

# **The Corporation of the Town of The Blue Mountains**

## **By-Law Number 2025 –**

**Being a By-law to prescribe standards for the maintenance and occupancy of property within the Town of The Blue Mountains.**

WHEREAS the Council of the Corporation of the Town of The Blue Mountains has in effect, an official plan enacted pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended, that includes provisions relating to the maintenance and occupancy of property within the Town of The Blue Mountains;

AND WHEREAS Section 15.1 of the *Building Code Act 1992*, S.O. 1992, c. 23 as amended, provides that 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 Section 15.4 of the Building Code Act 1992, S.O. 1992, c. 23 as amended, authorizes Council to cause a property that has been the subject of a confirmed Property Standards order to be repaired or demolished under certain circumstances;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 434.1 of the Municipal Act allows a municipality to impose a system of administrative monetary penalties and fees as a means of encouraging compliance with Designated By-Laws and;

AND WHEREAS Section 434.2 of the Municipal Act, provides that an Administrative Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality, and;

AND WHEREAS Section 446(1) of the Municipal Act, a municipality may direct or require a person to do a matter or thing and that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Section 446(3) of the Municipal Act, a municipality may recover the costs of doing the matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Section 35.3 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 as amended, provides that Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of property that has been designated by the municipality or the Minister; and require property that has been designated and that does not comply with the standards to be repaired and maintained to conform with the standards;

AND WHEREAS Section 45.1 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 as amended, provides that Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of property situated in a designated heritage conservation district; and require property situated in a designated heritage conservation district that does not comply with the standards to be repaired and maintained to conform with the standards.

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

### **1. Short Title**

This by-law shall be known as the "Property Standards By-law".

### **2. Definitions**

For the purpose of this by-law:

The definitions contained within the Building Code shall apply in the interpretation of this by-law except where they are inconsistent with the definitions contained in this by-law, in which case the definition in this by-law shall apply.

Definitions of words and phrases used in this by-law that are not included in the list of definitions in Part 2 of this by-law shall have the meaning that are commonly assigned to them in the context in which they are used, taking into account, the specialized terms by the various trades and professions to which the terminology applies.

**“accessory building”** shall mean any subordinate building or structure which is separate from or attached to the main building on the same lot and subordinate to a principle use of a building or structure, is not used for human habitation, is located on the same lot and may, without limiting the generality of the foregoing, include a private garage, private greenhouses, patios, carports, boat houses, solar collectors, garbage bin enclosures, raised play structures and gazebos;

**“appliances”** include a fridge, stove, dishwasher, clothing washer or dryer;

**“basement”** means one or more storeys of a building located below the first storey;

**“bathroom”** shall mean a room containing a bath tub or shower with or without a water closet and lavatory;

**“boat”** means any personal watercraft or similar vessel that is designed and intended to permit the operator the ability to travel upon the surface of water;

**“building”** means a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto, a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto, plumbing not located in a structure, a sewage system, or structures designated in the building code;

**“Building Code”** means the regulations made under Section 34 of the Building Code Act, 1992, S.O. 1992, c. 23, as amended;

**“Building Code Act”** means the Building Code Act, 1992, S.O. 1992, c. 23, as amended;

**“Chief Building Official”** means the Chief Building Official of the Town of The Blue Mountains or authorized representative;

**“Chief Fire Official”** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C;

**“commercial container”** means a receptacle:

- a) used for the storage and collection of garbage, refuse and trade waste; and
- b) designed to permit it being emptied by a forklift packer vehicle;

**“Council”** shall mean the Council of the Corporation of the Town of The Blue Mountains;

**“derelict vehicle”** means a vehicle, trailer, motorized snow vehicle, off-road vehicle, boat or any other recreational vehicle that:

- a) is inoperative by reason of removed wheels, motor, transmission or other parts or equipment necessary for its operation;
- b) is not in roadworthy condition;
- c) is in a wrecked, dismantled, discarded, inoperative or abandoned condition;
- d) is in a state of disrepair or unsightly by reason of missing doors, glass or body parts, or
- e) has broken or missing parts of such sufficiency so as to render it incapable of being licensed to operate, where such licensing is necessary

**“dwelling”** means a building or structure, or any part of it, occupied or capable of being occupied, in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair;

**“fence”** means a barrier erected or grown dividing two or more lot lines, which marks or substantially marks the boundary of a property, and includes any hedge or grouping of shrubs used for the same purpose;

**“first storey”** means the storey that has its floor closest to grade and its ceiling more than 1.8m above grade;

**“good repair”** means the conditions as provided in Schedule “A” to this by-law;

**“grade”** means the average level of proposed or finished ground adjoining a building at all exterior walls or, if no building exists, the average level of finished ground of adjacent property;

**“graffiti”** means one or more letters, symbols, etchings, figures, inscriptions, stains howsoever made or otherwise affixed to a property or other markings that disfigure or deface a property but does not include a sign permitted in accordance with the Sign By-law;

**“ground cover”** means organic or non-organic material applied in a manner to prevent the erosion of soil, including but not limited to, concrete, flagstone, asphalt, interlocking stone, grass or other forms of landscaping;

**“guard”** means a protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to attempt to prevent accidental falls from one level to another;

**“habitable room”** means any room used or intended to be used for living, sleeping, cooking or eating purposes and without limiting the foregoing shall include den, library, sewing room, sunroom or recreational room or any combination thereof;

**“handrail”** means the railing along the edge of stairs;

**“hazard”** means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person;

**“heritage attribute”** means, in relation to real property, and to the buildings on the real property, an attribute of the property, building or structure that contributes to its cultural heritage value or interest and that is defined or described:

- a) in a by-law designating a property passed under section 29, Part IV, of the Ontario Heritage Act and identified as a heritage attribute, reason for designation or otherwise;
- b) in a Minister’s order made under section 34.5, Part IV, of the Ontario Heritage Act and identified as a heritage attribute or otherwise;
- c) in a by-law designating a heritage conservation district passed under section 41, Part V, of the Ontario Heritage Act and identified as a heritage attribute or otherwise; or
- d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes or otherwise.
- e) The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

**“injurious insect”** means any insect that has or that is likely to have an adverse effect on the health of any person or any insect that is capable of causing structural damage to a building or structure, including termites and carpenter ants;

**“maintain”** shall mean the preservation and keeping in good repair. Maintenance and maintained shall have the same meaning;

**“Medical Officer of Health”** shall mean the Medical Officer of Health for the Grey Bruce Health Unit;

**“multiple dwelling”** means a building containing two (2) or more dwelling units;

**“natural garden”** shall mean a defined area of vegetation that excludes turfgrass and has been deliberately planted or cultivated with species of non-invasive, native and/or naturalized wildflowers, shrubs, perennials, grasses or combinations of them, consistent with a managed and natural landscape;

**“naturalized property”** means property that is owned by the Town of The Blue Mountains, County of Grey, the Provincial or Federal Government or Conservation Authority that is left in a naturalized condition for the purposes of recreation or to protect the surrounding environment for the benefit of biodiversity and the local biosphere.

**“non-habitable room”** shall mean any room in a dwelling other than a habitable room, and includes a bathroom, washroom, laundry, pantry, lobby, communicating corridor, stairway,

closet, crawl space, furnace room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys;

**“non-residential property”** shall mean a building or structure not occupied or capable of being occupied in whole or in part for residential occupancy and includes the lands and premises appurtenant thereto;

**“Normal Farm Practices”** The Act defines a normal farm practice as one which:

- a) "is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or
- b) makes use of innovative technology in a manner consistent with proper advanced farm management practices".
- c) Farmers are protected from nuisance complaints made by neighbours, provided they are following normal farm practices. No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.

