

Township of East Hawkesbury

Property Standards By-law

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THE CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

BY-LAW NO. 2003 - 58

Being a by-law to provide standards for
the Maintenance and Occupancy of Property
in the Township of East Hawkesbury

WHEREAS Section 15.1 (3) of the *Building Code Act* and amendments thereto, provides that a Council may pass By-laws for:

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

AND WHEREAS Section 5.3.10 of the Official Plan for the United Counties of Prescott and Russell includes provisions relating to property conditions, and such Official Plan applies to the Township of East Hawkesbury;

NOW THEREFORE the municipal council of the Corporation of the Township of East Hawkesbury hereby enacts as follows.

Township of East Hawkesbury

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SECTION 1- GENERAL

1.1 Short Title

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

SECTION 2 - DEFINITIONS

2.A

Accessory Building

Shall mean a building naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

2.B

Balustrade

Shall mean a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.

Basement

Shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average level of ground adjacent to the exterior walls of the building.

Bathroom

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

Boarding or Lodging House

Shall mean a building in which the owner or lessee provides not more than four (4) guest rooms for accommodation, with or without meals, for monetary gain.

Building

Shall mean any structure used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

2.C

Cellar

Shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior walls of the building.

Commercial Property

Shall mean a property used for the sale of goods and/or services for the purposes of this By-law shall include office buildings, public halls, licensed premises and private clubs, and any building that is used in conjunction with these.

Committee

Shall mean the Property Standards Committee as established under this By-law.

Corporation

Shall mean the Corporation of the Township of East Hawkesbury.

2.D

Dwelling

Shall mean a building occupied or capable of being occupied as the home or residence of one or more persons, which shall not include a boarding house, hotel, motel or similar commercial use of a private or semi-private institution.

Dwelling Unit

Shall mean one room or a group of rooms in one (1) building, used for residential occupancy, housing food preparation and sanitary facilities and a private entrance from the outside of the building or from a common hallway or stairway inside the building.

2.F

Fire Resistance Rating

Shall mean the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria as stated in the *Ontario Building Code*.

2.G

Graffiti

Shall mean one or more letters, symbols or marks, howsoever made, that disfigure or deface a property or object, but does not include an authorized sign.

2.H

Habitable Room

Shall mean a room commonly used for living purposes, including a bedroom and a kitchen but not including any space in a dwelling used as a lobby, hallway, closed, or bathroom or any room having floor space of less than 4.6 m² [49.5 ft.²].

2.I

Industrial Property

Shall mean a property used for the manufacturing and/or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.

2.M

Maintenance

Shall mean the preservation and keeping in repair of a property.

Means of Egress

Shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, window, or other egress facility for the escape of persons from any point within a building, floor area, room or

contained open space to a public thoroughfare or approved open space and includes exits or access to exists.

Multiple Dwelling

Shall mean a building containing two or more dwelling units, other than a semidetached dwelling.

Multiple Use Building

Shall mean a building containing both a dwelling unit and a non-residential use.

2.N

Non-Habitable Space

Shall mean any space in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance or common use, and for access to and vertical travel between storeys; and any unfinished basement.

2.O

Occupant

Shall mean any person or persons over the age of eighteen years in possession of the property.

Occupancy

Shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

Officer

Shall mean a property standards officer as may from time to time by Council be assigned the responsibility of administering and enforcing this By-law.

Owner

Shall mean the person for the time being paying the municipal taxes or managing or receiving the rent of the land or premises in connection with

which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.

2.P Property

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

Public Building

Shall mean a building which is staffed by government personnel for the purpose of servicing the public.

2.R

Repair

Shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this By-law. All repairs shall be made in conformity to the *Ontario Building Code*, the *Ontario Water Resources Act*, the Electrical Safety Code, the Fire Code the *Environmental Protection Act*, the *Elevating Devices Act* and similar legislation.

Residential Property

Shall mean any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such an establishment.

Roomer or Lodger

Shall mean a person harbored, received or lodged, in a lodging house or boarding house in return for compensation.

2.S

Sewage

Shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm runoff.

Sewage System

Shall mean the Township's sanitary sewerage disposal system approved by the Medical Officer's of Health and/or the Ministry of the Environment or an individual on-site sewage system approved under the *Building Code Act* or the *Environmental Protection Act*.

