

**THE CORPORATION OF THE  
TOWNSHIP OF ASPHODEL-NORWOOD**

**BY-LAW No. 2010-01**

***A by-law for prescribing standards for the maintenance and occupancy of all property within the municipality of the Township of Asphodel-Norwood***

**WHEREAS** under Subsection 15.1 of the Building Code Act, 1992, S.O. 1992, c. 23 a by-law may be passed by the Council of a municipality prescribing standards for the maintenance and occupancy of property within a municipality; prohibiting the occupancy or use of such property that does not conform with the standards; and requiring that property that does not conform with the standards to be repaired and maintained to conform with the standards, provided that the official plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** the Official Plan for the Corporation of the Township of Asphodel-Norwood includes provisions relating to Property as provided in the Building Code Act, SO, 1992, c.23;

**AND WHEREAS** the Council of the Township of Asphodel-Norwood acknowledges the importance and validity of the farming industry and desires not to unreasonably limit or unduly restrict normal farm practices;

**AND WHEREAS** the Council of the Township of Asphodel-Norwood deems it desirable to enact a by-law for prescribing minimum standards for the maintenance and occupancy of property within the Township of Asphodel-Norwood;

**AND WHEREAS** subsection 15.6 of the Building Code Act, 1992 requires that a by-law passed under subsection 15.1 of the Building Code Act, 1992 shall provide for the establishment of a Property Standards Committee;

**NOW THEREFORE** the Council of the Township of Asphodel-Norwood hereby **ENACTS** as follows:

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**PART 1**

**DEFINITIONS**

In this By-law,

- 1.01 "Accessory Building" means a detached building that is clearly incidental, subordinate and exclusively devoted to a main building, located within the same lot, and which is not used or intended for use as human habitation.
- 1.02 "Agricultural Operation" includes but is not limited to animal husbandry, plowing, cultivating, spreading of fertilizers to promote crop growth, planting, spraying, harvesting, drying of crops, storage of agricultural materials (harvested product) and includes any working connection therewith and includes agricultural, aquacultural, horticultural and silvicultural operations.
- 1.03 "Agricultural Machinery and Equipment" means any equipment or device designed, intended and used in an agricultural operation, including but not limited to tractors, combines, elevators, driers, balers, off highway trucks, implements and including self-propelled implements of husbandry, chainsaws, irrigation pumps, crop conditioning and drying equipment, refrigeration units and crop protection equipment, but does not include wrecked, dismantled, discarded, inoperative or abandoned machinery, vehicles and/or their component parts unless it is necessary for the operation of a business

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enterprise lawfully situated on the property or stored on the property for historical purposes.

- 1.04 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.05 "Approved" means acceptance by the Property Standards Officer.
- 1.06 "Appliances" means a refrigerator, a stove, a clothes washer, a clothes dryer, a dishwasher or a water heater.
- 1.07 "Basement" means one or more stories of a building located below the first storey.
- 1.08 "Building" means a structure consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof.
- 1.09 "Committee" means the Property Standards Committee established under this by-law.
- 1.10 "Council" means the Council of the Corporation of the Township of Asphodel-Norwood.
- 1.11 "Dwelling" means a building or structure or any part of which is, or is intended to be used for the purpose of human habitation and includes a building that is or would be intended to be used for such purposes except for its state of disrepair.
- 1.12 "Dwelling Unit or Rental Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities and approved as a permitted use by the Township's zoning by-law, as amended.
- 1.13 "Good Workmanship" includes, among other things;
  - (a) ensuring that the component repaired can perform its intended function; and
  - (b) finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.
- 1.14 "Graffiti" means one or more letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed on the structure or thing but does not include:
  - (a) a sign or public notice authorized by the municipal or by Provincial or Federal legislation;
  - (b) in the case of private property, real or personal, any one or more letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings authorized by the owner of the property upon which the letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings appear, that, in the opinion of the officer, does not contribute to the unsightly nature of the property.

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1.15 "Guard" means a protective barrier 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 guards must comply with the *Ontario Building Code*.