**“nuisance”** means the use of land or building that creates, or is likely to create, destructive, offensive or unhealthy gas or fumes, dust, odour, noise, vibrations; or the unsightly storage of goods, wares, salvage or machinery parts, junk, waste or other material in such a manner that such may become hazardous or injurious with respect to the health and safety; or otherwise prejudices the character of the surrounding area or interferes with the normal enjoyment or any use of activity in respect of land or building;

**“occupant”** means any person or persons over the age of eighteen (18) years in possession of the property;

**“owner”** includes, 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 receive the rent if the land and premises were let; and the 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 maintenance and occupancy of property;

**“Part IV Heritage Property”** shall mean real property including all buildings and structures thereon that has been designated by the Town under the Ontario Heritage Act;

**“Part V Heritage Property”** shall mean real property, including all buildings and structures thereon, located within a conservation district that has been designated by the Town under section 41 of the Ontario Heritage Act;

**“person”** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;

**“powder room”** means a room, which includes a minimum of one (1) water closet and one (1) wash basin, which are connected to the plumbing system;

**“property”** means a building or structure or part of a building, or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether theretofore or hereafter erected, and includes vacant lands, Part IV Heritage Properties, Part V Heritage Properties, non-residential and residential properties;

**“Property Standards Committee”** shall mean the Property Standards Committee established pursuant to Section 15.6 of the Building Code Act;

**“Property Standards Officer”** shall mean any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, Police Officers, Provincial Offences Officers, and a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the Building Code Act;

**“receptacle”** means a solid metal or plastic container for receiving garbage or refuse;

**“refuse or debris”** includes garbage of any kind and, without limiting the generality of the foregoing, includes rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, furniture, table waste, paper,

cartons, crockery, glassware, cans, garden refuse, earth or rock fill, material from construction or demolition projects and old clothing;

**“repair”** includes the provision of facilities, the making of additions or alterations or the taking of other action that may be required to ensure that a property conforms with the standards established in this by-law;

**“residential property”** means any property that is designated for use, is used or is capable of being used as a dwelling or group of dwelling and includes any land or buildings that are appurtenant to such establishment including but not limited to all steps, walks, driveways, parking spaces and yards;

**“retaining wall”** means a structure which supports and confines a mass of earth or water where there is a change in ground elevation;

**“sign”** means any visual medium, including its copy, structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, advertising, service, activity, person, business, or product of the business property on which it is located;

**“standards”** shall mean standards of physical condition and of occupancy prescribed for property in this by-law;

**“structure”** includes but is not limited to play structures, sheds, storage units, “sea cans”, gazebos and skateboard ramps;

**“suite”** means a single room or series of rooms of complementary use operated under a single tenancy;

**“swimming pool”** means a structure, basin, chamber, or tank containing or capable of containing water, and is designed to be used for swimming or wading and has a depth of more than 75cm (29.5 inches), has a surface area of more than 1.0 square metre (10.8 square feet), is not a pond or a reservoir to be utilized for farming purposes, and is not under the jurisdiction of the Building Code Act and/or the Ontario Building Code.

**“Town”** means the Corporation of the Town of The Blue Mountains;

**“turfgrass”** means any of the various grass species typically grown for lawns; of a type that forms a dense, even turf when mown (e.g. Kentucky Bluegrass, Perennial Ryegrass, Fine Fescue);

**“vacant building”** means a building that is unoccupied, displays some visible signs of deterioration, is or should be boarded up, and does not include an agricultural building or a building already approved for demolition;

**“vacant land”** means lands with no buildings and not devoted to the practice of farming;

**“vehicle”** includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

**“vermin”** means a mammal, bird or insect injurious to humans, game or crops including but not limited to foxes, rats, mice, moles, owls, weasels, ants, cockroaches, silverfish, fleas, bugs, bedbugs or lice;

**“weeds”** means any of the 25 species currently designated in the Ontario Weed Control Act, R.S.O. 1990, c. W.5, and any additional species designated as local weeds by the Town of The Blue Mountains or Grey County;

**“washroom”** means a room containing one or more water closets or one or more lavatories and may include other sanitary fixtures;

**“yard”** means the land, other than publicly owned land, around and appurtenant to the building and used, intended or capable of being used in connection with the building.

### **3. Interpretation**

- 1) In this by-law statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

- 2) In this by-law the numbering system shall be referenced in accordance with the following:
  1. Part
  - 1.1 Section
  - 1.1.1 Subsection
  - 1.1.1.1 Article
- 3) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 4) This by-law includes the schedules annexed hereto and the schedules are hereby declared to form part of this by-law.
- 5) The words “include”, “includes” or “including” are not to be read or interpreted as limiting the words, phrases or descriptions that follow them.
- 6) Dimensions specified in metric units shall be the official dimensions.
- 7) In this by-law, the word “metre” shall be represented by the abbreviation “m”, the word “centimeter” shall be represented by the abbreviation “cm”, and the word “millimeter” shall be represented by the abbreviation “mm”.

#### **4. Application**

- 1) Every owner of property situated within the Town of The Blue Mountains shall maintain such property to the applicable minimum standards prescribed by this by-law.
- 2) The Property Standards set forth in Part 5 of this by-law are hereby prescribed as the general minimum standards for the maintenance and occupancy of property. Part 5 applies to all properties in the Town of The Blue Mountains, regardless of property type or use.
- 3) In addition to the maintenance standards prescribed in Part 5 of this by-law, the standards set forth in Part 6 of this by-law are hereby prescribed as the maintenance and occupancy standards to be applied specifically to all residential properties in the Town of The Blue Mountains.
- 4) In addition to the maintenance standards prescribed in Parts 5 and 6 of this by-law, the standards set forth in Part 7 of this by-law are hereby prescribed as the maintenance and occupancy standards to be applied specifically to all heritage properties in the Town of The Blue Mountains.
- 5) Where references are made in this by-law to the Building Code and requirements or provisions therein, the regulation established in this by-law shall require conformance to the standard as set out in the Building Code for new construction as of the date of any action taken by the Town to enforce or administer this by-law, despite the age or installation date of the item being regulated.
- 6) Any provincial or federal regulation that imposes a higher maintenance standard shall supersede this by-law.
- 7) The by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice.
- 8) Any complainant who claims that a private land is in contravention of this by-law articles 5.1.2. (d) and/or 5.1.2. (g) is required to identify which harmful species are present and the specific risk or harm they pose. An officer who finds private land in contravention of those articles may give written notice to the owner or occupant of the land requiring compliance with this bylaw within the time period specified in the notice but no sooner than 72 hours after the notice is given.

## **5. General Standards for all Properties**

### **1) Maintenance of Yards and Vacant Land**

- 5.1.1 All yards and vacant land shall be maintained in a manner that complies with the standards required in this by-law.
- 5.1.2 Without limiting the generality of subsection 5.1.1, every yard and vacant land shall be kept clean and free from:
- a) rubbish or debris;
  - b) derelict vehicles;
  - c) dead, diseased, decayed, or damaged trees or other natural growth and the branches and limbs thereof which creates an unsafe condition in relation to their environment;
  - d) injurious insects, termites, rodents, vermin and other pests;
  - e) dilapidated, collapsed, unsafe or unsecured structures;
  - f) objects or conditions that may create a health or accident hazard, and;
  - g) any noxious weeds designated under the Ontario Weed Control Act and/or any species designated as local weeds as may be defined in a by-law of the Town of The Blue Mountains or Grey County.
- 5.1.3 Subsection 5.1.2 (b) of this by-law does not apply to the owner of a property when any wrecked, discarded, dismantled, partially dismantled or abandoned machinery, motor, vehicles, recreational vehicles, trailers, mobile home or other chattels or parts thereof are on a property where they are required and used for a lawful business purpose in accordance with the Town's Zoning By-laws and any other applicable legislation.
- 5.1.4 The following shall be included in this by-law and shall be maintained in a manner that complies with the standards required in this by-law:
- a) Natural gardens;
  - b) Naturalized property;
  - c) Town property
- 5.1.5 A tree or other plant, or limb or branch of it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant so as to prevent a hazard or damage to any property.
- 5.1.6 All hedges, shrubs, trees, or other plants, located in a yard or vacant land, Natural gardens and Naturalized properties, shall be planted and maintained in a manner that, at the discretion of the Town, does not:
- a) adversely affect the safety of the public;
  - b) adversely affect the safety of vehicular or pedestrian traffic;
  - c) constitute an obstruction of view for vehicular or pedestrian traffic; or
  - d) wholly or partially conceal or interfere with the use of any hydrant or water valves.
- 5.1.7 A yard shall be protected by ground cover, which prevents the erosion of the soil.
- 5.1.8 No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain in any yard or vacant land.
- 5.1.9 Despite the requirements of subsection 5.1.8 temporary storage of materials or refuse resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property, provided that:

- a) it is removed frequently and in its entirety from the property;
- b) it will not cause risk to the health or safety of any persons; and
- c) it is not stored in an unsightly manner.