Standards

Shall mean the standards of physical conditions and occupancy set out in this Bylaw.

2.T

Toilet Room

Shall mean a room containing a water closet and washbasin.

2.W

Wall

Shall mean the solid vertical structure forming any one of the sides of a building and/or a partition forming the side of a room.

2.Y

Yard

Shall mean an open, uncovered space appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property.

SECTION 3 - MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS

3.1 Accessory Buildings, Fences and Other Structures

- 3.1.1 Accessory buildings, fences and other structures, including retaining walls appurtenant to the property shall be maintained in a structurally sound condition and in good repair and free from health, fire and accident hazards.
- 3.1.2 Accessory buildings, fences and other structures shall be protected from deterioration by the application and maintenance of weather resistant materials (i.e., paint or other suitable preservative) or through the use of maintenance free construction materials.
- 3.1.3 Despite **Section 3.1.2**, preservatives may be exempted where the aesthetic characteristics of the building are specifically designed to be enhanced by the lack of such materials and the standards in **Section 3.1.1** are upheld.
- 3.1.4 Fences, approved enclosures and retaining walls around or on a property shall be kept free from posters, signs, notices, advertising materials or defacement or disfigurement. Fences and gates around swimming pools shall also be maintained in accordance with By-law 19-89. The height and materials used in the construction or installation of fences shall be in accordance with By-law 93-18.
- 3.1.5 Accessory buildings, fences or structures shall be repaired or removed or demolished in part or in whole where the offending part of the building is not in accordance with the prescribed standards.

3.2 Drainage

- 3.2.1 No person shall maintain or change the grade, swales, open ditches or other drainage features on a property so as to cause recurrent or excessive ponding or the entrance of water into a basement or cellar.
- 3.2.2 All stormwater facilities on a property or serving a property shall be maintained in working order and free of blockages that might impede drainage.
- 3.2.3 No natural soil, topsoil, road gravel, salt or other fill material shall be permitted to erode by the action of wind or stormwater runoff if such material is being carried onto adjacent property or into a lake, stream, ditch or water course.

3.2.4 No roof drainage or sump pump shall be discharged on sidewalks, stairs or the premises or neighboring property.

3.3 Garbage Disposal

3.3.1 Garbage, rubbish and other debris from a property shall be promptly stored in receptacles and made available for removal.

3.3.2 Every garbage and refuse receptacle shall be constructed of watertight material, provided with a tight-fitting cover and shall be maintained in a clean and odor free condition at all times. Where an exterior bulk or roll-off container refuse system is used, it shall be equipped with covers or similar devices which shall be readily openable, but not left open when actively being loaded or emptied, shall be large enough for the containment of all refuse generated between collections by the occupants served and shall not be loaded beyond the top of the container. Despite this provision, the temporary storage of waste materials from the demolition, repair or alteration of a building or part thereof may be placed on the property or in a designated dumpster, provided it is removed frequently and in its entirety from the property and provided it does not cause a risk to public health or safety.

3.3.3 Where private containerized garbage pickup is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.

3.3.4 Garbage of an inflammable, toxic or hazardous nature shall be stored safely or removed immediately from the property unless otherwise authorized under a valid Certificate of Approval issued by the Ministry of the Environment.

3.3.5 Every residential property shall be maintained in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.

3.3.6 The occupant of a residential property may provide for a compost pile, provided that the compost pile is no larger than 1 m² [10.76 ft.²] in area and no higher than 1.8 m [5.9 ft.] in height and is enclosed on all sides by concrete block or lumber or other suitable materials or stored within a commercially manufactured plastic container designed for composting, either of which is maintained in a condition to prevent undue odours or vermin.

3.4 Safe Passage for Parking Areas, Walks and Driveways

- 3.4.1** Steps, walks, walkways and driveways shall be maintained so as to afford safe passage under normal use and weather conditions be it in any season or during the day or night
- 3.4.2** All areas used for vehicular traffic and parking shall have a surface of asphalt, concrete, interlocking stone or compacted stone or gravel and shall be kept in a safe condition for vehicular or pedestrian traffic.

3.5 Sewage

- 3.5.1** Sewage or organic waste shall only be discharged into a sewage system approved under the *Building Code Act* or the *Environmental Protection Act*.
- 3.5.2** Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 3.5.3** All septic tanks shall be maintained in proper working order and shall be pumped out on a regular basis in accordance with the occupancy of the building or dwelling.