1.16 "Health Hazard" means:

- (a) a condition of premises;
- (b) a substance, thing, plant or animal other than man; or
- (c) a solid, liquid, gas or combination of any of them, that has or that is likely to have an adverse effect on the health of any person in the opinion of the Medical Officer of Health for the County of Peterborough or a Public Health Inspector appointed to administer the *Health Protection and Promotion Act*.

1.17 "Habitable Room" means any room in a dwelling unit used or intended to be used for living, sleeping, eating or food preparation and does not include a bathroom.

1.18 "Means of Egress" means a doorway, hallway, corridor, exterior passageway or balcony, lobby, stair, ramp or other facility or combination thereof provided for the escape of persons from a building, dwelling unit, floor area, contained open space or room to a public thoroughfare, street, lane, yard or other approved open space at grade level. Egress includes exits and access to exits. Elevators and windows shall not be considered as means of egress.

1.19 "Medical Officer of Health" means the Medical Officer of Health for the County of Peterborough.

1.20 "Motor Vehicle" means a vehicle that is drawn, propelled or driven by any means other than by muscular power, but does not include a vehicle of a railway that is operated on rails.

1.21 "Non-Habitable Room" means any room in a dwelling, apartment dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry room, pantry, lobby, communicating corridor, stairway, closet, unfinished basement, boiler room or other space for service and maintenance of the dwelling or for public use, for access or for vertical travel between stories.

1.22 "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 thereto and all outbuildings, fences or erections thereon or therein.

1.23 "Normal Farm Practice" means a practice that,

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.

1.24 "Occupant" means any person or persons over the age of eighteen years in possession of the property.

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1.25 "Officer" means a person or persons appointed by resolution of Council to administer and enforce this by-law.

1.26 "Owner" includes the person, firm or corporation for the time being 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 property.

1.27 "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant property and property under any use including residential, farm, commercial, industrial or institutional use.

1.28 "Repair" includes the provision 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.

1.29 "Residential Property" means any property that is used, designed or intended for use as a dwelling unit, dwelling, or apartment dwelling and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.

1.30 "Sewage" means liquid or water borne waste of:

- (a) industrial or commercial origin; or
- (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.

1.31 "Sewage System" means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water.

1.32 "Standards" means the standards of physical condition and occupancy set out in this by- law.

1.33 "Storey" means the portion of a building between any floor and the floor, ceiling or roof next above, provided that the basement of a building shall not be deemed a storey.

1.34 "Storey - First" means the storey with its floor closest to finished grade and having its ceiling more than 1.8 metres above finished grade.

1.35 "Unsafe Condition" means a condition that poses or constitutes a fire hazard or risk to life, limb or health of any person.

1.36 "Yard" means the land, other than publicly owned land, around or appurtenant the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

1.37 "Zoned" means as designated by the comprehensive zoning by-law of the municipality.

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**PART II**

**APPLICATION AND INTERPRETATION**

- 2.01 This by-law applies to all property in the municipality.
- 2.02 For the purpose of this by-law, unless otherwise stated to the contrary, the provisions prescribed shall be held to be the minimum standards for the promotion of the public health, safety, comfort, convenience and general welfare and are not intended to derogate from the standards found in any other applicable by-laws or legislation.
- 2.03 The owner of property which does not conform to the standards prescribed in this by-law shall repair and maintain the property to conform to the standards or the property shall be brought into compliance which may include being cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

**PART III**

**PROHIBITION**

- 3.01 No owner or occupant of property shall use, occupy, allow or permit the use or occupation of a property unless such property conforms to the standards prescribed in this by-law.
- 3.02 No person shall fail to maintain the property in conformity with the standards prescribed in this by-law.
- 3.03 No person shall fail to comply with a final and binding order issued under this by-law.

**PART IV**

**STANDARDS FOR ALL PROPERTIES, BUILDINGS AND STURCTURES**

**GENERAL**

- 4.01 All repairs and maintenance of property required by the standards prescribed in this by-law shall be carried out in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose.

**STRUCTURAL ADEQUACY**

- 4.02 Every property shall be maintained to good repair and in structurally sound condition so as;
  - (a) to be capable of sustaining safely its own weight and any load to which it might normally be subjected;
  - (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
  - (c) to prevent the entry of moisture that would contribute to damage, decay, deterioration, including mould growth; and
  - (d) to be capable of safely and adequately performing its function.

