

THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE

BY-LAW NO. 2010-18

BEING a by-law to provide standards for the maintenance and occupancy of all properties within the Township of McNab/Braeside.

WHEREAS the Council of the Corporation of the Township of McNab/Braeside is empowered to enact a by-law pursuant to the provisions of Section 15.1(3) of The Building Code Act, S.O. 1992 c.23 and amendments thereto;

AND WHEREAS pursuant to Section 15.6 of the Building Code, S.O. 1997 c.24, as amended, a by-law passed under section 15.1 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS the Official Plan in effect for the Township of McNab/Braeside includes provisions relating to property conditions;

AND WHEREAS under the Tenant Protection Act, S.O. 1997 c.24, as amended, the Council of a local municipality may pass by-laws requiring landlords to provide adequate and suitable vital services to each of the landlord's rental units;

NOW THEREFORE the Council of the Corporation of the Township of McNab/Braeside **HEREBY ENACTS** that all property owners within the Township of McNab/Braeside are required to comply with the following minimum standards of maintenance occupancy:

PART I

DEFINITIONS

In this By-law,

- 1.1 **"Accessory Building"** means a use, building, or structure subordinate, incidental and exclusively devoted to the main use, building or structure located on the same lot therewith and not designed or intended for human habitation, unless specifically permitted by this By-law.
- 1.2 **"Alteration"** means (as applying to a building) a change from one major occupancy class or division to another, or to a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction, cutting into or removal of any wall, partition, column, beams, joist, floor or other support, or a change of the fixtures and equipment.
- 1.3 **"Approved"** means approved by the Property Standards Officer(s) for the Township of McNab/Braeside.
- 1.4 **"Barrier"** means a structure constructed similarly to a fence and having a height in excess of 2m (6.56 feet) from the ground.
- 1.5 **"Basement"** means a storey or storeys of a building located below the first storey.
- 1.6 **"Building"** means a structure as defined in the Building Code Act S.O. 1992, c.23, Section 1. - (1)(a) or part of a structure occupied or capable of being occupied in whole or in part for its intended use and includes a vacant building or structure that could be intended for such use except for its state of disrepair.
- 1.7 **"Cellar"** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.8 **"Commercial Property"** means any property that is used or designed for the purpose of

offices or the retail and wholesale buying or selling of commodities and includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.

- 1.9 **"Committee"** means the Property Standards Committee of the Township of McNab/Braeside, members of which are appointed by Council.
- 1.10 **"Debris/rubbish"** means any item, material or object that has been abandoned, discarded, left unattended or improperly stored under the terms and conditions of this by-law which 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, earthen or rock fill, material from construction or demolition projects and old clothing.
- 1.11 **"Derelict Vehicle"** means any vehicle, boat, trailer or part of any vehicle, boat or trailer, that is in a wrecked, discarded, dismantled or partly dismantled condition. The aforementioned does not preclude the occupant of any premises from repairing a vehicle for his/her own use and not for commercial purposes.
- 1.12 **"Dwelling"** means a building occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, and one or more families, but shall not include any mobile home, construction trailer, travel trailer, hotels, motels, a home for the aged, nursing home or hospital, and includes a building that could be intended for such use except for its state of disrepair.
- 1.13 **"Dwelling Unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, living, sleeping, and sanitary facilities.
- 1.14 **"Excavation"** means the space created by the removal of soil, rock or fill for the purpose of construction.
- 1.15 **"Farm"** means lands, buildings and structures used for the growing of field crops, fruit crops, tree crops, flower gardening, vegetable gardening, nurseries, aviaries, apiaries, for grazing, breeding, raising, boarding or training of livestock, the breeding and raising of poultry, forestry and reforestation but shall not include kennels.
- 1.16 **"Fence"** means a structure constructed of materials such as wire mesh, solid wood or boards, rail lattice, rod iron etc, having a height from the ground of 2m (6.56 feet) or less. The ground shall be measured from the highest grade where there is a discrepancy in heights between adjoining properties.
- 1.17 **"First Storey"** means the storey with its floor closest to grade and having its ceiling more than 1.8 m (5' 11") above grade.
- 1.18 **"Grade"** means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.19 **"Guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.20 **"Habitable Room"** means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a den, library or enclosed sunroom but shall not include any porch, veranda, unfinished attic, unfinished basement or unfinished cellar.