3.6 Yards and Vegetation

- 3.6.1** All yards, including vacant lots, shall be kept clean and free from:
 - 1. Garbage, rubble, litter, waste, construction materials or other debris that constitutes *an* unsafe condition or public health concern.
 - 2. Noxious plants as defined in the *Weed Control Act* such as ragweed, poison ivy, poison oak, poison sumac or similar noxious vegetation.
 - 3. Heavy growth or undergrowth and excessive growth of grass or weeds. Within the Villages of Chute-d-Blondeau, St-Eugene or Ste-Anne de Prescott, grass on lawns or boulevards or landscaped areas on any lot including a vacant lot shall be maintained in a trimmed, mowed or cut condition with a height not to exceed of 20.2 cm [8 inches] and shall be kept free of weeds and noxious plants. Hedges and bushes shall be kept trimmed to a suitable height and shall not be overgrown or unsightly. A yard which is cultivated to permit natural uncut grasses (i.e., vetch) and alternative gardening or landscaping methods may be permitted at the discretion of the Chief Property Standards Officer.

4. Dead, decaying or damaged trees or other natural growth which create an unsafe condition, fire hazard or public health concern.
5. Holes, pits or trenches, ditches which create an unsafe condition. Holes and excavations which are necessary for or part of a use lawfully situated on private property shall be kept in a safe condition and where necessary for safety reasons, shall be barricaded or fenced.
6. Any vehicle, including a trailer, boat, snowmobile, recreational vehicle, machinery or part thereof or junk which is in a wrecked, discarded, dismantled, inoperative or abandoned condition, except:
 - A. in an establishment licensed or authorized to conduct and operate such a repair or restoration or resale business;
 - B. for an occupant of any premises who is repairing or restoring a vehicle or equipment for personal use provided such repair or restoration is actively carried on;
 - C. for a farmer who is actively trying to sell or dispose of farm vehicles or equipment; or
 - D. for historic vehicles or other vehicles or equipment which are stored inside an enclosed building and are being repaired, restored or conserved for personal use.
7. Dilapidated, collapsed or partially constructed structures where not covered by a currently valid building or demolition permit.

3.6.2 Section 3.6.1.3 shall not apply to any property in the Agricultural (A) Zone, Open Space (OS) Zone or Environmental Protection (EP) Zone as provided for in By-law 92-50, the Zoning By-law, unless the property is used exclusively for residential purposes.

SECTION 4 - MAINTENANCE OF BUILDINGS AND STRUCTURES

4.1 Structurally Sound

- 4.4.1 Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight load and any load to which it may be subject i.e., snow load.
- 4.4.2 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

4.2 Pest Prevention

- 4.2.1 All property shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents, vermin, or insects shall be

In accordance with the provisions of the Pesticides Act, as amended from time to time and all regulations passed pursuant thereto.

- 4.2.2** Basement and cellar windows or ventilators used or required for ventilation, and any other openings in a basement or cellar including a floor drain, that might permit the entry of rodents, insects or vermin, shall be screened with wire mesh, metal grill or other durable material to prevent entry.

4.3 Foundations

The foundations and foundation walls of every building or structure or part thereof shall be structurally sound and maintained to adequately support the loads imposed and to provide a dry basement or crawl space. Foundations shall be maintained free of leaks and defective mortar joints or masonry and jacking, underpinning or shoring shall be provided where necessary for structural support. Foundation walls and exposed beams, joists or other wood members shall be waterproofed and dampproofed to prevent the entry of moisture or water into the basement cellar or crawl space. Floor drains, building drains and foundation or subsoil drains shall be maintained in proper working order.

All buildings, except for slab-on-grade construction, shall be supported by foundation walls or piers which extend below the frost line or to solid rock or which are designed and constructed in accordance with the *Building Code Act*.

4.4 Basement and Cellar Floors

- 4.4.1** Every basement and cellar shall have a floor of concrete, masonry or other impervious material and where a floor drain is necessary it shall be located at the lowest part of the said floor and connected to the storm sewer system, if possible.

- 4.4.2** Basements, cellars or crawl spaces which are not served by a stairway leading from the building or from outside the building may have a dirt floor provided it is covered with a moisture proof covering.