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- 4.03 If in the opinion of the officer there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined and a written report shall be prepared by a professional engineer, licensed to practice in Ontario and submitted to the officer giving details of the findings and the proposed repair methods, including details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer.
- 4.04 Upon completion of all of the work as required by a report submitted in accordance with 4.03, a further report prepared by the professional engineer shall be submitted to the officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.
- 4.05 No structural element may be added, removed, repaired or modified in any manner until any required permits have been obtained from the Chief Building Official.

**FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOFS & BALCONIES**

- 4.06 A foundation wall, basement, crawl space, floor, slab on grade, exterior wall and roof shall be structurally sound, weather tight and damp-proofed and shall be maintained so as to protect against deterioration caused by the elements, fungus, mould, dry rot, rodents, vermin or insects.
- 4.07 The foundations, walls, columns, beams, floors, roof slabs and balconies of all buildings including parking garages and accessory buildings shall be maintained:
  - (a) in good repair and structurally sound state;
  - (b) free from decayed, damaged or weakened sills, beams, piers, posts or other supports;
  - (c) in a manner so as to prevent the entry of moisture into the building; and
  - (d) in a manner so as to prevent settlement of the building.
- 4.08 The exterior walls of all buildings shall be maintained in good repair, in a manner to prevent deterioration caused by the elements or pests and free from cracked or broken masonry, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco and loose or unsecured objects.
- 4.09 Where the masonry units forming an exterior wall or part of an exterior wall or any building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or is finished with other approved materials.
- 4.10 All exterior surfaces which have been previously covered with paint or other protective materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.

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- 4.11 Metal eaves troughs, rainwater pipes, flashings and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint and shall be renewed or replaced when such application deteriorates or becomes ineffective.
- 4.12 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.
- 4.13 Balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting member shall be maintained:
  - (a) in good repair;
  - (b) free from collectible material, brush, non-collectible waste, recyclable material and unsightly storage;
  - (c) properly and safely anchored;
  - (d) protected against deterioration and decay; and
  - (e) free from broken or missing glass.
- 4.14 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and weather tight.
- 4.15 Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects unless it can be shown to the satisfaction of the officer that the implementation of this section would adversely affect the normal operations in a non-residential property.
- 4.16 Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, shall be removed.

**AIR CONDITIONERS AND WATER COOLED EQUIPMENT**

- 4.17 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.
- 4.18 Cooling water from water-cooled equipment shall be discharged directly into a proper drainage system which complies with all applicable governmental regulations.

**ROOFS**

- 4.19 All roofs shall be maintained:
  - (a) in a watertight condition;
  - (b) free from loose or unsecured objects or materials;
  - (c) free from dangerous accumulations of snow or ice;

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- (d) free from all other accident, fire or health hazards;
- (e) so that roof decks and related guards are in good state of repair; and
- (f) free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.

4.20 No roof drainage shall be discharged on an entranceway, walkway or stairs or discharged towards a neighbouring property or on to any impervious road allowance or in such a manner that it will penetrate or damage the building or structure.

4.21 Every eaves trough, roof gutter, rainwater pipe and flashing shall be kept in good repair, free from obstructions, properly secured and free from health and accident hazards.

#### **STAIRS, HANDRAILS AND GUARDS**

4.22 All stairs, porches, decks, landings and other similar structures all treads and risers, guards, handrails and all supporting structural members shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.

4.23 All guards and handrails shall be installed and maintained in accordance with the Ontario Building Code so as to afford reasonable protection against accident or injury to any person in or on a property.

#### **FLOORS**

4.24 Floors and floor coverings in all rental properties and all non-residential properties shall be maintained in a safe and sanitary condition and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which may form fire, health or accident hazards.

4.25 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant government regulations.

4.26 The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

#### **HEATING, VENTILATION AND MECHANICAL**

4.27 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstruction and to comply with all applicable governmental regulations and prevent:

- (a) obstruction to the free passage of persons within a building; and
- (b) fire and accident hazards.