5.1.10 Nothing in subsection 5.1.9 shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property, if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.

5.1.11 Any furniture that is used outdoors on any property shall be:

- a) kept in a clean, neat and tidy condition; and
- b) maintained in good repair.

5.1.12 Where landscaping, parking areas, walkways, steps, hedges, trees, fences, curbs, or similar changes to a property have been required by the Town as a condition of development or redevelopment, such works shall be repaired and maintained so as to ensure continuous compliance with the Town requirements.

5.1.13 Every owner of property on which a clothing drop box or other similar container is used or located shall ensure that the clothing drop box is clean, in good repair and is free of graffiti, and shall ensure that all areas immediately adjacent to the clothing drop box are clean and free of litter, refuse and other debris.

5.1.14 Any permitted accessory structure, whether requiring a building permit or not, shall be situated in compliance with the Zoning By-Law. All structures shall be kept clean and neat appearance, and protected by a covering of paint, siding, or similar covering of a colour that blends in with the other buildings on the property. All structures are required to be kept in a neat and tidy fashion, and not be a visual eyesore, or fall into a state of disrepair.

## **5.2 Well, Pit, Excavation, Etc.**

5.2.1 Any well, cistern, cesspool, privy vault, pit or excavation shall be filled in and the property left in a graded and levelled condition, unless it is in active use in which event it shall be secured by fencing and warning signs until the use has ceased, where upon they shall be filled and graded as required.

5.2.2 A property that has not, in the opinion of the Property Standards Officer, been developed or redeveloped within a reasonable timeframe or has been suspended or discontinued for a period of more than two years shall have any pit or excavation filled in and the property left in a graded and levelled condition until such time that the development or redevelopment resumes.

5.2.3 Every yard and vacant land shall be graded in a manner satisfactory to the Property Standards Officer to prevent the mounding of earth, dirt, rubble or ponding of water.

## **5.3 Fill**

5.3.1 No fill shall be allowed to remain in an unlevelled state on any property for longer than thirty (30) days, unless the property is:

- a) a construction site for which a building permit is in effect;
- b) a property under pre-service agreement with the Town;
- c) under a fill permit from the Town of The Blue Mountains or other authority having jurisdiction including future development phases;
- d) property upon which material is being stored with the approval of the Director of Operations of the Town of The Blue Mountains in connection with a public works project; or
- e) under any other similar agreement or permit with the Town of The Blue Mountains.



5.3.2 No fill shall be left in an uncovered state (not covered by sod, seed, agricultural crop or other ground cover) on any property for longer than sixty (60) days unless the property is:

- a) a construction site for which a building permit is in effect;
- b) a property under pre-service agreement with the Town;
- c) under a fill permit from the Town of The Blue Mountains or other authority having jurisdiction including future development phases;
- d) property upon which material is being stored with the approval of the Director of Operations of the Town of The Blue Mountains in connection with a public works project; or
- e) under any other similar agreement or permit with the Town of The Blue Mountains.

#### **5.4 Buffering**

5.4.1 Commercial or industrial zoned properties that because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- a) a barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling;
- b) a barrier to prevent wind-blown waste, wrappings, debris and similar things from littering or settling on adjacent properties;
- c) a visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
- d) the provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

#### **5.5 Swimming Pools, Hot Tubs, Ponds**

5.5.1 All outdoor swimming pools, hot tubs, wading pools and artificial ponds, including all accessories and appurtenances thereto shall be:

- a) maintained in good repair, free from leaks and safe from health and safety hazards and;
- b) drained and removed or filled in and the property left in a graded and levelled condition if they are abandoned, derelict or otherwise unused for the purpose for which it was originally designed.

5.5.2 Every owner of a property that contains an outdoor swimming pool shall install and maintain all fences, gates and hardware as may be required by the provisions of the Town of The Blue Mountains Pool Fence By-law (2002-8) or any other applicable government regulation or by-law.

5.5.3 Subsection 5.5.1 does not apply to swimming pools regulated under the Public Pools Regulation 565, R.R.O. 1990, made under the Health Protection and Promotion Act, R.S.O. 1990, Chap. H.7.

#### **5.6 Sewage and Drainage**

5.6.1 Sanitary sewage of any kind shall not be discharged on to the surface of the ground whether into a natural or artificial drainage system or otherwise.

5.6.2 Every owner of a property shall ensure that the drainage on the property:

- a) prevents excessive ponding of water;
- b) prevents water or moisture from penetrating or damaging a building or structure;
- c) shall not impede the natural flow of water through such adjoining property, nor as to cause the drainage of storm water onto any adjacent property, and;
- d) does not interfere with the proper functioning of a swale, ditch, culvert, catch basin

or other drainage system.

- 5.6.3 Every owner of a property shall ensure that the drainage from roofs, rainwater pipes, sump pumps, water softeners, air conditioners, water-cooled equipment, swimming pools, pool pumps, hot tubs, wading pools and ornamental ponds is not discharged onto an entranceway, a walkway, a stair or staircase, a public sidewalk or neighbouring property.
- 5.6.4 Where eavestrough, roof gutters and downspouts are installed, they shall be kept in good repair, free from leaks, and securely fastened to the building.
- 5.6.5 Catch basins shall be kept in good repair and free of debris and obstructions, which would prevent them from functioning properly.

## **5.7 Plumbing**

- 5.7.1 All plumbing systems, drain pipes, water pipes and plumbing fixtures and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.7.2 All plumbing fixtures shall be connected to a sanitary drainage system through water seal traps.
- 5.7.3 Backflow preventors and backwater valves shall be maintained in good working order.

## **5.8 Water Supply**

- 5.8.1 Every building intended to be occupied by persons shall be provided with a safe and adequate supply of potable running water from the municipal water supply system or from a private source approved by the Medical Officer of Health.
- 5.8.2 Adequate running water shall be supplied to every water closet.

## **5.9 Bathroom/Washroom Facilities**

- 5.9.1 All bathrooms and powder rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.
- 5.9.2 A wash basin shall be located in the same room as the water closet and, where this is not possible a wash basin shall be located in a room conveniently adjacent to the room containing the water closet, provided that a kitchen sink shall not be considered a hand wash basin for the purpose of this subsection.
- 5.9.3 Materials, items or components in a bathroom or powder room including but not limited to the vanity, vanity top, vanity drawers, vanity doors and all hardware shall be maintained in good repair or replaced.
- 5.9.4 Where a barrier-free or universal washroom have been required or provided, all features shall be maintained including signage, grab-bars, special fixtures and door hardware as outlined in the Building Code.

## **5.10 Parking Areas, Walks and Driveways**

- 5.10.1 Every owner of a property that is used for vehicular traffic or parking, including driveways, loading areas and bays, shall:
  - a) maintain the grade and drains in the parking area to prevent excessive ponding of water;
  - b) provide and maintain light fixtures to the parking area that provides a level of lighting necessary to maintain safety and security commensurate with the use of the property;

- c) provide curb stops or other restraining devices where necessary, to prevent vehicles from damaging fences, lamp standards, or other structures on the parking area or neighbouring property;
- d) surface the area for vehicular traffic or parking with an appropriate material for the use, such as gravel, asphalt, concrete or crushed stone; and
- e) maintain the surface in a state of good repair, free of pot holes, large cracks, ruts or other hazards.