- 1.21 **“Industrial Property”** means any property that is used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. In addition, includes any land or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.22 **“Institutional Property”** means any property that is used for a non-commercial purpose by an organized body or society. This definition may include Municipal property, Schools, Hospitals, etc.
- 1.23 **"Land(s)"** means grounds and vacant lot(s) exclusive of buildings save and except an accessory building.
- 1.24 **"Maintenance"** means the preservation and keeping in repair of a property.
- 1.25 **"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room or a contained open space of a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.26 **“Multiple Use Dwelling”** means a building containing both a dwelling unit and a non-residential property.
- 1.27 **“Multiple Dwelling”** means a building containing three or more dwelling units.
- 1.28 **"Municipality"** means the Corporation of the Township of McNab/Braeside.
- 1.29 **“Naturalized Gardens”** means an area on a property that promotes ecological restoration and is planted with wildflowers, shrubs, trees, grasses or other plants whether native or non-native and may include other natural elements such as rocks, water or wood, that are consistent with a natural landscape.
- 1.30 **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- 1.31 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.32 **"Noxious Weed"** means any weeds classed as noxious by the Weed Control Act, R.S.O. 1990, c.W.5.
- 1.33 **"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.
- 1.34 **"Occupant"** means any person or persons over the age of eighteen in possession of the property.
- 1.35 **"Officer"** means a Property Standards Officer who has been assigned the responsibility

of administering and enforcing this By-law by the Municipality.

- 1.36 **"Owner"** includes:
- a) the person(s) who presently manages or receives the rent of: or the person(s) designated on the assessment roll as owning the land or premises whether on his/her own account or as an agent or trustee of any person(s) or the person(s) who would so receive the rent if such land or premises were let.
 - b) lessee or occupant of the property who, under 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.
- 1.37 **"Person"** means an individual, firm, corporation, association or partnership.
- 1.38 **"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, accessory buildings, fences and erections thereon whether heretofore and hereafter erected, and includes vacant lands.
- 1.39 **"Rental Unit"** means a dwelling unit within a residential rental property that consists of a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, living, sleeping, and sanitary facilities.
- 1.40 **"Repair"** means the provisions of such facilities and the making of additions, or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
- 1.41 **"Residential Property"** means 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 establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.42 **"Residential Rental Property"** means any property that is used or designed for uses as a leased 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 establishment and all stairways, walkways, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.43 **"Site Triangle"** means the triangular space formed by intersecting street lines and a line drawn from a point in one street line to a point on the other street line, each such point being six metres from the point of intersection of the street lines measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- 1.44 **"Sewage System"** means the municipal sewer system if one is available, and if not, a private sewage disposal system approved under the Building Code Act and regulations.
- 1.45 **"Standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.46 **"Unsafe Condition"** means the physical state of a property, structure, barrier, fence and/or building(s), whether vacant or occupied, that in the opinion of the Property Standard Officer is a hazard to the public regarding fire, accident, health or safety.
- 1.47 **"Vehicle"** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, road-building machine and any vehicle drawn, propelled or driven

by any kind or power, including muscular power, but does not include vehicles running only upon rails or vehicles used in farm operations.

- 1.48 **"Water body"** means any bay, lake, river, canal as well as any floodplain associated with the water body, but excluding a drainage or irrigation channel and any other watercourse.
- 1.49 **"Watercourse"** means any depression one metre or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well defined banks, as well as any floodplain associated with the watercourse and includes creeks, streams, municipal drains and other similar watercourses.
- 1.50 **"Waterfront Property"** means a piece of land fronting on a water body.
- 1.51 **"Yard"**
- a) Means the land around or adjoining to the whole or any part of a residential, commercial, industrial or institutional property and used or capable of being used in connection with the property; and for estate lots, it generally refers to the lawn portion of a property.
 - b) Means the one acre of land immediately around or adjoining to a residential, commercial, industrial or institutional property and excludes barnyards and land under farm operations.
- 1.52 Any word or term not defined in this by-law shall have the meaning ascribed to it in the Building Act or the Ontario Building Code.