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- 4.28 Where a heating system, heating equipment or any auxiliary heating unit burn solid or liquid fuel, a receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
- 4.29 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.
- 4.30 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of fresh air to ensure proper combustion of the fuel.
- 4.31 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be;
  - (a) installed and maintained so as to prevent the escape of smoke or gasses into the building;
  - (b) clear of obstructions;
  - (c) free from open joints, free from broken and loose masonry; and
  - (d) in good repair and plumb.
- 4.32 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good repair, properly secured and free from fire, health and accident hazards.
- 4.33 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good repair and in a safe mechanical condition.

**GRAFFITI**

- 4.34 No person shall place or cause or permit graffiti to be placed on property or on a wall, fence or other structure or thing in a highway right of way or other public place not included in the definition of property.
- 4.35 The owner or occupant of a property shall maintain the property free of graffiti.
- 4.36 The owner or occupant of a wall, fence or structure or thing located in a highway right of way or other public place shall maintain the structure or thing free of graffiti.

**DEMOLITION**

- 4.37 Where a building, accessory building or other structure is being demolished and authorization for such demolition has been obtained under the Ontario Building Code, every precaution shall be taken to protect adjoining property and members of the public. Such precaution may include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

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4.38 Where a building, accessory building, fence or other structure on a property is demolished, the site shall be cleared of all collectible material, brush, non-collectible waste, recyclable material and unsightly storage and left in a graded and leveled condition within thirty days.

**DAMAGED BY FIRE, STORM OR OTHER CAUSES**

4.39 A building or structure damaged by fire, storm or by other causes shall be demolished or repaired.

4.40 For a building or structure damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

**HOARDING**

4.41 All hoarding used on a property shall be maintained in a structurally secure manner, neatly painted or otherwise treated and kept free from posters, signs, notices, advertising material, words, pictures, drawings or other defacements.

**PART V**

**STANDARDS FOR YARDS AND PARKING AREAS**

**GENERAL**

5.01 All vacant lots and every yard shall be kept clean and free from:

- (a) injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harboring of such pests;
- (b) dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition; and
- (c) stagnant water which provides a breeding place for mosquitoes or other health hazards.

5.02 No fill shall be allowed to remain in an unleveled state on any property for longer than seven (7) days unless the property is:

- (a) a construction site for which a building permit has been issued;
- (b) a property being subdivided under subdivision agreement with the municipality; or
- (c) property upon which material is being stored with the approval of the administration of the municipality or the County of Peterborough in connection with a public works contract.

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5.03 No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty days unless the property is:

- (a) a construction site for which a building permit has been issued;
- (b) a property being subdivided under subdivision agreement with the municipality; or
- (c) actively being farmed.

5.04 Every yard, field, parking lot, carport and vacant property shall be kept free of collectible material, brush, non-collectible waste, recyclable material and unsightly storage.

5.05 No motor vehicle, other than a motor vehicle currently bearing a valid license plate sticker issued by the Ministry of Transportation and capable of being driven, shall be parked other than in a building, on any property in the municipality unless the parking of the unlicensed or inoperative motor vehicle is incidental to a permitted use under the township zoning by-law for the zone in which the property is located.

5.06 No machinery, vehicle, boat, trailer or part thereof which is in an unusable, wrecked, discarded, dismantled, partially dismantled or abandoned condition, shall be stored or allowed to remain on any property, unless otherwise permitted by the township zoning by-law.

5.07 Lawns, hedges and bushes will not be permitted to become overgrown or unsightly. Specifically, grass and weeds shall not exceed 20.33 cm (8 inches) in height on developed property and 30.48 cm (12 inches) in height on vacant residential and commercial lots.

5.08 Walks, driveways and parking lots will be maintained free from accident hazards.

5.09 All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.

**SEWAGE AND DRAINAGE**

5.10 Sewage shall be discharged into the sewage system and at no time shall sewage be discharged into the surface of the ground whether into a natural or artificial surface drainage system or otherwise.

5.11 Notwithstanding article 5.10 of this by-law, where a municipal sanitary sewer has not been installed, and all sewage shall be discharged into a private sewage disposal system approved under the Building Code Act.