5.10.2 Every owner of a property shall maintain exterior steps, walkways, loading docks, ramps, parking spaces, driveways and similar areas of a property in good repair, and,

- a) free from obstructions or conditions that prevent the passage of pedestrians; and
- b) free from any hazards.

5.10.3 Where buildings and property have been designated, designed, constructed or altered for barrier-free access, every barrier-free path of travel and all barrier-free features and equipment shall be installed in accordance with the Building Code, and shall be maintained in good repair and shall function as designed.

## **5.11 Accessory Buildings and Other Structures**

5.11.1 An accessory building or other structure appurtenant to a property shall be:

- a) constructed and maintained with suitable and uniform materials;
- b) kept in good repair and free from hazards; and,
- c) protected by paint, preservatives or other weather-resistant materials.

5.11.2 Fences, screens, retaining walls and other enclosure appurtenant to a property shall be:

- a) in good repair;
- b) free from hazards;
- c) protected by paint, preservative or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood;
- d) stable;
- e) vertical, unless specifically designed to be other than vertical, as in the case of retaining walls; and
- f) free of barbed wire.

5.11.3 Every retaining wall or part thereof appurtenant to a property shall be structurally sound and maintained in that condition so that it has sufficient capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected use and service life.

5.11.4 Unsightly markings, stains or other defacements, including graffiti, on the exterior surfaces of fences, retaining walls, buildings, other enclosures or accessory structures shall be removed and the surface will be treated so as to be amenable with corresponding exterior surfaces.

## **5.12 Signs**

5.12.1 Signs and any fastening or supporting components appurtenant to a property shall be maintained in good repair and any sign, which is excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting components, be removed or put into a good state of repair.

5.12.2 Signs and any fastening or supporting components appurtenant to a property that are not used for the purpose intended, not cared for or discarded shall be removed from the property.

### **5.13 Pest Prevention**

- 5.13.1 Every building shall be kept free of rodents, vermin and injurious insects. Methods used for exterminating shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chap. P.11, as amended, and all regulations enacted pursuant thereto.
- 5.13.2 Every opening including natural or mechanical ventilation that may permit the entry of rodents, vermin or insects, shall be screened with wire mesh, metal grill or other durable material, which will effectively exclude rodents, vermin and / or insects.

### **5.14 Structural Soundness**

- 5.14.1 Every part of a building shall be maintained in a structurally sound condition. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced., wherein the required work is completed under the supervision of a retained P. Eng and that upon completion of said repairs, that a follow-up report be filed by said P.Eng confirming condition on final inspection that the structural component is deemed structurally sound.
- 5.14.2 Every component that contributes to the structural stability of a building shall be maintained in a sound condition so as to:
- a) be capable of sustaining safely its own weight and any additional load to which it normally may be subject;
  - b) be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
  - c) prevent the entry of moisture that would contribute to damage, fungus, mold growth, decay or deterioration; and
  - d) be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.
- 5.14.3 If, in the opinion of the Property Standards Officer or Chief Building Official, there is doubt as to the structural condition of a building or structure or parts thereof, the Property Standards Officer or Chief Building Official may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination to be submitted to the officer.
- 5.14.4 Where remedial work is recommended by the professional engineer, all such remedial work shall be undertaken by the owner, at the owner's sole expense, in consultation with the professional engineer.
- 5.14.5 Upon completion of required repairs, a professional engineer will provide an updated report confirming the sound structural integrity of the identified work.

### **5.15 Foundations**

- 5.15.1 The foundation walls and basement, cellar or crawlspace floors shall be maintained in good repair and be structurally sound.
- 5.15.2 Every basement, cellar, and crawl space on a property shall be maintained in watertight conditions so as to prevent the leakage of water into the building.
- 5.15.3 Foundation walls of a building shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes but not limited to, the shoring of walls to prevent settling, installing of foundation drains, tuckpointing, parging and damp-proofing or waterproofing the walls and floors.

5.15.4 Every building, unless of concrete slab-on-grade design, shall rest upon full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, wood, steel or other material acceptable for construction under the standards set out in the Building Code and shall be sound, reasonably plumb, level and adequate to carry the loads imposed on them.

5.15.5 Subsection 5.15.4 shall not apply to accessory buildings, decks or other structures where the Building Code specifies that no foundation is required.

## **5.16 Exterior Walls**

5.16.1 The exterior walls of buildings and their components shall be maintained so as to prevent their deterioration due to weather or vermin, and shall be so maintained by:

- a) painting, restoring or repairing of the walls, coping or flashing; and
- b) the waterproofing of joints and of the walls themselves.

5.16.2 The visible surface of all exterior building walls shall consist of materials commonly used or designed as building components.

5.16.3 Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.

5.16.4 Appropriate measures shall be taken to remove any unsightly markings, stains or other defacement, including graffiti, occurring on an exposed exterior surface of a building and, where necessary, to restore the surface as nearly as possible to its original condition.

5.16.5 All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.

5.16.6 All canopies, marquees, awnings, stand pipes, exhaust ducts and other similar overhead extensions which may be affixed or adjacent to an exterior wall shall be:

- a) maintained in good repair;
- b) properly anchored to the building and constructed to meet the standards for such extensions as set out in Building Code; and
- c) protected from the elements and against decay and rust by the periodic application of a weather resistance coating such as paint or other protective treatment.

## **5.17 Windows and Doors**

5.17.1 Exterior doors, windows, skylights, doors, or hatchways including storm and screen doors and storm windows shall be maintained in good repair and weather tight and shall be free from:

- a) rotten or defective members;
- b) defective hardware;
- c) torn or damaged screens;
- d) defective weather stripping or caulking;
- e) defective storm or screen doors;
- f) defective frames, casings and sashes; and
- g) missing or broken glass.

5.17.2 All exterior openings for doors or windows shall be fitted with doors or windows that are capable of being opened and closed easily, unless, in the case of windows, the windows were manufactured to be fixed.

5.17.3 All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.

## **5.18 Roof**

5.18.1 A roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building.

5.18.2 All roofs shall be maintained and free from:

- a) loose or unsecured objects or materials;
- b) excessive or dangerous accumulations of snow, ice or both;
- c) conditions causing or contributing to leaks or being detrimental to the appearance of the buildings; and
- d) all other safety, fire and health hazards.

5.18.3 All structural components of a roof shall provide adequate support for all design loads and form a suitable base for the roof covering, and where the roof is subjected to a load for which it may be inadequate, the roof shall be cleared of the load to prevent collapse or structural damage.

5.18.4 All chimneys, smoke or vent stacks, aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.

## **5.19 Walls, Ceilings and Floors**

5.19.1 Every wall and ceiling finish on the interior of a building shall be:

- a) free from large holes or cracks;
- b) free from loose plaster or other material which is in such condition that it may fall or cause the building or structure to collapse; and
- c) maintained so as to be easily cleaned.

5.19.2 When walls or ceilings are repaired, they shall be surfaced with a finish compatible with the surrounding finishes.

5.19.3 Every floor inside of a building shall be:

- a) level; and
- b) maintained in good repair so as to be free of all loose, warped, protruding, broken or decayed flooring, or other hazardous conditions that may cause an accident or allow dirt or mould to accumulate.

5.19.4 Where floors have been covered with a floor covering that has become worn or torn so that it retains dirt or may cause an accident, the floor covering shall be repaired or replaced.

5.19.5 Any repair or replacement required by subsection 5.19.4 shall be such that the material used shall have a finish similar to that of the original covering.

5.19.6 Bathtubs and showers shall be so maintained as to be water resistant and readily cleaned and shall be caulked so as to form a continual seal impervious to water penetration.

5.19.7 Finished flooring in bathrooms, kitchens, public entrance halls, and laundry areas shall consist of resilient flooring, felted-synthetic-fibre floor coverings, concrete, terrazzo, ceramic tile, mastic or other types of flooring providing similar degrees of water resistance.