PART II

GENERAL STANDARDS FOR ALL PROPERTY

2. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

2.1 CONDITIONS OF LANDS

- 2.1.1 All lands shall be kept clean and free from rubbish or debris and from objects or conditions such as holes that might create a health, fire or safety hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.
- 2.1.2 No person shall excavate and leave said land in an excavated condition unmarked for longer than fourteen (14) days.
- 2.1.3 No derelict vehicle, scrap and/or junk material including, without limiting its generality, wrecked, dismantled, unused, unlicensed, un-insured, or non-restorable vehicles, trailers, machinery, tools, tires, appliances, equipment or any part thereof shall be parked, stored, moored or left on lands or water front property unenclosed except in an establishment licensed or permitted to conduct and operate such a business, and only then under circumstances that prevent unsafe or unsightly conditions.
- 2.1.4 Where vehicles, (farm operation vehicles excluded), trailers, boats, barges or mechanical equipment are stored, they shall be screened from the street and public by a fence/barrier or suitable planting and shall be in conformance with the applicable municipal zoning requirements for that location.

2.1.5 All municipal lands will be maintained in accordance with municipal policy.

2.2 CONDITIONS OF YARDS

2.2.1 Every yard, including vacant lots, shall be kept clean and free from:

- (1) rubbish or debris or objects or conditions that may create a health, fire, or safety hazard;
- (2) appliances such as refrigerators, stoves and freezers and are not permitted to be used as places of storage;
- (3) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction that poses a safety hazard;
- (5) injurious insects, termites, rodents, vermin or other pests; and
- (6) dead, decayed or damaged trees that poses a safety hazard.

2.2.2 A minimum distance of 0.76 m (2.5ft) shall be maintained between fire hydrants and all hedges, shrubs, trees, fences and other obstructions.

2.2.3 No person shall plant, grow, maintain, or permit on his/her property any hedge, shrub, plant or tree where:

- a) its location creates a public safety hazard;
- b) it affects the safety of vehicular traffic or pedestrian traffic;
- c) overhangs or encroaches upon any sidewalk or pavement or traveled portion of any street or highway posing a safety risk to pedestrians and motorists; or
- d) it is located in a site triangle with a height higher than 0.8 metres (2.62 ft).

2.2.4 The owner of a residential property shall maintain the residential property or part thereof of land which he/she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris in accordance with the Township of McNab/Braeside's Waste Management By-Laws.

2.2.5 Grass and plants shall be tended and maintained, except on lands in current crop production, pasture land, Township land designated as open space and reforested land. Heavy growth and noxious weeds, as defined by the Weed Control Act, shall be controlled. Notwithstanding the aforementioned, a naturalized garden that is tended and maintained shall be permitted within this by-law.

2.2.6 Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic containers, or other materials suitable for such a use.

2.2.7 Compost heaps shall not be located in any front yard. All compost heaps located within a rear and/or a side yard must meet the accessory structure setbacks set out in the Municipality's current Zoning By-Law.

2.2.8 Firewood and building materials shall be neatly piled in rear or interior side yards only. All required yard setbacks prescribed in the Municipality's current Zoning By-Law shall apply.

2.3 DRAINAGE

2.3.1 Sewage and organic waste shall be discharged into an approved sewage system.

2.3.2 No sewage shall be discharged onto the surface of the ground or into a natural or artificial surface drainage system.

- 2.3.3 Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar.
- 2.3.4 No roof or sump pump drainage shall be directly discharged onto sidewalks, stairs, neighbouring property, and roadways or into a sanitary sewer system unless the municipality authorizes approval.
- 2.3.5 All air conditioners located in buildings shall be equipped with proper devices for the prevention of condensation drainage upon public sidewalks or neighbouring properties.