5.12 Roof or sump drainage shall not be discharged onto sidewalks, stairs or directly onto adjacent property.

5.13 In areas serviced by municipal storm sewers, roof drainage shall be discharged through a building drain or an exterior conductor to the storm sewer system, unless alternative measure approved by the municipality can be achieved.

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**EXTERIOR LIGHTING AND SUPPORTS**

5.14 In the yards of all properties, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good repair and in good working order.

**FENCES**

5.15 Fences, retaining walls and all structures appurtenant to a property shall be installed and maintained in accordance with the township zoning by-law and in addition shall be:

- (a) reasonably uniform in height and in compliance with the township zoning by-law;
- (b) maintained in good repair;
- (c) maintained in a structurally sound condition and plumb unless specifically designed to be other than vertical;
- (d) maintained free from health, fire and accident hazards;
- (e) protected from deterioration by the application of paint or other suitable protective materials of uniform colour or construction of a material that is inherently resistant to such deterioration and compatible with surrounding finishes;
- (f) made with suitable materials and designed and erected in a workmanlike manner and maintained so as not to appear unsightly; and
- (g) capable of safely performing the function for which they were constructed.

**MISCELLANEOUS**

5.16 Storm water runoff shall be drained from the grounds of property and any area below exterior grade so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.

5.17 Unprotected wells, holes or cavities over one metre in depth shall be filled or safely covered.

5.18 Parking garages shall be maintained so as to prevent the accumulation of toxic fumes or the escape of toxic fumes into a building.

**PART VI**

**SUPPLEMENTARY STANDARDS FOR VACANT PROPERTY**

6.01 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the following additional standards shall apply to vacant property:

- (a) Where any property is unoccupied, the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons.

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- (b) All materials used for boarding up unoccupied buildings shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building.
- (c) Where a building remains vacant for a period of more than ninety days, the owner or agent thereof shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property, but this shall not apply where such utilities are necessary for the safety or security of the building.

**PART VII**

**SUPPLEMENTARY STANDARDS FOR UNFINISHED BUILDINGS AND  
STRUCTURES**

- 7.01 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, all buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and where applicable, in accordance with all relevant legislation and by-laws.

**PART VIII**

**SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL BUILDINGS AND  
STRUCTURES**

**GENERAL**

- 8.01 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, every owner and every occupant in the part of a non-residential property that he or she occupies or controls shall maintain the property:
  - (a) in a sanitary and safe condition free from litter, refuse and debris, and shall provide containers for the disposal of such litter or refuse.
  - (b) free from objects or conditions which are health, fire or accident hazards; and
  - (c) free from rodents, vermin and injurious insects.
- 8.02 In a mixed-use building no owner or occupant thereof, nor anyone acting on behalf of such owner or occupant, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities to a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.
- 8.03 A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance.

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**MEANS OF EGRESS**

8.04 All means of egress from a non-residential property shall be:

- (a) maintained free from all obstructions or impediments, and
- (b) provided with clean, clear, unobstructed and readily visible exit signs for every required exit.

**INTERIOR WALLS, CEILINGS AND FLOORS**

8.05 Interior walls, floors and ceilings of a non-residential property shall:

- (a) free from health, fire and accident hazards;
- (b) in good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
- (c) in a clean and sanitary condition which is reasonable considering the use of operation; and
- (d) free from cracked and broken glass in door panels, glass screens and windows. Cracked broken glass in door panels, glass screens and windows shall be replaced with approved glass or other approved material.

8.06 Plaster repairs made to the walls and ceilings of a non-residential property shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

8.07 Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.

8.08 Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.

8.09 All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and in compliance with all applicable government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

**PART IX**

**SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES**

**GENERAL**

9.01 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, and subject to the tenant's responsibility for ordinary cleanliness of the rented premises, the landlord shall provide such facilities and take such action to ensure that the residential complex or part thereof is safe, clean, in good state of repair and fit for habitation.

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9.02 The landlord shall maintain any services and facilities supplied by the landlord and maintain common areas intended for the use of the tenants.