## **5.20 Dampness**

5.20.1 The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a cellar, basement or crawl space floor.

## **5.21 Stairs, Balconies, Porches and Other Platforms**

5.21.1 Every owner of a property shall maintain any balcony, porch, deck, stairs, platform or fire escape in good repair, and the rise of stairs are to be uniform throughout the stairway, and

- a) in a clean and sanitary condition;
- b) properly and safely anchored and secured;
- c) in the case of any wooden or metal components, protected by a coat of paint or equivalent preservative;
- d) free from any loose or chipping paint or stain;
- e) free from loose or unsecured objects;
- f) free from any missing or damaged boards;
- g) free from any hazard.

## **5.22 Guards and Rails**

5.22.1 The open side(s) of a stair, balcony, deck, porch or landing shall be protected by a guard in accordance with the Building Code.

5.22.2 A handrail shall be installed and maintained in good repair on all stairs in accordance with the Building Code.

## **5.23 Heating, Ventilation and Air Conditioning**

5.23.1 Any non-residential building, except for those of industrial occupancy, shall be provided with a heating system capable of continuously maintaining an indoor air temperature of not less than 20°C (68°F) during normal working hours.

5.23.2 For the purpose of subsection 5.23.1, heat shall be provided and maintained so that the room temperature at 1.5 m (59") above the floor and 1 m (39") from the exterior walls in all rooms and spaces as described and in any area intended for use by occupants including bathrooms but excluding unheated spaces such as enclosed vestibules, storage rooms and garages, is the minimum specified temperature.

5.23.3 Any heating, ventilation and or air conditioning system and all associated mechanical equipment, piping, ducting and other accessory equipment to such systems shall be installed, operated and maintained:

- a) in good working order;
- b) to prevent the ingress of smoke or gases into the building;
- c) free from any conditions that would cause any associated devices from generating noise levels beyond that of the acceptable standard in place when the unit was installed;
- d) in a safe mechanical and / or electrical condition free from hazards; and
- e) to meet the standards as set out in the Building Code and any other applicable standard or regulation.

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

5.23.5 The heating system and temperature required need not be provided for space not normally heated.

5.23.6 Except in the event of an emergency, no owner or occupant of an occupied building shall use a space heater as the primary source of heat.

- 5.23.7 No space heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, or to impede the free movement of persons within the room where the heater is located.
- 5.23.8 All heating and cooking apparatus or equipment involving combustion shall be properly connected, by rigid and permanently sealed connections:
- a) to a chimney or flue which provides sufficient outlet for the escape of noxious gases; and
  - b) to the fuel supply line.
- 5.23.9 Any fuel burning heating equipment used in any building shall be properly vented to outside air by means of a Canadian Standards Association (CSA) approved or Building Code compliant smoke pipe, vent pipe or chimney.
- 5.23.10 Where a heating system or part thereof, or any auxiliary heating system, burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire, health and safety hazards.
- 5.23.11 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks, pathways or public spaces.
- 5.23.12 The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable regulations or standards.

## **5.24 Ventilation**

- 5.24.1 Where a system of mechanical ventilation is provided, all components including but not limited to ducting, intake and exhaust shall be installed to meet the standards as set out in the Building Code and with good engineering practices.
- 5.24.2 Where air quality and mould is found it should be inspected and addressed by an Air quality Assessment Professional and all remedial measures recommended, be completed and re-inspected.

## **5.25 Elevators**

- 5.25.1 Subject to any maintenance or repair work or orders issued by an inspector under the Technical Standards and Safety Act, 2000, as amended, elevators, where provided, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.
- 5.25.2 The walls, floors and ceilings of elevators shall be kept clean and free from dirt or defacements.

## **5.26 Electrical**

- 5.26.1 In every building or structure, the electrical wiring, conduit, and all other systems or devices associated with the electrical services shall be in compliance with and maintained according to the regulations made by the Electrical Safety Authority pursuant to the Electricity Act S.O. 1998, c.15, as amended, and that the repairs be inspected by a qualified person and a report from said person, furnished.
- 5.26.2 In every building or structure, all fuses, breakers, or circuits relating to the electrical system shall not be used in a manner that would exceed the limits established for the related device or system by the Electrical Safety Authority.



5.26.3 If, upon an inspection, it is determined that the electrical installations in a building or structure create or pose a risk of fire because of the inadequacy or want of repair of the installations and their wiring, the Property Standards Officer may order that the electrical installations in the building or structure be inspected by a representative of the Electrical Safety Authority referred to in Part VIII of the Electricity Act, 1998 and that the costs of the inspection be paid by the owner or occupant of the building or structure.

5.26.4 The capacity of the system of circuits and electrical outlets within a building or structure shall be adequate for the intended use of all rooms, and adequate electrical outlets shall be installed to prevent the need for extension cords or other extensions being used as a permanent wiring system.

## **5.27 Lighting**

5.27.1 The interior and exterior lighting that is visible on the exterior of any building shall be placed and maintained, or have a barrier or shade placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have interior window coverings except for:

- a) lighting used by a municipal, provincial, or federal government; and
- b) lighting located on any property owned by a municipal, provincial or federal government.

5.27.2 Every owner of a property shall maintain all exterior lighting and supports in good repair and shall ensure all exterior lighting and supports are:

- a) properly and safely anchored and secured;
- b) in proper working order;
- c) free from loose or unsecured objects;
- d) free from any hazard; and
- e) providing adequate light in accordance with the Building Code, as amended, to ensure safe pedestrian and vehicle passage.

## **5.28 Garbage Disposal**

5.28.1 Every owner or occupant of a property shall have a sufficient number of suitable garbage receptacles or garbage bags to contain all garbage, rubbish and waste that may accumulate on the property between the regularly designated collection days.

5.28.2 Receptacles stored outside of a building, including within a carport, on a covered porch or on an exterior balcony shall be:

- a) watertight;
- b) manufactured and maintained to prevent the entry of insects, rodents and the escape of odours;
- c) closed or tarped at all times except when garbage, refuse, ashes or trade waste is being placed therein or removed therefrom; and,
- d) maintained in a clean and sanitary condition.

5.28.3 Where commercial, industrial or multi-residential on-site commercial containers are visible from a public street or lane, or the subject site abuts residential properties, the area where the containers are stored shall be screened from public right-of-ways.

5.28.4 Garbage chutes, disposal rooms, containers and receptacles shall be washed down, disinfected and maintained as is necessary to be clean, odour free and in good working order and repair.

## **5.29 Cleanliness**

- 5.29.1 Every floor, wall, ceiling, fixture and equipment in a building shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.
- 5.29.2 Every building shall be kept free from rubbish, debris or any condition, which constitutes an accident or health hazard.

## **5.30 Means of Egress**

- 5.30.1 Every building shall have a safe, continuous and unobstructed passage from the interior of the building to the exterior at the street or grade level to meet the standards as set out in the Building Code.
- 5.30.2 Every means of egress shall be maintained in good repair and free of objects, obstructions or conditions which may constitute a health, safety or fire hazard.

## **6.0 Residential Property Standards**

### **6.1 Doors and Windows and Mail Boxes**

- 6.1.1 In every dwelling at least one entrance door shall be capable of being locked from both the interior and exterior of the dwelling but readily openable from the interior of the dwelling without the use of keys or tools.
- 6.1.2 Notwithstanding the requirements of subsection 6.1.1, any exterior doors or windows intended to be opened shall be equipped with hardware capable of being locked or otherwise secured from the interior of the building, however they shall be capable of being readily opened from the interior without the use of keys.
- 6.1.3 Every window in a dwelling that is located above the first storey of multiple dwelling shall be equipped with a safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm (4") diameter sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 6.1.4 Each window requiring a safety device referred to in subsection 6.1.3 need only be installed if at the request of a tenant of a dwelling in which children under the age of ten years are occupants.
- 6.1.5 In multiple dwellings where a voice communications system between each dwelling and the front lobby and a security locking and release facilities for the entrance have been provided and are controlled from each dwelling, such facilities shall be maintained in good repair.
- 6.1.6 Where mailboxes or mail slots are provided in multiple dwellings, they shall be,
  - a) maintained in good repair;
  - b) secured with a locking device; and
  - c) one shall be provided for each dwelling.