2.4 WALKS, PARKING AREAS, DRIVEWAYS

- 2.4.1 Steps, walks, driveways, parking spaces and other similar areas on residential rental, commercial, industrial or institutional property shall be maintained so as to afford safe passage under normal use and weather conditions, day or night.
- 2.4.2 All areas on residential rental, commercial, industrial or institutional property used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.

2.5 LIGHTING STANDARDS

- 2.5.1 All artificial lighting for parking areas on residential rental, commercial, industrial or institutional property shall be maintained in good working order.
- 2.5.2 Any lights used to illuminate yards or parking areas on residential rental, commercial, industrial or institutional property shall be so arranged to direct the light downward only onto the yard or parking area and away from any adjoining lands or the sky.
- 2.5.3 Where lawn lamps are deemed as a requirement in a subdivision agreement, such lawn lamps shall be functional and operated in accordance with the requirement in the subdivision agreement.

2.6 DAMAGED MATERIAL

- 2.6.1 In the event that a building is severely damaged due to a fire, explosion or by natural causes, measures shall be taken as soon as possible to secure the damaged property insofar as permitted by the proper authorities to prevent access and injury.
- 2.6.2 Damaged or partially burnt material shall be removed forthwith once the investigations are completed and authorization to do so is provided by the appropriate fire authorities.

2.7 FENCES, BARRIERS

- 2.7.1 Fences, barriers, and retaining walls shall be kept in good repair and shall be free from hazards or risks that may cause accidents, fire or be a danger to health.
- 2.7.2 No fences, barriers or retaining walls may be built on the property line of an adjoining commercial, industrial or institutional property that is in close proximity to the neighbouring property that might limit emergency access to any buildings on the adjoining property. No fence, barrier or retaining wall over 0.8m (2.6 ft) may be erected, constructed or placed in a site-triangle.

- 2.7.3 No person shall erect, construct, or place a fence in any residential zone within the Township of McNab/Braeside with a height in excess of 2m (6.56ft).
- 2.7.4 No person shall erect, construct or place a barrier in any residential zone within the Township of McNab/Braeside unless otherwise specified by a site plan control agreement or any other legislation which would deem a barrier a necessity.
- 2.7.5 No fencing that contains barbed wire, utilizes an electric current or contains any other dangerous components either on the inside or outside shall form part of a fence in any residential zone.
- 2.7.6. The provisions of this section do not apply to a barrier erected upon abutting lands that are used for industrial and/or commercial purposes, railway right-of-ways, and hydro, telephone, utility or public works installations that are deemed to be hazardous to the public, or are being used for screening and/or sound barriers.

2.8 ACCESSORY BUILDINGS

- 2.8.1 Accessory buildings and other structures appurtenant to property shall be maintained in structurally sound condition and in good repair.
- 2.8.2 Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard or repaired to the minimum standards prescribed in this by-law.

3. PROPERTY STANDARDS

3.1 STRUCTURAL STANDARDS

- 3.1.1 Every part of a building or a structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed. The structural condition of the structure must be in accordance with the structural safety factors required by the Ontario Building Code.

3.2 GENERAL CLEANLINESS

- 3.2.1 Every residential, commercial, industrial or institutional property and building and dwelling unit shall use sufficient weather resistant receptacles to contain all garbage, rubbish and ashes, as required by the Township of McNab/Braeside's Waste Management By-laws, relating to the handling, collecting and disposal of garbage, ashes and other refuse.
- 3.2.2 Garbage, rubbish and ashes shall be promptly stored in approved receptacles and removed as required by the Township of McNab/Braeside's Waste Management By-laws. Garbage shall be stored in the rear yard if an area in the building is not available.
- 3.2.3 Receptacles shall be:
- a) made of metal or plastic
 - b) of watertight construction
 - c) capable of being tightly closed; and
 - d) maintained in a clean state.