9.03 All repairs and maintenance of property required by the standards prescribed in this by-law shall be carried out in a manner accepted as good workmanship in the trade concerned and with materials suitable and sufficient for the purpose.

**LIGHT AND VENTILATION**

9.04 An existing opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function. **Exterior doors, windows, skylights, basement hatchways including storm and screen doors and storm windows, shall be:**

- (a) maintained in good repair and weather tight;
- (b) free from rotted or defective members;
- (c) free from defective or missing hardware;
- (d) free from torn, damaged or where supplied, missing screens;
- (e) free from defective or missing weather-stripping or caulking;
- (f) free from defective storm or screen doors; and
- (g) free from broken or missing glass.

9.06 All bedrooms, living rooms and dining rooms shall have a window or a door which contains a window that faces directly to the outside of the building.

9.07 All habitable space shall have natural or mechanical means of ventilation.

9.08 A window or natural ventilation is not required in a kitchen or washroom if electrical lighting and mechanical means of ventilation is provided; and a window is not required in habitable space, other than a bedroom or dining room, if there is an opening in a dividing wall to an adjoining room and the adjoining room has a minimum of 5 percent window area of the combined floor areas, and if the required ventilation is provided.

9.09 At the request of the tenant, each window in a rental unit that is located above the first storey, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult tenant in an emergency without the use of tools.

9.10 Artificial lighting shall be provided in all habitable space and in interior common areas and maintained to permit safe use and passage, in accordance with the Ontario Building Code.

9.11 An exterior lighting outlet with fixture controlled by a wall switch located within the building shall be provided at every entrance to buildings of residential occupancy.

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**INTERIOR WALLS**

9.12 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained in a safe and sanitary condition, free from holes, leaks or deteriorating materials. All interior walls must be painted or finished in a manner similar to other interior walls in the building.

**SUPPLY FUEL**

9.13 Unless required to be provided by the tenant, a landlord shall ensure a continuous and adequate supply of fuel, service or utility which provides light, heat, refrigeration, water or cooking facilities for a rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repair or replacement of the service or utility.

**HEATING, VENTILATION AND MECHANICAL**

9.14 Heating, ventilating and mechanical systems, including stoves, heating appliances, fireplaces, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained and capable of being operated.

9.15 A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.

9.16 Every residential rental property shall have heating facilities capable of maintaining the habitable space at 22 ° Celsius.

9.17 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.

9.18 Only heating appliances approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

**ELECTRICAL**

9.19 A supply of electrical power by Ontario Hydro and wiring and receptacles acceptable to the Electrical Safety Authority or a supply of another type of power with its associated apparatus acceptable to the governmental authority regulating that type of power shall be provided to all habitable space in a residential complex and properly maintained.

9.20 If extension cords are provided by a landlord for permanent use, they shall:

- (a) be rated for the intended use; and
- (b) be installed in a safe manner.

9.21 If the landlord supplies a meter for electricity for the purpose of billing the tenants individually, it shall be properly maintained and kept accessible to tenants.

9.22 A kitchen shall be equipped with electrical or other service approved by Electrical Safety Authority or the authority having jurisdiction, and shall have outlets suitable for a refrigerator and cooking appliance.

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**SAFETY AND SECURITY**

- 9.23 Every residential rental property shall have a safe, continuous and unobstructed passage from every part of the interior to a safe exterior open space at street or grade level.
- 9.24 All windows and exterior doors which are intended to be opened and which are accessible from outside a rental dwelling unit or a building containing a rental dwelling unit shall have hardware that makes them capable of being secured.
- 9.25 At least one entrance door in a rental dwelling unit shall be capable of being both secured from inside and locked from the outside of the rental dwelling unit.
- 9.26 Where provided, the vestibule door locking release and the rental dwelling unit-to-vestibule communication system shall be properly maintained.
- 9.27 Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with a door equipped with a security device which prevents access to persons other than the landlord and tenants.
- 9.28 A mail delivery slot and other openings for deliveries that directly enter into a rental dwelling unit shall:
  - (a) be located and maintained to prevent access to the lock on the entry door or any adjacent window; or
  - (b) be sealed if other facilities for delivery have been made.
- 9.29 Mail boxes provided by the landlord shall be properly maintained and be capable of being secured.