4.5 Dampness

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

4.6 Insulation

The insulation requirements of the Ontario Building Code as amended from time to time, shall be complied with where necessary and practical.

4.7 Exterior Walls

- 4.7.1** The exterior walls, and other components of a building, including soffits, and fascia shall be kept in good repair and free from loose, cracked, rotted, warped and broken materials or loose masonry units, stucco and other defective cladding or trim. Any defective materials shall be removed, repaired or replaced.
- 4.7.2** All exterior surfaces shall be of materials which provide adequate protection from the weather and shall be maintained with paint or other suitable preservative or coating to prevent deterioration due to weather conditions, insects or other damage.
- 4.7.3** The exterior walls and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing and by the waterproofing of joints and of the walls themselves.
- 4.7.4** Exterior walls and their components shall be maintained free of inappropriate signs, painted slogans, graffiti and similar defacements.

4.8 Roof

- 4.8.1** All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. The roof including shingles or other roof covering, the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building, and where necessary shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.
- 4.8.2** Accumulations of excessive or dangerous ice or snow or both shall be promptly removed from the roofs of any building or structure.
- 4.8.3** Where eaves troughing and roof gutters are provided, they shall be kept in good repair and working order, free from obstructions and shall be

properly secured to the building.

- 4.8.4** Transmitting and receiving devices, chimneys, waste pipes, vents, rooftop air conditioning and heating equipment or structures, solar heating equipment and other roof structures shall be maintained in a safe and operable condition.

4.9 Doors, Windows and Security Systems

- 4.9.1** All exterior openings shall be fitted with doors and windows.
- 4.9.2** Windows, exterior doors, skylights, basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free, so as to prevent heat loss and the infiltration of wind or rain or other elements.
- 4.9.3** Rotted or damaged doors, door frames, window frames, sashes and casings, or weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.
- 4.9.4** All windows intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the building. Every window in a leased dwelling that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter [3.9 inches] sphere and such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 4.9.5** All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- 4.9.6** Solid core doors shall be provided for all entrances for reasons of security, fire separation, noise barriers and heat loss.
- 4.9.7** In buildings where there is a voice communication system, a security or alarm system or fire alarm system, all systems shall be maintained in good working order at all times.

4.10 Stairs, Porches, Balconies, Handrails, Balustrades and Decks

- 4.10.1** Every inside and outside stair, and every porch, balcony or landing

appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards, and all treads or risers that are broken, warped or loose, or show excessive wear and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.

4.10.2 Every stairwell or open stairway with five or more risers leading to a higher storey or to a basement, and every balcony or landing shall be equipped with handrails or balustrades, maintained in good repair so as to provide adequate protection against accident or injury.

4.10.3 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm [24 inches]. The latter shall apply to an exterior deck.

4.10.4 A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

4.11 Walls and Ceilings

4.11.1 Every wall and ceiling finish shall be maintained so as to be free of holes, cracks, loose coverings or other defects and which would permit flame or excessive heat to enter a concealed space. Walls surrounding showers and bathtubs shall be impervious to water.

4.11.2 Where dwelling units are separated vertically, the dividing walls from the top of the footings to the underside of the roof deck, and any space between the top of the wall and the roof deck shall be tightly sealed by caulking, mineral wool or similar non-combustible material, and such walls shall conform to the fire resistance ratings contained in the *Ontario Building Code*.

4.12 Floors

4.12.1 Every floor shall be smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards or other floor covering that might cause an accident and all defective floor boards shall be repaired or replaced.

4.12.2 Where floor boards have been covered with linoleum or some other

covering that has become worn or torn so that it retains dirt or might cause an accident, the linoleum or other covering shall be repaired, replaced or removed.

- 4.12.3** Every floor in a bathroom, toilet room, kitchen, shower room, laundry room shall be maintained so as to be impervious to water and which can be readily cleaned.

4.13 Egress

- 4.13.1** Every residential building shall have a safe, continuous and unobstructed passage from the interior of the dwelling to the outside at a street, outer court or at grade level. In the case of a one family dwelling, there shall be at least two exits suitably remote from each other, from the first storey.

- 4.13.2** Every dwelling which contains dwelling units located other than on the ground floor shall be provided with a second means of egress.