### **6.2 Kitchens**

- 6.2.1 Every dwelling shall contain a kitchen area equipped with a sink served with hot and cold water, storage facilities, a counter-top work area which is impervious to water and grease and is easily cleaned, and space for a stove and refrigerator.
- 6.2.2 Every kitchen shall have connected and operating gas or electrical supply for cooking and refrigeration purposes as approved by the appropriate authority.

- 6.2.3 Except as permitted by the Building Code, combustible framing, finishes and cabinets located directly above a range shall be not less than 750 mm (30") above the range burners or elements.
- 6.2.4 Materials, items or components in a kitchen including but not limited to the cupboards, cupboard doors, drawers, counter tops and all hardware shall be maintained in good repair or replaced.
- 6.2.5 Where appliances are provided, they shall be maintained in good repair and in a safe condition.

### **6.3 Basement Floors**

- 6.3.1 Basements or cellars which are served by a stairway leading from the dwelling or from outside the dwelling shall have a concrete floor, and when required for drainage, a floor drain shall be located at the lowest point of the said floor and connected to a sewage system.
- 6.3.2 Basements, cellars or crawl spaces, which are not served by a stairway leading from the dwelling or from outside the dwelling may have a dirt floor provided it is covered with a moisture proof covering.
- 6.3.3 A concrete floor in a basement or cellar shall be maintained free from cracks, breaks or other defects so as not to create an accident hazard or to permit the entry of water.

### **6.4 Kitchen, Bathroom and Washroom Facilities**

- 6.4.1 Every dwelling shall contain plumbing fixtures consisting of at least,
  - a) a water closet;
  - b) a kitchen sink;
  - c) a wash basin; and
  - d) a bathtub or shower.
- 6.4.2 Every sink, wash basin, lavatory, bathtub or shower required by this by-law to be installed and maintained in a dwelling shall have an adequate supply of both hot and cold water with a flow and pressure sufficient for the intended use of the fixture.
- 6.4.3 The maximum temperature of hot water supplied to any plumbing fixture, except for installed dishwashers and clothes washers, in any dwelling shall be 49°C (120°F).
- 6.4.4 Where a dwelling is used as a boarding house, the occupants may share a single bathroom provided that:
  - a) a total of not more than five (5) persons occupy the dwelling;
  - b) for each additional five (5) persons or less, there shall be an additional water closet, and bathtub or shower; and
  - c) access to the bathroom can be gained without going through habitable rooms or outside of the dwelling.
- 6.4.5 A toilet or urinal shall not be located within a dwelling in a room used for:
  - a) the preparation, cooking, storing or consumption of food; or
  - b) sleeping purposes.

### **6.5 Heating Systems**

- 6.5.1 Every dwelling shall be provided with a heating system capable of continuously maintaining an indoor air temperature of not less than:

- a) 22°C (72°F) in all habitable rooms and interior living spaces (excluding attached garages);
- b) 22°C (72°F) in unfinished basement spaces; and
- c) 15°C (59°F) in heated crawlspaces.

6.5.2 The indoor air temperatures specified in subsection 6.5.1 are to be maintained between the 15th day of September of one year and the 31st day of May the following year unless otherwise specified by the Chief Building Official.

6.5.3 For the purpose of subsection 6.5.1, heat shall be provided and maintained so that the room temperature at 1.5 m (59") above the floor and 1 m (39") from the exterior walls in all habitable rooms and in any area intended for use by occupants including bathrooms, toilet rooms, laundry rooms but excluding unheated spaces such as enclosed porches, sunrooms and garages, is the minimum specified temperature.

## **6.6 Electrical Services**

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

6.6.2 The electrical wiring and all electrical fixtures located or used in a dwelling shall be installed and maintained in good working order and in conformity with the Ontario Electrical Safety Authority.

6.6.3 Every habitable room in a dwelling shall have at least one electrical duplex receptacle for each 11 m<sup>2</sup> (118 ft<sup>2</sup>) of floor space and one additional duplex receptacle for each additional 9 m<sup>2</sup> (97 ft<sup>2</sup>) of floor area.

## **6.7 Garages**

6.7.1 Every garage attached to a dwelling shall be so maintained as to prevent gas, fumes and carbon monoxide from entering the area of the dwelling.

## **6.8 Natural Light**

6.8.1 Every habitable room, except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admit as much natural light equal to not less than ten (10) percent of the floor area for living and dining rooms and five (5) percent of the floor area for bedrooms and other finished rooms.

## **6.9 Light**

6.9.1 Every dwelling shall be wired for electricity and lighting equipment shall be installed throughout to provide illumination.

6.9.2 An electrical light fixture shall be installed in every bathroom, hallways, laundry room, furnace room, kitchen, stairwell, and basement.

## **6.10 Ventilation**

6.10.1 In every dwelling, all habitable rooms, bathrooms and toilet rooms shall have adequate ventilation, either by natural or mechanical means to the standards set out in the Building Code.

6.10.2 Every basement, cellar and unheated crawlspace shall have venting provided to a size greater than or equal to 0.2% of the floor area served.

6.10.3 Every attic shall have venting provided to a size greater than or equal to 0.3% of the insulation ceiling area served.

6.10.4 Venting provided to comply with the requirements of subsections 6.10.2 and 6.10.3 shall be designed and maintained to prevent the ingress of snow, rain, rodents, vermin and insects.

## **6.11 Disconnected Utilities**

6.11.1 No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.

## **6.12 Occupancy Standards**

6.12.1 No person shall use or permit the use of a non-habitable room for use as a habitable room.

- a) No basement shall be used as a habitable room unless it meets the following requirements:  
Floor and walls are constructed so as to be impervious to leakage of underground and surface runoff water and treated against dampness;
- b) Each habitable room shall meet all requirements for light, ventilation, area and ceiling height prescribed in this By-law or the Building Code; and
- c) Access to each habitable room shall be gained without passage through a furnace or boiler room.

# **7 Heritage Properties**

## **7.1 Minimum Maintenance Standards**

7.1.1 In addition to the minimum standards for the maintenance and occupancy of property in the Town as set out in this by-law, the owner or occupant of any heritage property shall:

- a) maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure; and
- b) maintain the property in a manner that will ensure the protection and preservation of the heritage attributes and values.

7.1.2 The minimum maintenance standards as set out above for heritage property shall also apply to the elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

## **7.2 Repair of Heritage Attributes**

7.2.1 Despite any other provision of this by-law, where a heritage attribute of a heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired:

- a) in a manner that minimizes damage to the heritage values and attributes;
- b) in a manner and technique that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
- c) using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
- d) where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

### **7.3 Replacement of Heritage Attributes**

7.3.1 Despite any other provision of this by-law, where a heritage attribute of a heritage property cannot be repaired, the heritage attribute shall be replaced:

- a) using the same types of material as the original;
- b) where the same types of material as the original are no longer available, using alternative materials that replicated the design, colour, texture, grain or other distinctive features and appearance of the original material; and
- c) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute.

### **7.4 Clearing and Levelling of Heritage Properties**

7.4.1 Despite any other provision of this By-law, or the Building Code Act, 1992, no building or structure on a Part IV Heritage Property or a Part V Heritage Property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Ontario Heritage Act.

### **7.5 Vacant and Damaged Heritage Properties**

7.5.1 Where a building on a Part IV or a Part V Heritage Property remains vacant or unoccupied for a period of ninety (90) days or more, the owner shall ensure that appropriate utilities serving the building are connected as required to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.