- 3.2.4 Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.
- 3.2.5 Containers shall be made available in a prominent position on residential rental, non-residential, commercial, industrial or institutional property for the disposal of refuse which may be discarded by customers and others, and the land shall be kept free from refuse.
- 3.2.6 Hallways and stairways in a residential rental, commercial, industrial or institutional property shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.
- 3.2.7. Buildings, dumpsters or structures used for the storage of garbage, rubbish, ashes and other refuse, prior to disposal, shall be deemed to be accessory buildings or structures within the meaning of this by-law and the current Municipal Zoning By-law.

3.3. PEST PREVENTION

- 3.3.1 All residential rental, commercial, industrial or institutional property buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provisions of the Pesticide Act, R.S.O. 1990 Chapter P.11 and all regulations passed pursuant thereto.
- 3.3.2 Openings and holes, within a building containing residential units, inclusive of chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

3.4 EXTERIOR SURFACE

- 3.4.1 Exterior walls of a residential, residential rental, commercial, industrial or institutional building and their components shall be maintained in good repair, free from cracked, broken or loose masonry units and other defects to such attachments as soffits, fascia, cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.4.2 Exterior walls of a commercial, industrial or an institutional building and their components shall be free of painted slogans, graffiti and similar defacements.

3.5 WATER PROOFING/ICE & SNOW REMOVAL

- 3.5.1 The roof of a residential, residential rental, commercial, industrial or institutional property building including the fascia, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into a building.
- 3.5.2 Dangerous accumulations of snow or ice on a residential rental, commercial, industrial or institutional property shall be removed as soon as possible from the roofs of buildings.
- 3.5.3 Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

3.6 STAIRWAYS, PORCHES, DECKS

- 3.6.1 Inside or outside stairways on residential rental property and any porch, deck,

balcony, veranda or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may present a possible safety hazard. In addition, all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.

3.6.2 A handrail 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") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies, and decks. Guardrails, balustrades and handrails shall be constructed and maintained in a firm and inflexible condition as prescribed in the Ontario Building Code.

3.6.3 Inside or outside stairways must be maintained free from accumulations of items, things or ornaments that may pose a safety or a fire hazard when entering or exiting a building.

3.7 FLOORS

3.7.1 Every floor in a residential rental, commercial, industrial or institutional property shall be maintained so as to be free of broken or rotted boards, protruding objects, damaged or deteriorating surfaces, apertures in the surfaces that might admit rodents into a room and all conditions that may create a safety hazard. All defective floorboards shall be repaired and/or replaced.

3.7.2 Where the floor of a residential rental, commercial, industrial or institutional property has been covered with a covering that has become worn or torn to an extent that it is deemed to be a danger to the health and safety of the inhabitants, the covering shall be repaired or replaced.

3.8 WALLS AND CEILING

3.8.1 Every wall and ceiling in a residential rental, commercial, industrial or institutional property shall be maintained so as to be free of holes, cracks, loose or torn coverings or other defects that may be a safety hazard.

3.9 DOORS, WINDOWS AND SECURITY

3.9.1 Windows, skylights, doors and basement or cellar hatchways in a residential rental property shall be maintained in good repair and weather tight. Rotted or damaged doors, doorframes and their components, screens, window frames, sashes and casings shall be renewed and defective hardware, weather stripping and broken window glass shall be replaced.

3.9.2 In a residential rental property, all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.

3.9.3 In a residential rental property with a security system in place where persons are required to contact the tenant prior to being buzzed into the building, all intercom equipment must be kept free of defects and in good working order at all times.

3.9.4 Every window in a residential rental property 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. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.10 WATER SUPPLY

- 3.10.1 Every residential property shall be provided with an adequate supply of potable water supplied by the Municipality's waterworks system where available or an approved well system, which is acceptable to the Renfrew County District Health Unit and is in accordance with the Ontario Building Code.
- 3.10.2 Each washbasin, bathtub or shower, and kitchen sink in a rental unit within a residential rental property shall have an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 45 degrees Celsius (113 degrees F) as prescribed in the Ontario Building Code.
- 3.10.3 Every rental unit within a residential rental property containing a pressurized water system shall have a sufficient quantity of cold water provided to enable the flushing of toilets.
- 3.10.4 All items listed in 3.10.2 and 3.10.3 shall be maintained in good working order.
- 3.10.5 All water pipes and appurtenances thereto shall be protected from freezing.