- 4.13.3** In the case of a multiple dwelling, wherever there are not two means of egress from each apartment, suitably remote from each other, there shall be ready access to at least two means of egress leading to separate and independent exits.

- 4.13.4** A required exit shall not pass through an attached garage, or built-in garage or an enclosed part of another dwelling unit.

- 4.13.5** All Commercial, Institutional and Industrial buildings shall be provided with exists of size and number so as to be in compliance with the requirements of the *Ontario Building Code*, as amended from time to time for the appropriate group and division.

4.14 Air Conditioners

All air conditioners shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

4.15 Elevating Devices

Elevators and other elevating devices 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 and inspected as required by the *Elevating Devices Act*.

4.16 Natural Light

Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly to an outside space which is at least 15 cm [6 inches] above the adjoining finished grade and provides unobstructed light transmitting area which is not less than ten (10) percent of the floor area for the living and dining rooms and five (5) percent for bedrooms or other finished rooms. The glass area of a sash door may be considered as a portion of the required window area.

SECTION 5 - STANDARDS FOR USE AND OCCUPANCY OF BUILDINGS

5.1 Cleanliness

Every floor, wall, ceiling and fixture in any building shall be maintained in a clean and sanitary condition, and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

5.2 Water

- 5.2.1** Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health.
- 5.2.2** Every sink, washbasin, bathtub, or shower required by this by-law shall have an adequate supply of hot and cold running water.
- 5.2.3** Adequate running water shall be supplied to every water closet.
- 5.2.4** Where a water supply system is provided to a building intended or used on a year-round basis, such system shall be maintained so as to prevent it from freezing.

5.3 Plumbing

- 5.3.1** Sewage shall be discharged into a sewage system approved under the *Building Code Act* or the *Environmental Protection Act*, whichever is applicable.
- 5.3.2** All plumbing, drain pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained and in good working order and be protected from freezing.

- 5.3.3** The plumbing system shall provide a satisfactory potable hot and cold-water supply and an appropriate drainage or waste pipe system including venting.
- 5.3.4** Every water heater shall have sufficient capacity to provide an adequate supply of hot water at all times in all parts of every building, dwelling unit, or shared facility.
- 5.3.5** All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 5.3.6** Every fixture shall be of such material, construction and design as will ensure that the exposed surface of all parts is hard, smooth, impervious to hot and cold water, readily accessible for cleaning and free from blemishes, cracks, stains or other defects that may harbour germs or impede thorough cleansing.
- 5.3.7** All wells and well casings shall be maintained in accordance with Ontario Regulation 903, as amended, and any casings which are cracked, shall be repaired.

5.4 Toilet and Bathroom Facilities

- 5.4.1** Every dwelling unit except as provided in subsection 5.4.2 hereof, shall contain fully operational plumbing fixtures consisting of at least:
1. One water closet, and
 2. One kitchen sink, and
 3. One washbasin, and
 4. One bathtub or shower
- 5.4.2** The occupants of not more than two dwelling units may share a water closet, washbasin and bathtub or shower, provided:
1. Not more than a total of eight persons occupies both dwelling units,
 2. Access to the fixtures can be gained without going through rooms of another dwelling unit or outside the dwelling.
- 5.4.3** In a rooming house there shall be a water closet, washbasin and bathtub or shower for not more than eight persons and these facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.

- 5.4.4 Every Commercial, Institutional and Industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation.
- 5.4.5 All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.
- 5.4.6 All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.
- 5.4.7 Where practical a washbasin shall be located in the same room as the water closet.
- 5.4.8 No facilities for the preparation, cooking, storage or consumption of food or for sleeping shall be within a room that contains a toilet.

5.5 Kitchens

- 5.5.1 Every kitchen area shall be equipped with a sink served with hot and cold running water, storage facilities and counter top work area and space shall be provided for a stove and a refrigerator.
- 5.5.2 The splash back and counter top around the kitchen sink shall have an impervious surface.
- 5.5.3 Every kitchen shall have provided an adequate and approved gas or electrical supply for cooking purposes and there shall be at least 76 cm [30 inches] clear space above any exposed cooking surface.

5.6 Garbage, Refuse Storage Rooms and Chutes

Where garbage, refuse storage rooms and chutes are provided they shall be in conformity with the *Ontario Building Code* as amended from time to time, and maintained in a clean and sanitary condition.

