insert date)* you were served with an **Informal Notice** that required you to remedy certain violations of property standards at your property, described above.

And whereas you have failed to remedy the noted violation(s) as set out in **Schedule "A"**, attached hereto and which forms part of this **Order**. As per Appendix 1, a one hundred dollar **(\$100.00)** administrative fee shall accompany the issuance of an **Order to Remedy Violation**.

Therefore, it is hereby charged that the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Maintenance and Occupancy Property Standards By-law No. 2020- on or before *(insert date)*.

Take Notice that if such violations are not remedied within the time specified in this **Order**, the municipality may correct such violations at the expense of the owner.

Appeal to Property Standards Committee

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, the owner or occupant may appeal to the committee by sending 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. **All Notices of Appeal shall be accompanied by a non-refundable payment of fifty dollars (\$50.00).**

Final date for Appeal: _____

Property Standards Officer



ENGLEHART - ONTARIO

Corporation of the Town of Englehart

Notice of Appeal to Property Standards Committee

Pursuant to Section 15.3- (1) of the Ontario Building Code Act

Date: _____

To the Secretary
Property Standards Committee
Corporation of the Town of Englehart
P.O. Box 399
Englehart, ON
P0J 1H0

RE: Order to Remedy Violation of Property Standards at:

Description and Location of Property in Violation: _____

Take Notice of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above referenced order to remedy violation of property standards served upon the undersigned.

Name (Owner or Agent): _____

Address: _____

Telephone Number: _____

Appeal to Property Standards Committee

An owner or occupant who has been served with an order made under *The Building Code Act*, S.O. 1992, Chapter 23, Section 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. **All Notices of Appeal shall be accompanied by a non-refundable payment of fifty dollars (\$50.00).**

Signature of Owner or Authorized Agent



ENGLEHART - ONTARIO

Certificate of Compliance

(insert Civic Address)

Roll No. 54-54-_____-_____-_____._____

On _____ an inspection was conducted at the above noted property. At the time of the inspection, the property was in compliance with the standards established in The Town of Englehart Maintenance and Occupancy Property Standards By-Law No. 2020-.

Dated this _____ day of _____, 20____.

The Corporation of the Town of Englehart

Property Standards Committee

Rules of Procedure To Govern the Proceeding of the Town of Englehart *Property Standards Committee*

Background

To enforce the By-law, Town Council has approved the hiring of staff to investigate complaints and to require substandard properties to be brought into compliance.

In accordance with the Building Code Act a By-Law Enforcement Officer who finds a contravention of the By-law can issue an order to the owner of the property and such other persons affected by it.

An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a NOTICE OF APPEAL by registered mail to the secretary of the Committee within 14 days after being served the order.

An order that is not appealed within the time referred to above shall be deemed to be confirmed. This document is intended to establish rules of procedure for the Property Standards Committee to carry out its duties.

1. Definitions

In these rules, unless the context requires otherwise:

- 1.1. **Appellant** means a person appealing an order thereof pursuant to the By-law;
- 1.2. **By-law** means the Maintenance and Occupancy Property Standards By-law of the Town;
- 1.3. **Chair** means the elected Chair of the Committee;
- 1.4. **Town** means the Town of Englehart;
- 1.5. **Committee** means the Town's Property Standards Committee;
- 1.6. **Hearing** means a hearing in any proceeding of the Committee;
- 1.7. **Proceeding** means an oral hearing at which the parties or their counsel or agents attend in person before the Committee;
- 1.8. **Quorum** means where a *property standards committee* is composed of three members, two members constitute a quorum, and where a *property standards committee* is composed of more than three members, three members constitute a quorum; and
- 1.9. **Secretary** means the Secretary for the Committee.

2. Interpretation

- 2.1 These rules shall receive such fair and liberal interpretation as will best ensure the most expeditious, just and least expensive determination of every *proceeding* on its merits.
- 2.2 Where matters are not provided for in these rules, the practice shall be determined by the *Committee* hearing the *proceeding*.

3. Application

- 3.1 These rules apply to all *proceedings* of the *Committee* in the exercise of its statutory power of decision, as in the Statutory Powers Procedure Act, R.S.O. 1990, c.S22, as amended.
- 3.2 These rules do not apply if a statute or the *By-law* provides for a different procedure to govern proceedings of the *Committee* in the exercise of its statutory powers of decision.

4. Failure to Comply

4.1 Where a party to a *proceeding* has not complied in full with any rule, the *Committee* may:

(a) adjourn the proceeding until it is satisfied that such rule or order has been complied with; or

(b) take such other steps as it considers just and reasonable.

4.2 No proceeding is invalid by reason only of a defect or other irregularity in form.

5. Appeal Period

5.1 Orders issued by a the By-law Enforcement Officer pursuant to subsection 15.2(2) and (3) of the Building Code Act may be served on the owner personally or by registered mail. Where service is by registered mail, the service shall be deemed to have been made of the fifth day after the day of mailing unless it can be proven to be later.

5.2 The appellant of the order has 14 days after being served the order to send a notice of appeal by registered mail to the *Secretary*.