3.11 PLUMBING SYSTEM

- 3.11.1 Where a residential rental, commercial, industrial or institutional building or property does not have its sanitary facilities serviced by the Township's public sewage system, it shall be serviced by an approved private septic system or an approved outdoor toilet facility and maintained at a standard acceptable to the Renfrew County District Health Unit.
- 3.11.2 Plumbing, drain pipes, water pipes and plumbing fixtures contained within every residential rental, commercial, industrial or institutional building and property and every connection line to the sewage or septic system, shall be free from leaks and defects and in the event remedies are required, they shall conform to the Ontario Building Code.
- 3.11.3 All plumbing fixtures contained within every residential, commercial, industrial or institutional building shall be connected to a sewage system through water seal traps.

3.12 TOILET AND BATHROOM FACILITIES

- 3.12.1 Every residential, commercial, industrial or institutional property and dwelling unit containing a pressurized water system shall contain bathroom-plumbing fixtures consisting of at least one toilet, one wash basin and one bathtub or shower.
- 3.12.2 Every residential, commercial, industrial or institutional property and dwelling unit containing a pressurized water system shall have all bathrooms and toilet rooms located and accessible within the dwelling unit.
- 3.12.3 All bathrooms and toilet rooms shall be fully enclosed and have a door that is capable of being closed so as to provide privacy for the occupant.
- 3.12.4 The wash basin may be located in the same room as the toilet or in an adjoining room.
- 3.12.5 The occupants of two dwelling units each containing no more than two habitable rooms may share toilet and bathroom facilities provided that access to the facility can be gained without going through rooms of another dwelling unit, along an

unheated corridor, or outside the building containing the dwelling units.

- 3.12.6 Each toilet room shall be provided with at least one opening for natural ventilation, or if natural ventilation is not provided then a system of mechanical ventilation is required. All ventilation shall conform to the Ontario Building Code.
- 3.12.7 All outdoor toilet facilities shall be maintained in a manner acceptable to the Renfrew County District Health Unit, the Ministry of the Environment and the Ontario Building Code.

3.13 KITCHENS

- 3.13.1 Every self contained rental unit within a residential rental property shall have a kitchen area equipped with cupboards or shelving for storing food, a counter top work area, space for a stove and refrigerator, and a sink that has a source for hot and cold water. Kitchen area counter top, cupboards and sink shall be maintained in good working order.
- 3.13.2 Every kitchen within a rental unit within a residential rental property shall be provided with an adequate and approved source for gas, electricity or other types of fuel that are required for cooking purposes.

3.14 HEATING SYSTEMS

- 3.14.1 All heating systems installed in commercial, industrial, institutional or non-residential buildings, where people are employed, shall be capable of safely maintaining a 22 degree Celsius temperature as prescribed by the Ontario Building Code, unless the approved non-residential use requires an alternate temperature.
- 3.14.2 No room heater or any other heating apparatus shall be so placed as to cause a fire hazard to walls or to impede the free movement of persons within the room where the heater or heating apparatus is located.
- 3.14.3 Every dwelling and dwelling unit, residential rental, commercial, industrial or institutional property shall be provided with a heating system capable of safely maintaining a 22-degree Celsius temperature as prescribed in the Ontario Building Code and shall be maintained in good working order.
- 3.14.4 All heating apparatus or equipment involving combustion shall be properly connected to a chimney or flue by a sealed connection.
- 3.14.5 All cooking apparatus or equipment involving combustion shall be connected to a chimney or a flue by a sealed connection.
- 3.14.6 All fuel source connections to such apparatus or equipment that burn gaseous or liquid fuel shall be maintained in good repair.
- 3.14.7 In buildings having more than one non-residential unit or a combination of non-residential and residential units and are equipped with a central heating system, shall have the heating system located in a separate room whose walls, ceiling and doors are constructed of materials that have a fire rating of not less than one hour, as prescribed by the Ontario Building Code and amendments thereto.
- 3.14.8 A space that contains a heating unit shall have natural or mechanical means of supplying air as prescribed by the Ontario Building Code.