**REFUSE STORAGE**

- 9.30 One or more suitable containers or compactors shall be provided for collectable material and recyclable material and shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person.
- 9.31 The container shall be maintained in a clean and sanitary condition, accessible to tenants and shall not obstruct an emergency route, driveway or walkway.

**PEST PREVENTION**

- 9.32 Every residential rental property shall be kept reasonably free of rodents, vermin and insects at all times, and methods used for exterminating rodents and insects shall be in accordance with any applicable legislation.
- 9.33 Openings and holes in a building containing rental dwelling units, including 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 as appropriate.

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**MISCELLANEOUS**

9.34 Every rental unit shall contain at least the following:

- (a) a toilet;
- (b) a kitchen sink;
- (c) a washbasin; and
- (d) a bathtub or shower or a combination thereof.

9.35 A washroom shall be an enclosed space and shall have:

- (a) a water-resistant floor;
- (b) water resistant walls in a tub surround and a shower;
- (c) a door which can be secured from the inside and can be opened from the outside in an emergency; and
- (d) an artificial light fixture which is maintained.

9.36 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing or consuming or storing food.

9.37 Hot water shall be provided to a sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43 ° Celsius and not more than 49 ° Celsius.

9.38 Piped plumbing and drainage systems and appurtenances in a residential rental property shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.

9.39 All appliances such as refrigerators or cooking stoves supplied by the owner shall be maintained in good repair and good working order by the owner.

9.40 Locker and storage rooms shall be kept free of dampness, mould or mildew.

9.41 Elevators intended for use by the tenant shall be properly maintained in accordance with the regulations under the *Technical Standards and Safety act, 2000, S.O. 2000, c 16*, as amended, and kept in operation except for such reasonable time as may be required to repair or replace them.

9.42 Driveways, ramps, parking garages, parking areas, paths, walkways, outside stairs or landings or similar areas shall be maintained to provide a safe surface for normal use, including the removal of ice and snow within twelve (12) hours of the end of a snow storm or ice storm.

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**PART X**

**SUPPLEMENTARY STANDARDS FOR AGRICULTURAL OPERATIONS**

- 10.01 The exemption provisions of this part shall not be applicable to a residential property or dwelling appurtenant to lands being used for agricultural operations.
- 10.02 The provisions of this by-law shall not apply so as to prohibit or restrict storage of agricultural machinery and equipment or vehicles used in agricultural operations provided they are in good working order.
- 10.03 The provisions of this by-law shall not apply to vacant lands used in an agricultural operation.
- 10.04 The provisions of this by-law, except for Section 4.02 to 4.05 shall not apply to the buildings and structures used in an agricultural operation.

**PART XII**

**ADMINISTRATION AND ENFORCEMENT**

**ENFORCEMENT**

- 11.01 The council of the municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law.

**PROPERTY STANDARDS COMMITTEE**

- 11.02 A Property Standards Committee shall be established in accordance with section 15.6 or the *Building Code Act, 1992*, as amended, to hear appeals of orders issued under this by-law and shall consist of no less than three members.

**INSPECTION OF PROPERTY WITHOUT WARRANT**

- 11.03 Upon receiving a signed complaint or council direction, an Officer after producing proper identification, may enter any property at any reasonable time without a warrant, in accordance with Section 15.2 of the *Building Code Act, 1992*, as amended, for the purpose of inspecting the property to determine whether the property conforms with the standards prescribed in this by-law or whether an order made under this by-law has been complied with.
- 11.04 For the purposes of an inspection, an officer may be accompanied by a person with special knowledge in relation to a property or part thereof, and may require the production of information, documents or samples as permitted under Section 15.8 of the *Building Code Act, 1992*.

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**ORDERS**

11.05 Where an Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer is authorized to, and may, make an Order,

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

11.06 Service of any order in accordance with section 11.05 shall be deemed to have been made on the fifth day after mailing of the order.

11.07 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.