5.7 Heating System

- 5.7.1 Every dwelling and/or dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21° C [70° F] at -20.5° C [-5° F] outside, at 1.5 m [4.92 ft.] above floor level and 0.9 m [2.95 ft.] from the exterior walls in all habitable rooms, bathroom and toilet rooms and not less than 16° C [61° F] in an unfinished basement or cellar. Crawl spaces need not be heated.

- 5.7.2** The heating system required by Section 5.7.1 shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.
- 5.7.3** No heating appliance or device shall be located closer than 60 cm [24 inches] to any combustible material unless protected, nor placed so as to impede the free movement of persons within the room where it is located.
- 5.7.4** A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- 5.7.5** Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space 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 or accident hazards.
- 5.7.6** Fuel-burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or a vent or flue.
- 5.7.7** Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the dwelling.
- 5.7.8** All flues shall be kept clear of obstruction; all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 5.7.9** Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- 5.7.10** In multiple dwellings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance rating as required by the *Ontario Building Code*.
- 5.7.11** In all commercial, institutional or industrial buildings provided with a central heating system, the heating unit shall be located in a separate room, having walls, ceilings and doors, all of which have the appropriate fire resistance rating as required by the *Ontario Building Code*.
- 5.7.12** Where an outdoor furnace or wood burning appliance is utilized as the source of heat, the separation distance from any dwelling shall not be less than 15 m [50 ft.] nor less than 3 m [10 ft.] from any accessory building.

and the setback from any property line shall not be less than 7.5 m [25 ft.]. Such appliance shall be installed and operated in accordance with the manufacturer's operating instructions and such appliance shall be maintained in a good working and safe condition.

5.8 Electrical Service

- 5.8.1** Electrical installations, including the service capacity of the installation and the number and distribution of circuits, shall conform to the *Ontario Electrical Safety Code*.
- 5.8.2** Every habitable room, except for a kitchen, shall contain at least one electrical duplex convenience outlet. There shall be an additional duplex convenience outlet for each 9.4 m² [101.2 ft.²] of floor area in excess of 11.2 m² [120.5 ft.²].
- 5.8.3** Every kitchen shall have at least two electrical duplex convenience outlets, which shall be on separate circuits. One such outlet shall be provided over the counter top work surface and one shall be provided at the refrigerator space. **In** addition, an outlet shall be provided in a dining area forming part of a kitchen.
- 5.8.4** Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 5.8.5** A permanent electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, basement, cellar and non-habitable work or storage area.
- 5.8.6** Extension cords shall not be permitted on a permanent basis.
- 5.8.7** The electrical wiring and all electrical fixtures, switches, receptacles and appliances located or used in any building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.
- 5.8.8** Lighting, fixtures and appliances installed throughout a building including stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid public health or accident hazards under normal use.

5.9 Lighting

- 5.9.1** Every public hall and stairway and stairwell in all buildings shall be illuminated at all times so as to provide safe passage.
- 5.9.2** All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.

5.10 Ventilation

- 5.10.1** Every habitable room including a kitchen shall have an opening or openings for natural ventilation from the outside. Such opening or openings shall have a minimum aggregate unobstructed free flow of air of at least 0.28 m² [3 ft.²] and shall be located in the exterior walls or through openable parts of skylights.
- 5.10.2** Openings for natural ventilation may be omitted from a kitchen, living or living-dining room, basement, cellar and crawl space if mechanical ventilation is provided which changes the air once every hour.
- 5.10.3** Every bathroom or room containing a water closet, shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of .093 m² [1 ft.²] except said opening may be omitted where a system of mechanical ventilation has been provided, such as an electrical fan with a duct leading to outside the dwelling.
- 5.10.4** All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- 5.10.5** Every basement, cellar, and unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings.

5.11 Fire Safety

- 5.11.1** Every dwelling shall be equipped with at least one smoke alarm per storey which shall be maintained in a good and operable condition at all times.

- 5.11.2** The warehousing or storage of material or operative equipment that is required for the continuing operation of an industrial or commercial aspect of a property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles.
- 5.11.3** Emergency lighting that is installed or required in any building or on any property shall be maintained in a good an operable condition at all times.
- 5.11.4** The surface area and width of any designated fire routes shall be maintained in a condition suitable for the bearing and maneuvering of emergency vehicles and shall remain unobstructed at all times and all seasons.