- 3.14.9 Where a heating system, or part of it, or any auxiliary heating system burns solid or liquid fuel, it shall be provided, maintained and properly constructed so as to be free from fire hazards. A minimum of 1.53 metres (5 ft) clearance is required between fuel oil storage tanks and burners and only approved type storage tanks shall be used as regulated by the Fire Code Act and amendments thereto.
- 3.14.10 Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to a duct leading to an approved chimney, in accordance with the Fire Code Act.
- 3.14.11 Every chimney, smoke pipe, flue and gas vent, actually in use or available for use shall be kept clear of obstruction, all open joints shall be sealed, and all broken and loose masonry shall be repaired.
- 3.14.12 Every chimney, smoke pipe, flue, and gas vent shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature as per CAN/CSA B365 requirements and amendments thereto.
- 3.14.13 Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected and installed as per CAN/CSA B365 requirements and amendments thereto.

3.15 ELECTRICAL SERVICE

- 3.15.1 The electrical wiring and all electrical fixtures located or used in a building, shall be installed and maintained in good working order and free of defects in accordance with regulations set by the Electricity Act, 1998 S.O. 1998 c.15 and amendments thereto.
- 3.15.2 Every dwelling unit that is wired for electricity and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or safety hazards during normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 3.15.3 All electrical outlets shall conform to requirements set out in the Power Corporation Act and amendments thereto (Ontario Hydro Code).
- 3.15.4 Fuses or overload devices shall not exceed limits set by the Ontario Hydro Code.
- 3.15.5 All electrical appliances shall be maintained in a safe mechanical and electrical condition.

3.16 LIGHTING

- 3.16.1 In non-residential buildings, commercial, industrial or institutional property sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to provide proper illumination in all passageways when the building is in use and for stairways in case of a fire or other emergencies.
- 3.16.2 Every habitable room of a dwelling, except a kitchen, bathroom, toilet room and basement where electricity is available, that faces directly to the outside shall have a window or windows, skylights or translucent panels at least 0.15 metres (6 inches) above the adjoining finished grade, with an unobstructed light transmitting area not less than ten (10) per cent of the floor area of such rooms as prescribed by the Ontario Building Code. The glass area of a sash door may be considered as a portion of the required window area.
- 3.16.3 An adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.

3.16.4 All halls and stairways in dwellings, residential rental, commercial, industrial or institutional property shall be sufficiently lighted to provide a safe passageway. In residential rental, commercial, industrial or institutional property standby lighting shall be provided in accordance to the Ontario Building Code.

3.16.5 In multiple dwellings and non-residential buildings every exit door to the outside shall have an illuminated exit light and illumination must be provided for all exterior stairways from top floor levels to grade.

3.17 VENTILATION

3.17.1 Every habitable room shall be provided with either a natural ventilation system such as a window or a door, or mechanical ventilation system in accordance with the Ontario Building Code.

3.17.2 Every bathroom or toilet room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.

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

3.17.4 All enclosed spaces including basements, cellars, attics or roof space and crawl spaces shall be adequately vented to the outside air.

3.18 FIRE PREVENTION EQUIPMENT

3.18.1 Fire prevention equipment such as smoke alarms or other fire detection devices and carbon monoxide detection equipment shall be installed as prescribed in the Ontario Building Code and the Ontario Fire Code and shall be maintained in good working order so as to effectively perform their intended function.

3.18.2 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window opening or door.

3.19. ELEVATORS

3.19.1 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 must be inspected in accordance with the Safety Code for Elevators, CSA-B44-00 as amended.