7.5.2 Where a building on a Part IV or a Part V Heritage Property is vacant or damaged by accident, storm, neglect, intentional damage, or other causes, the owner shall protect the building against the risks of accident, intentional damage, fire, storm, neglect or other causes and shall effectively prevent the entrance of the elements, unauthorized persons, or the infestation of pests by closing and securing openings to the building with at least 19 mm (3/4") weatherproofed sheet plywood boarding:

- a) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- b) that is fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible; and
- c) that minimizes visual impact.

7.5.3 Subject to any applicable provisions of the Ontario Heritage Act, where the minimum standard imposed by subsection 7.5.2 has, more than once, failed to exclude unauthorized entry, and further where the owner's control, attendance or lack of security measures to protect the heritage property suggests that a more secure option be used, the owner shall supply such measures, including improved security of closures, as may be required by the Chief Building Official or Property Standards Officer.

7.5.4 Despite subsection 7.5.3, no window, door or other opening on a Part IV Heritage Property or a Part V Heritage Property shall be secured by brick or masonry units held in place by mortar unless required by the Town.

### **7.6 Conflict**

7.6.1 In the event of a conflict between the provisions of this part regarding heritage property and any other part of this by-law or the Building Code, the provision that establishes the highest standard for the protection of the heritage attribute shall prevail.

## **8 Vacant and Damaged Buildings**

### **8.1 Vacant Buildings**

- 8.1.1 For the purpose of this section “Derelict” shall mean: any building that is vacant and has experienced structural failure in whole or in part.
- 8.1.2 For the purpose of maintenance of vacant buildings, all provisions within this by-law which regulate interior conditions of a building shall not apply. All provisions within this by-law which regulate exterior conditions and structural integrity shall apply with the exception of sections 5.17 and 6.1 when the building’s exterior openings are boarded in accordance with this By-law.
- 8.1.3 Where any building is vacant or unoccupied, the owner shall protect every such building against the risk of fire, accident or other such hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
- 8.1.4 Doors, windows, hatches and any other such opening through which entry may be gained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing each opening with at least 12.7mm (1/2”) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.
- 8.1.5 Where a building remains vacant for a period of time greater than ninety (90) days, the Owner shall ensure that all utilities serving the building, which are not required for the safety and security or maintenance thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.
- 8.1.6 If a vacant building becomes derelict as defined in this by-law, the owner or their agent shall bring the building into compliance with all structural and exterior maintenance provisions of this by-law or such building shall be demolished in accordance with the Building Code Act.
- 8.1.7 All owners of vacant buildings provided proof of liability insurance and security.

### **8.2 Damaged Buildings**

- 8.2.1 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall demolish or repair the building within thirty (30) days or a reasonable time arranged for and approved by the Chief Building Official.
- 8.2.2 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
- 8.2.3 Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall protect the building against further risk or further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the building with at least 12.7 mm (1/2”) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.
- 8.2.4 The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.
- 8.2.5 Exterior walls, roofs and other parts of a building shall be free objects and materials, which may create a hazard. Such objects or materials shall be removed, repaired or replaced so as to create a safe condition.
- 8.2.6 In the event the building or structure is beyond repair, the land shall be cleared of debris

and remains and shall be left in a graded, level and safe condition without unreasonable delay.

### **8.3 Demolition**

- 8.3.1 Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, debris, refuse, masonry, lumber and left in a graded and leveled condition.
- 8.3.2 Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect adjoining properties and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining properties and members of the public.
- 8.3.3 Prior to demolishing any building, a Demolition Permit must first be obtained from the Chief Building Official.

## **9 Enforcement and Inspections**

### **9.1 Enforcement**

- 9.1.1 An Officer may, upon producing proper identification, enter upon any property at any reasonable time, in accordance with the Municipal Act, without a warrant for the purpose of inspecting the property to determine:
  - a) whether the property conforms with the standards prescribed in this bylaw; or,
  - b) whether an Order made under the Building Code Act has been complied with.
- 9.1.2 The owner or occupant of a property shall:
  - (a) comply with all standards prescribed in this By-Law;
  - (b) comply with any final and binding order of the Officer;
  - (c) produce documents or things requested by the Officer for inspection as relevant to the property or any part thereof;
  - (d) allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof;
  - (e) allow entry by the Officer or such persons as needed to carry out an inspection or test or in aid thereof;
  - (f) permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof; and
  - (g) provide at their expense when requested, reports, tests and samples as are specified in an Order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this By-law and the relevant portions of the Building Code Act.
- 9.1.3 The Town may charge the owner of a property a fee or charge pursuant to the Rates and Fees Schedule to conduct an inspection, including increased fees for multiple inspections.
- 9.1.4 Where an Officer has reasonable grounds to believe that an offence has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.
- 9.1.5 When an Officer deems a violation under this By-Law to pose an immediate risk to public health or safety, the notice provisions contained in section 9.1.4 may be waived and an emergency order shall be posted on the property requiring immediate action or other remediation. The owner or occupant shall comply with an emergency order within the period of time specified on the emergency order.



## **10. Orders**

10.1 An Officer who finds that a property does not conform to any of the standards prescribed in this by-law may make an Order:

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

## **10.2 Service**

10.2.1 An Order shall be served on the owner of the property and such other persons affected by it, as the Officer determines, and a copy of the Order may be posted on the property.

10.2.2 A notice or Order required by this By-law to be served in accordance with subsection 10.2.1 may be served:

- a) in person;
- b) by email to the last known email address of the person to whom service is required to be made; or
- c) by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

10.2.3 A notice or Order served in accordance with subsection 10.2.2 is considered to be served:

- a) on the fifth day after the day of mailing if served by registered mail;
- b) on the day of sending if served by email, unless the document was sent after 5:00 p.m., in which case service shall be deemed to have been made on the following day.

10.2.4 An Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served and, when the requirements of the Order have been satisfied, the Clerk of the Town shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

## **11 Offences and Penalties**

### **11.1 Obligations and Prohibitions**

11.1.1 No owner or occupant of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this by-law.

11.1.2 No person, being the owner, tenant or occupant of a property, shall fail to maintain the property in conformity with the standards required by this by-law.

11.1.3 Every tenant of a dwelling, in that part of the dwelling that the tenant occupies or controls shall:

- a) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
- b) exterminate insects, rodents or other pests within his/her dwelling;

- c) dispose of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of the Town and County by-laws;
- d) keep all exits from the dwelling clean and unobstructed; and
- e) maintain the dwelling in a clean and sanitary conditions.

11.1.4 No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an Officer or a person acting under their instructions in the exercise of a power or the performance of a duty under this by-law.

11.1.5 Every person shall assist any entry, inspection, examination, testing or inquiry by an officer in the exercise of a power of performance of a duty under this by-law.

11.1.6 No person shall neglect or refuse:

- a) to produce any documents, drawings, specifications or things required by an Officer; or
- b) to provide any information required by an Officer.

11.1.7 Where any property within the Town of The Blue Mountains does not conform to the applicable standards set forth in this by-law, the owner of the property shall:

- a) repair and thereafter maintain such property to conform to such standards; or
- b) where conformity to such standards cannot be effected by repair, clear the site of all buildings, structures, debris and refuse not in conformity, and leave such area of the site in a graded and leveled condition.

11.1.8 All repair 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 construction, repair, renovation or demolition shall conform to the requirements of the Building Code and is subject to the requirements for all applicable permits.

11.1.9 Without restricting the generality of subsection 11.1.8:

- a) the requirement that repairs be made in a “manner that is accepted as good workmanship” includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials; and
- b) the requirement that repairs be made with materials that are “suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

## **11.2 Penalties**

11.2.1 By-Law 2021-71, as amended, being the Administrative Monetary Penalties By-Law applies to each administrative monetary penalty issued pursuant to this By-Law.

11.2.2 Every person who contravenes or fails to comply with any provision of this By-Law shall, upon issuance of a penalty notice in accordance with By-Law 2021-71, as amended, the Administrative Monetary Penalties By-Law, be liable to pay the Town an administrative monetary penalty as set out in Schedule B of this By-Law.