5.12 Fire Damage and Demolition

- 5.12.1** In the event of a fire, measures shall be taken as soon as possible to make the damaged building safe and compatible with the surrounding environment through such measures as:
1. Cleaning any smoke or water damaged surfaces exposed to view
 2. Refinishing such exposed surfaces so that they are in harmony with adjoining undamaged surfaces and the general environment.
 3. Repairing of fire damaged surfaces.

In the event a building is destroyed beyond the point of repair or restoration, as a measure of public safety, the building shall be demolished and removed forthwith from the site and the site shall be graded and leveled. In the interim of any authorized repair or, restoration of a fire damage building or in the interim of the demolition and/or removal, the site and/or building shall be secured to prevent access by the general public.

- 5.12.2** Where a building or structure is being demolished, every precaution shall be taken to protect any adjoining property and members of the public from accident hazards. Such precautions shall include the erection of fences or barricades and all other means of protection necessary in respect thereto.
- 5.12.3** No building shall be reoccupied which is deemed to be unsafe for human occupancy.

SECTION 6 - OCCUPANCY STANDARDS FOR DWELLINGS

- 6.1** No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 6.2** The maximum number of occupants in a dwelling or dwelling unit shall not exceed one person per 9.4 m² [101.1 ft.²] of habitable room floor area.
- 6.3** For the purpose of computing the maximum number of occupants in subsection 6.2 any child under twelve years of age shall be deemed one-half person.
- 6.4** For the purpose of computing the habitable room floor area in subsection 6.2 the floor area under a ceiling which is less than 2.1 m [6.88 ft.] high shall not be counted. If a finished ceiling is not applied to the underside of the joists, then the area shall not be deemed as habitable room space.
- 6.5** No room in any dwelling shall be used for sleeping purposes unless there is a minimum width of 2 m [6.56 ft.] and a minimum floor area of 7 m² [75.3 ft.²]. At least one-half of the required minimum floor area shall have a ceiling height of 2.1 m [6.88 ft.] and no floor area with a ceiling height of less than 1.37 m [4.49 ft.] shall be counted.
- 6.6** Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
1. Each habitable room shall comply with all the requirements set out in this By-law.
 2. Floors and walls shall be constructed so as to be dampproofed and impervious to water leakage.
 3. Each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the *Ontario Building Code*.
 4. Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room.

SECTION 7 - VACANT LANDS AND BUILDINGS

7.1 Vacant Lands

- 7.1.1** Vacant land shall be maintained to the standards as described in **Section 3.6** of this By-law.
- 7.1.2** Vacant land shall be graded, filled or otherwise drained so as to prevent

recurrent or excessive ponding of water.

7.2 Vacant Buildings

7.2.1 Vacant buildings shall be kept cleared of garbage, rubble and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the building.

7.2.2 Every vacant building shall be boarded up to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm [0.5 inch] weatherproof sheet plywood in a color compatible with the surrounding walls and which is securely fastened.

SECTION 8 – ADMINISTRATION

8.1 Application of By-law

8.1.1 This By-law shall apply to all property in the Township of East Hawkesbury.

8.1.2 Where a provision of this By-law conflicts with a provision of another By-law in force in the Township, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

8.1.3 If any section of this By-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.

8.2 Property Standards Officer and Property Standards Committee

8.2.1 This By-law shall be administered by a Property Standards Officer and a Property Standards Committee of three ratepayers of the Township of East Hawkesbury appointed by Council who shall hold office for three years provided that on the first appointment the members shall hold office as follows:

1. One member until the 1st day of January of the year following the date of appointment.
2. One member until the 1st day of January of the second year following the date of appointment.
3. One member until the 1st day of January of the third year following the date of appointment.

8.2.2 The Committee shall appoint one of its members as Chairman and shall appoint a secretary.

8.3 Inspection

8.3.1 The Property Standards Officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property to determine whether the property conforms with the standards prescribed in this By-law, or whether an order has been complied with.