11.08 The order made under Section 11.05 may be registered in the proper land registry office and, upon registration, any person acquiring an interest in the land subsequent to the registration of the order shall be deemed to have been served under Section 11.05 and, when the requirements of the order have been satisfied, the clerk of the municipality shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

**APPEALS**

11.09 When the owner upon whom an order has been served is not satisfied with the terms and conditions of the order, he or she may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the municipal clerk within fourteen (14) days of the service of the order.

11.10 An appeal fee of \$125.00, payable to the Township of Asphodel-Norwood must accompany the notice of appeal.

11.11 In the event that no appeal is made within such fourteen (14) days, the order shall be deemed to have been confirmed and shall be final and binding.

11.12 Where an appeal has been made, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order or may modify or rescind it, or may extend the time for complying with the order provided that in the opinion of the Property Standards Committee, the general intent and purpose of this by-law is maintained.

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**POWER OF MUNICIPALITY IF ORDER NOT COMPLIED WITH**

- 11.13 If an order of an officer under this by-law is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the municipality, in addition to all other available remedies, may cause the property to be repaired or demolished accordingly.
- 11.14 For the purpose of Section 11.13, employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property where the cost of doing the work does not exceed an estimated \$10,000.00.
- 11.15 Where the estimated cost of doing the work exceeds \$10,000.00 the officer shall seek the authorization of Council to carry out the requirements of the order.
- 11.16 A municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under Subsection 11.13.
- 11.17 The municipality shall have a lien on the land for the amount spent on the repair or demolition under Subsection 11.13 and the amount shall be deemed to be taxes due upon the land under Section 349 of the *Municipal Act, 2001*, as amended and may be collected in the same manner as municipal taxes.

**EMERGENCY PROVISIONS**

- 11.18 If upon inspection of a property, the officer is satisfied there is non-conformity with the standards prescribed in this by-law to such extent so as to pose an immediate danger to the health or safety of any person, the officer may make an order in accordance with Section 15.7 of the *Building Code Act, 1992*, as amended, containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

**OFFENCES AND PENALTIES**

- 11.19 An owner or occupant of property is guilty of an offence if the owner or occupant uses, occupies, allows or permits the use of occupation of the property unless such property conforms to the standards prescribed in this by-law.
- 11.20 A person is guilty of an offence if the person:
  - (a) fails to maintain the property in conformity with the standards prescribed in this by-law; or
  - (b) fails to comply with a final and binding order issued under this by-law.
- 11.21 Every person who is convicted of an offence is liable to a fine of not more than \$50,000.00 for a first offence and to a fine of not more than \$100,000.00 for a subsequent offence;
- 11.22 Every corporation convicted of an offence, is liable to a fine of not more than \$100,000.00 for a first offence and to a fine of not more than \$200,000.00 for a subsequent offence.

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11.23 An offence is a subsequent offence if there has been a previous conviction under the *Building Code Act, 1992*, as amended.

11.24 If this by-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**SEVERABILITY**

11.25 If any section, clause or provision of this by-law hereto, is for any reason declared by the committee or a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part hereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect.

**CONFLICTING BY-LAWS**

11.26 Where a provision of this by-law conflicts with a provision of any other by-law in force in the municipality or regulation in force in the Province of Ontario, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

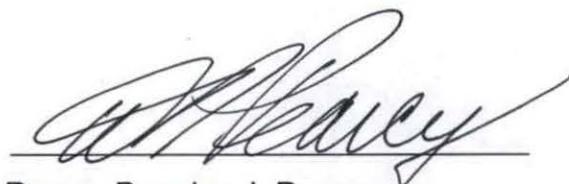
**SHORT TITLE**

11.27 This by-law may be called the PROPERTY STANDARDS BY-LAW.

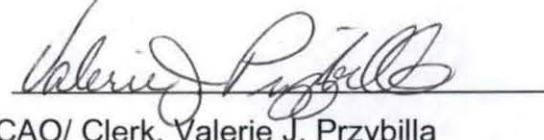
**REPEAL**

11.28 By-law 2004-22 and all amendments thereto are hereby repealed.

Read a first, second and third time and finally passed this 26<sup>th</sup> day of January, 2010.



Reeve, Douglas J. Pearcy



CAO/ Clerk, Valerie J. Przybilla