11.2.3 The Provincial Offences Act, R.S.O 1990, c. P.33, as amended, does not apply to a penalty notice issued in accordance with By-Law 2021-71 as amended, being the Administrative Monetary Penalties By-Law.

11.2.4 Every person who contravenes or fails to comply with any provision of this by-law is guilty of an offence, and upon conviction is liable to a maximum penalty of \$5,000 per day for each day on which the offence occurs, pursuant to the Provincial Offence Act.

11.2.5 Every person who fails to comply with an order issued under this by-law is guilty of an offence, and upon conviction is liable to a maximum penalty of \$50,000 for a first

offence and of \$100,000 for any subsequent offences pursuant to the Building Code Act.

11.2.6 Every corporation that fails to comply with an order issued under this by-law is guilty of an offence, and upon conviction is liable to a maximum penalty of \$500,000 for a first offence and of \$1,500,000.00 for any subsequent offences pursuant to the Building Code Act.

## **12 Penalty Notice and Administrative Penalties**

12.1.1 An Officer may issue a penalty notice to a person who the Officer is satisfied has failed to comply with:

- (a) any provision of this By-law; or
- (b) an Order issued in accordance with section 10.1 of this By-law as deemed confirmed or as confirmed or modified by the Property Standards Committee.

12.1.2 Each person who is issued a penalty notice in accordance with subsection 12.1.1 of this By-law shall be liable to pay an administrative penalty to the Town in the amount set out in the Rates and Fees Schedule.

12.1.3 If an Officer has issued a penalty notice under subsection 12.1.1 of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.

12.1.4 Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount set out in the rates and fees schedule.

12.1.5 If an Officer has issued a penalty notice under subsection 12.1.3 of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law for a third or subsequent time within twenty four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.

12.1.6 Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount set out in the rates and fees schedule.

12.1.7 The penalty notice shall include the following information:

- a) the date of the penalty notice;
- b) the penalty notice number;
- c) particulars of the contravention;
- d) the amount of the administrative penalty;
- e) information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
- f) a statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the Town.

## **13 Payment of an Administrative Penalty**

13.1 No Officer may accept payment of an administrative penalty.

13.2 A person who has been issued a penalty notice shall:

- a) pay the administrative penalty within 15 days after the date the penalty notice is deemed to be served; or
- b) request that the administrative penalty be reviewed by a Screening Officer

- 13.3 Payment of an administrative penalty or an administrative fee can be made through a Town approved payment system. Partial payments or payment plans will not be accepted.
- 13.4 Payment of an administrative penalty must be received by the due date and will not be credited until received by the Town.
- 13.5 Where a person has paid an administrative penalty or an administrative fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.
- 13.6 Once an administrative penalty has been paid, it shall not be subject to a review by a Screening Officer or a Hearing Officer or to any further review.

## **14 Administration**

### **14.1 Property Standards Committee**

- 14.1.1 A Committee to be known as the Property Standards Committee for The Town of The Blue Mountains is hereby established.
- 14.1.2 The Property Standards Committee for the Town of The Blue Mountains shall consist of not less than five (5) citizens at large to be appointed by Council, with a term to coincide with Council. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith.
- 14.1.3 The members of the Committee shall elect a Chair from among themselves, when the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- 14.1.4 A majority of the members constitutes a quorum for transacting the business of the Committee.
- 14.1.5 The Town shall provide a Secretary for the Committee who shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.
- 14.1.6 The Secretary as identified above in subsection 10.1.5 shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.
- 14.1.7 The Committee may adopt its own rules of procedure, but before hearing an appeal, the Committee shall give notice or direct that notice be given of such hearing to such person as the Committee considers advisable.
- 14.1.8 Members of the Committee shall be paid such compensation as the Council of the Town of The Blue Mountains may provide by resolution from time to time.

### **14.2 Property Standards Officer(s)**

- 14.2.1 The Town shall appoint a Property Standards Officer(s) and such other staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

### **14.3 Compliance Orders and Certificates of Compliance**

- 14.3.1 The owner or occupant of a property shall:
- a) comply with all standards prescribed in this by-law;
  - b) comply with any final and binding Order of the Officer;
  - c) produce documents or things requested by the Officer for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for

- the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the property or part thereof, allow entry by the Officer or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purpose of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an Order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the Act; and
- d) ensure, that in complying under this by-law, and in carrying out work required under an Order or other obligation under this by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the Owner, occupants or visitors to the property or which put at risk of injury or health such persons and giving adequate warning where such risks cannot be avoided so as to allow such person to avoid the danger or risks.

14.3.2 A person affected by a Property Standards Order may seek to have compliance with an outstanding Order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an Officer, and shall be liable to pay any applicable fees, charges or expenses.

14.3.3 Where the proof submitted to comply with subsection 14.3.2 is insufficient for the Officer to determine the compliance of the property with the Order or part thereof, the person shall, subject to the Building Code Act, permit or arrange for a reasonable and timely inspection by the Officer to determine compliance or that the proof submitted confirms compliance.

14.3.4 Any property owner may make an application to the Town of The Blue Mountains for a certificate of compliance by completing and signing an application on the form available at the Town of The Blue Mountains Municipal Office and paying the applicable fee.

14.3.5 Where a Property Standards Order has been registered, an owner or occupant may apply for an inspection of the property in respect of the Order and shall pay the fee prescribed in accordance with the Town's fees and services by-law and any revisions thereto in the form of a certified cheque, money order or cash at the time of application, which fee includes the registration or discharge where compliance with the Order is found.

14.3.6 Every person who contravenes any of the provisions of this By-Law, including those contained in any of the Schedules, and every Director of a Corporation who concurs in such contravention by the Corporation, is guilty of an offence and may be subject to an administrative penalty; or may be subject to applicable Provincial Offences and prosecution.

#### **14.4 Validity**

14.4.1 If any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

#### **14.4.2 Singular and Plural Use**

In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

#### **14.5 Transitional Rules**

14.5.1 An order made pursuant to By-law No. 2002-18, as amended, the Property Standards By-law is continued under and in conformity with the provisions of this by-law so far as consistently may be possible.

14.5.2 All proceedings taken pursuant to By-law No.2002-18, as amended, the Property Standards By-law shall be taken up and continued under and in conformity with the

provisions of this by-law so far as consistently may be possible.

14.5.3 In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-law No. 2002-18, as amended, the Property Standards By-law, the procedure established by this by-law shall be followed so far as it can be adopted.

14.5.4 The members of the Property Standards Committee as it exists on the effective date of this by-law shall continue in office until successors are appointed in accordance with the provisions of this by-law.

#### **14.6 Fees and Services**

14.6.1 That the municipal fees for the administration and enforcement of this by-law be in accordance with the Town's fees and services by-law and any revisions thereto.

#### **14.7 Repeals**

14.7.1 By-laws No. 2002-18; 2003-26; 2014-15 & 2014-46 are hereby repealed.

#### **14.8 Enactment**

14.8.1 This By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

And further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 20XX

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Andrea Matrosovs, Mayor

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Corrina Giles, Town Clerk

### Schedule 'A'

In this by-law in ***Good Repair*** includes but is not limited to buildings and building components that are:

- free from unsafe conditions;
- in a clean, odour free and sanitary condition;
- free from rubbish, debris and the accumulation of materials;
- properly and securely anchored;
- protected against deterioration and decay by the periodic application of a weather resistance material;
- free of vermin, pests and injurious insects;
- kept clear from mould or any condition that may cause mould or other types of decay
- weather tight;
- water tight;
- draft free;
- free from conditions causing or contributing to leaks;
- free from conditions that are detrimental to the appearance of the building;
- free from defects, accident hazards and are capable of supporting all loads the structural members may be subject to;
- free from missing or broken mortar, bricks;
- free from loose or unsecured objects or materials;
- free from holes, cracks, loose broken, torn damaged or decayed materials;
- free from depressions, protrusions, deterioration or other defects which could create an unsafe condition;
- properly operational;
- capable of adequately performing its intended function