8.3.2 The Property Standards Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling unless:

1. The consent of the occupier is obtained, the occupier first having been informed that he right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act*; a warrant issued under the *Act* is obtained;
2. The delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
3. The entry is necessary to terminate a danger as determined under the *Building Code Act* (Section 15.7(3));
4. The requirements for giving notice under Section 16. (1) of the *Building Code Act* are met and the entry is necessary to remove a building or restore a site or to remove an unsafe condition or to repair or demolish.

8.3.3 For the purposes of an inspection under the *Building Code Act*; an inspector may:

1. Require the production for inspection of documents or things, including drawings or specifications that may be relevant to the building or part thereof;
2. Inspect and remove documents or things relevant to the building or part thereof for the purpose of making copies or extracts;
3. Require information from any person concerning a matter related to a building or part thereof;
4. Be accompanied by a person who has special or expert knowledge in relation to building or part thereof;
5. Alone or in conjunction with a person possessing special or expert

- knowledge, make examinations or take tests, samples or photographs for the purposes of the inspection; and
6. Order any person to take and supply at that person's expense such tests and samples as are specified in the order.

8.3.4 Inspection of Unsafe Buildings

1. An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting a building to determine whether the building is unsafe or whether an order has been complied with.
2. A building is unsafe if the building is structurally inadequate or faulty for the purpose for which it is used or in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside of the building or persons whose access to the building has not been reasonably prevented.
3. In addition to the criteria set out in Section 8.3.4.2, a sewage system is unsafe if it is not maintained or operated in accordance with the *Building Code Act* and the *Ontario Building Code*.
4. An inspector who finds that a building is unsafe may make an order setting out the reasons why the building is unsafe and the remedial steps necessary to render the building safe and may require the order to be carried out within the time specified in the order. The order shall be served on the owner and each person apparently in possession of the building and such other person affected thereby as the officer determines and a copy of the order may be posted on the site of the building. If an order is not complied with within the time specified, or where no time is specified, within a reasonable time, the officer may by order prohibit the use or occupancy of the building and may cause the building to be renovated, repaired or demolished to remove the unsafe condition or take such other action as is considered necessary for the protection of the public.
5. **Power of Entry:** For the purposes of Section 8.3.4.4, an officer may enter upon the land and into buildings at any reasonable time without a warrant.
6. **Municipal Lien:** If the building is in a municipality, the municipality shall have a lien on the land for the amount spent of the renovation, repair,

demolition or other action taken under Section 8.3.4.4 and an amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll in the same manner and with the same priorities as municipal real property taxes.

7. **Emergency Order:** If upon inspection of a building an inspector is satisfied that the building poses an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger. The order shall be served on the owner and each person apparently in possess of the building and such other persons affected thereby as the officer determines and a copy shall be posted on the site of the building. After making the order, the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the officer, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant. If the order was not served before the measures were taken to terminate the danger, the officer shall serve copies of the order as soon as practicable after the measures have been taken and each copy of the order shall have attached to it a statement by the officer describing the measures taken and providing details of the amount spent in taking the measures.

8.4 Order of Non-Conformity

- 8.4.1 When inspection by the Property Standards Officer reveals that a property does not conform with the standards prescribed by this By-law, the Property Standards Officer may make an order.

8.5 Contents and Procedures for an Order of Non-Conformity

- 8.5.1 The order shall:

1. contain the municipal address or a legal description of the property;
2. give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.
3. indicate 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.

4. indicate the final date for giving notice of appeal from the order.

8.5.2 The 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.

8.5.3 The 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 where the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

8.6 Appeal of an Order

8.6.1 An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served the order.

8.6.2 An order that is not appealed within the 14-day period specified shall be deemed to be confirmed.

8.6.3 The committee shall hear an appeal. On appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things, if in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and official plan:

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

8.6.4 Appeal to Court

The municipality in which the property is situate or the owner or person affected by a decision of the committee may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision.

SECTION 9 - AUTHORITY

- 9.1 This By-law shall be read subject to the *Building Code Act*; as amended from time to time, and whenever the provisions of this By-law conflict or are otherwise inconsistent with the provisions of the *Building Code Act*, the provisions of the *Building Code Act* shall be deemed to be incorporated into this By-law.

- 9.2 This By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of East Hawkesbury.

Read a first time this 14 th day of October, 2003.

Read a Second and Third time and finally passed this 14 day of October 2003.

Michel Lalonde
Mayor

Linda Rozon
Clerk Deputy