6. Request for Hearing

6.1 Where an *appellant* submits a notice of appeal and requests a *hearing* before the *Committee*, the request for a *hearing* shall be by registered mail on the .

6.2 When a notice of appeal is received by the *Secretary*, he/she shall confirm that the notice was sent within the allowed appeal period. Late notices are invalid and are disqualified.

6.3 The *Secretary* shall set the time and place of a *hearing*.

6.4 Once a date has been set for a *hearing*, it may not be adjourned except by notification of the *Secretary*. The reason for adjournment must be reasonable and justified.

6.5 Notice of the *hearing* shall be sent by the *Secretary* in writing to all parties affected by the order at least 14 days in advance of the *hearing*.

7. Failure to Attend

Where a person is properly notified of a *hearing* and does not attend at the time and place appointed, the *Committee* may proceed in that person's absence and without further notice to that person.

8. Filing

8.1 Filing of any document, excluding the request for the appeal (see Procedure No. 6), may be effected by personal delivery or registered mail, to the *Secretary*.

8.2 Where a document is filed, the date of the receipt stamp on the document shall be deemed to be the date of the filing, unless the *Committee* orders otherwise.

8.3 Where the *Committee* or the Town has no record of the receipt of a document alleged to have been filed, the document shall be deemed not to have been filed, unless the *Committee* orders otherwise.

9. Selecting a Chair and Secretary

9.1 At the first meeting of the *Committee's* term, the members shall select a *Chair* from among themselves. When the *Chair* is absent through illness or otherwise, the *Committee* may appoint another member as *Acting Chair*.

9.2 The Town shall provide a *Secretary* for the *Committee*.

9.3 The *Secretary* shall keep on file records of all official business of the *Committee*, including records of all applications and minutes of all decisions respecting these applications.

10. Exhibits

All parties to a *hearing*, particularly solicitors and agents, shall be required to bring to the *hearing* a sufficient number of copies for *Committee* members and opposing counsel of clear photos and/or other documents to be entered as evidence or exhibits.

11. Conduct of Proceedings

11.1 Proceeding may be conducted in person only.

11.2 An *in-person proceeding* shall be conducted in the following order of presentation, unless the *Chair* directs otherwise:

- (a) The *Chair* shall call the meeting to order after confirming a *quorum* of the *Committee* is present;
- (b) The *Chair* shall explain to those in attendance at the *hearing* the format of the *proceedings* and the specific purpose of the *hearing*. The *Chair* should advise those present that the *Committee* will only be considering the compliance and non-compliance of a property or building with respect to the standards of the *By-law*, and the time granted for compliance. All evidence should therefore be restricted to these matters. The *hearing* is not for determining the resolution of any landlord and tenant disputes;
- (c) The *Chair* shall solicit from those *Committee* members in attendance at the *hearing* any conflicts of pecuniary interest or other interest in any matter on the agenda for consideration;
- (d) The By-Law Enforcement Officer shall make an opening address and provide evidence;
- (e) The *appellant* shall make an opening address and provide evidence;
- (f) Where there are two or more *appellants*, the order of presentation shall be as directed by the *Chair*; and
- (g) The *Committee* may at any time during a *proceeding*, ask questions of any party providing evidence.

12. Committee Decisions

12.1 Upon receiving all of the evidence, the *Committee* shall make a decision, and make their decision known to the affected parties.

12.2 The *Committee* may decide;

- (a) to uphold the order in whole or in part, with no additional time granted for compliance;
- (b) to uphold the order in whole or in part with additional time granted for all or some of the deficiencies to be complied with;
- (c) to remove any items from the order that have already been complied with, or have been determined to be invalid;
- (d) to modify any item within the order in any manner seen fit by the *Committee*; or
- (e) to rescind the order, in whole or in part

12.3 The *Chair* upon rendering the *Committee's* decision should inform the *appellant* of their rights to appeal a decision of the *Committee* to a Judge of the Superior Court of Justice pursuant to the Building Code Act.

12.4 The *Secretary* shall prepare a written record of the *hearing* including minutes of the *hearing* and the decision (with conditions, if applicable).

12.5 The *Secretary* should arrange for the required signature(s) on the decision, prior to mailing it to the *appellant* and providing a copy to the Property Standards Officer. The *Chair* shall sign the decision on behalf of all *Committee* members present at the *hearing*.

12.6 The *Secretary* shall send the decision to the *appellant* by registered mail.

13. Right to Appeal a Committee Decision

The Town or any owner or occupant or person affected by a decision under subsection 15.3(3.1) of the Building Code Act, may appeal to the Superior Court of Justice by notifying the Town Clerk of the Town of Englehart in writing and by applying to the court, within 14 days after a copy of the decision is sent.

14. Order Confirmation

An order that is deemed to be confirmed pursuant to subsection 15.3(2), of the Building Code Act or that is confirmed or modified by the *Committee* under subsection 15.3(3), of the Building Code Act or a Judge under subsection 15.3(6), of the Building Code Act as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and manner specified in the order.