3.20 EGRESS

3.20.1 All residential rental, commercial, industrial or institutional buildings shall be provided with an adequate egress from every floor area in accordance with the Ontario Building Code, the Ontario Fire Code and the Ontario Farm Building Code.

3.20.2 Every dwelling and every dwelling unit shall have an adequate means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level in accordance with the Ontario Building Code and the Ontario Fire Code.

3.21 OCCUPANCY STANDARDS

3.21.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

- 3.21.2 Where the area of a habitable room space, within a dwelling unit, is combined with a kitchen and a dining area, the habitable room space alone in a dwelling unit that contains sleeping accommodations for not more than two persons, shall be not less than 11 square metres (118 square feet) as prescribed by the Ontario Building Code.
- 3.21.3 For the purpose of computing the habitable room space in Subsection 3.21.2, any child under one year of age shall be deemed one-half person as prescribed by the Ontario Building Code.
- 3.21.4 For the purpose of computing the habitable room space in Subsection 3.21.2, the floor area under a ceiling which is less than 2.1 metres (6 ft) high shall not be counted as prescribed by the Ontario Building Code.
- 3.21.5 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 6 square metres (65 square feet) with not less than 4.6 square metres (50 square feet) for each additional occupant, provided that for the purpose of this Subsection, two children under the age of six years may be counted as one person as prescribed by the Ontario Building Code.

4. VACANT BUILDINGS

4.1 VACANT BUILDINGS

- 4.1.1 The owner of a vacant residential, commercial, industrial or institutional building shall secure and/or board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.
- 4.1.2 No partially or completely vacant residential, commercial, industrial or institutional building shall remain boarded up for a period longer than two (2) years. After the said two (2) years or an alternate time period set by the Property Standards Officer, the owner or agent or other persons responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the Township of McNab/Braeside Zoning By-law.
- 4.1.3 Residential, commercial, industrial or institutional vacant buildings shall be kept cleared of all garbage, rubbish 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 property.
- 4.1.4 Where a residential, commercial, industrial and institutional vacant building is not maintained or fixed in accordance with this By-law, it shall be remedied. Vacant buildings deemed by the Chief Building Official as a health and safety issue and that have not been remedied to the satisfaction of the Property Standards Officer shall be removed from the property and the land or waterfront property shall be left in a graded level condition.

PART III

5. ADMINISTRATION AND ENFORCEMENT

5.1 ADMINISTRATION

- 5.1.1 This By-law applies to all properties within the Township of McNab/Braeside.

5.2 OFFICERS AND INSPECTORS

- 5.2.1 The person(s) appointed as Property Standards Officer(s) for the Corporation of the Township of McNab/Braeside shall be responsible for the administration and enforcement of this By-law.

5.3 PROPERTY STANDARDS COMMITTEE

- 5.3.1 A Property Standards Committee shall be established and shall consist of a minimum of three (3) people appointed by Council.
- 5.3.2 The members of the Committee shall appoint one of themselves as Chair, and when the Chair is absent, the Committee may appoint another member to act as Chair pro tempore and any member of the Committee may administer oaths.
- 5.3.3 The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and Section 74 of the Municipal Act applies mutatis mutandis to such documents. The Secretary shall be comprised of a municipal staff member, appointed by the Township.
- 5.3.4 A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure but before hearing an appeal it shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive notice.
- 5.3.5 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order and may:
- a. Confirm, modify or rescind the order to demolish or repair;
 - b. Extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law and of the Official Plan or policy statement are maintained.

5.4 SEVERABILITY

- 5.4.1 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.
- 5.4.2 Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 5.4.3 All By-Laws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.
- 5.4.4 This By-law shall come into force and take effect upon its passing.

6. SHORT TITLE

- 6.1 This By-law shall be sited as the "Property Standards By-law."

READ a first time this **20th day of April 2010.**

READ a second time this **20th day of April 2010.**

READ a third and final time and passed time this **20th day of April 2010.**

MAYOR

CAO/CLERK