

The Corporation of the Township of Guelph/Eramosa

By-law Number 10/2009

A By-law to prescribe standards for the maintenance and occupancy of property within the Township of Guelph/Eramosa.

WHEREAS there is in effect in the Township of Guelph/Eramosa an Official Plan which includes provisions relating to property conditions;

AND WHEREAS section 15.1 (3) of the *Building Code Act*, S.O. 1992, c. 23, as amended [hereinafter the *Building Code Act*], provides that a By-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided that the municipality has an Official Plan which includes provisions relating to property conditions;

AND WHEREAS section 15.6 (1) of the *Building Code Act*, requires that by-law passed under section 15.1 (3) of the Act shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE, THE COUNCIL OF THE TOWNSHIP OF GUELPH/ERAMOSA ENACTS AS FOLLOWS:

1. Title

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

2. Definitions

In this By-law:

- 2.1 "Accessory Building" means a detached subordinate structure located on the same parcel of land as the main building and not used for human habitation.
- 2.2 "Basement" means that portion of a building between two floor levels, which may be partly below finished grade, having a minimum ceiling height of 2.0 metres (6.56 feet) and a sufficient portion of its height from finished floor to finished ceiling above finished grade to provide natural light and ventilation.
- 2.3 "Building" means a structure occupying an area greater than ten square metres consisting of a wall, roof, floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures, and service systems appurtenant thereto.
- 2.4 "Committee" means the Property Standards Committee established by this By-law.
- 2.5 "Compost Heap" means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or leaves kept for the purpose of changing such materials into a compost soil or soil additive.

- 2.6 "Corporation" means the Corporation of the Township of Guelph/Eramosa.
- 2.7 "Dwelling" means a building or part of a building occupied or capable of being occupied for the purposes of human habitation and including the land and premises appurtenant thereto and all fences or other erections thereon.
- 2.8 "Dwelling Unit" means one or more rooms connected together as an independent housekeeping unit used or intended to be used as a domicile for one or more persons.
- 2.9 "Firewood" means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products included but not limited to wood skids, wood boxes, and used wood products that are not required for a building or structure currently under construction on the property or for which there is a current or regular use.
- 2.10 "Garbage" means debris, litter, trash, waste or detritus material.
- 2.11 "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 or another.
- 2.12 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping, eating or sanitary purposes.
- 2.13 "Maintenance" means the preservation and keeping in repair of a property.
- 2.14 "Medical Officer of Health" means the Medical Officer of Heath for the Wellington-Dufferin-Guelph Health Unit.
- 2.15 "Noxious Weed" means any plant that is designated under the *Weed Control Act* as a noxious weed, and shall include any plant designated by the Township as a local weed.
- 2.16 "Nuisance" means any condition existing in a locality that is or may become injurious or dangerous to health or that prevent or hinders or may tend to prevent or hinder in any manner suppression of disease.
- 2.17 "Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.18 "Officer" means a Property Standards Officer appointed by the Council of Guelph/Eramosa to administer and enforce this by-law.
- 2.19 "Ontario Building Code" means regulations made under section 34 of the *Building Code Act*, as amended, or any successor thereof.
- 2.20 "Owner" includes any person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or 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. Owner shall include such persons or corporations as registered with the Land Registry Office.

- 2.21 “Potable Running Water” means water fit for human consumption supplied through a piping system under pressure.
- 2.22 “Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.23 “Repair” means the provisions of such facilities and the making of additions or alterations or the taking or such action as may be required so that the property shall conform to the standards established in this By-law.
- 2.24 “Running Water” means water supplied through a piping system under pressure.
- 2.25 “Sewage” means any liquid waste containing animal, human, vegetable, or mineral matter in suspension or solution, but does not include storm water.
- 2.26 “Street” means and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle designated, intended for, or used by, the general public for the passage of vehicles.
- 2.27 “Township” means the Corporation of the Township of Guelph/Eramosa.
- 2.28 “Trade Waste” means waste material, articles, things, matter, effluent which, in whole or in part or fragments thereof, is derived from or is constituted from or consists of agricultural products or animal products or vegetable products or wood products or paper products or mineral products or metal products or chemical products whether or not the products are in their natural state or condition, or whether or not the products are manufactured or otherwise processed.
- 2.29 “Walk” means any private sidewalk or pathway which establishes a route from a private building or property to the street.
- 2.30 “Vehicle” means a motor vehicle, trailer, boat, motorized snow machine, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 2.31 “Yard” means any land, other than publicly owned land, around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.

3. General Duties and Obligations to Comply

- 3.1 The standards for the maintenance and occupancy of property prescribed in this By-law apply to all property in the Township.
- 3.2 No owner shall use, occupy, or permit the use or occupancy of any property that is in contravention of an order to conform to the standards of this By-law.

- 3.3 The owner of any property which does not conform to the standards established by this By-law shall either:
- 3.3.1 repair and maintain such property in accordance with the standards or this By-law; or,
 - 3.3.2 remove or demolish the whole or offending part of the property that is not in accordance with the standards and leave it in a graded and level condition.

4. General Standards for All Properties

General Standards

- 4.1 Every property shall be kept free of any:
- 4.1.1 object or condition that may create a nuisance, health, fire, or accident hazard;
 - 4.1.2 garbage, rubbish, waste, salvage, refuse, litter, debris, unused items and refuse unless it is permitted for the operation of a business enterprise lawfully situated on the property;
 - 4.1.3 trade waste of any kind, except lands, buildings, and structures owned or operated by the Township as sanitary landfill sites or sewage treatment sites;
 - 4.1.4 wrecked, dismantled, discarded, unlicensed, abandoned, or inoperable machinery, vehicles, trailers, or boats unless it is necessary for the operation of a business enterprise, including agricultural enterprises, lawfully situated on private property;
 - 4.1.5 dilapidated, collapsed or partially constructed structures that are not currently under construction (for the purposes of this Article, a structure is not currently under construction where no substantial construction activity has taken place on the structures within the immediately proceeding 90 days);
 - 4.1.6 any ice-box, refrigerator, freezer or other container that is located on the outside of any building or structure, without first removing all locks and doors there from, or taking such other adequate precautionary measures to prevent any persons from being trapped in such container any part thereof;
 - 4.1.7 any ice-box, refrigerator, or freezer that is located on the outside of any building or structure that is not operating;
 - 4.1.8 noxious weeds;
 - 4.1.9 animal excrement, except for any accepted agricultural use;
 - 4.1.10 grass, plantings, and hedges that are not sufficiently maintained;
 - 4.1.11 dead or decayed trees or other natural growth, including branches and limbs thereof, or damaged trees that create an unsafe condition;

- 4.1.12 injurious insects, termites, rodents, vermin or other pests;
- 4.1.13 Abandoned or unused wells and every excavation, hole, trench, or ditch that presents a hazard to the health and safety of any person shall be filled with fill material suitable for the purposes of eliminating the hazard and made level with the surrounding grade. Wells shall be filled or decommissioned in accordance with all applicable Provincial regulations;

Fences and Barriers

- 4.2 Every fence, wall or other barrier shall be:
 - 4.2.1 maintained in good repair;
 - 4.2.2 installed and maintained so as to be capable of sustaining any load which may be imposed upon it;
 - 4.2.3 free from accident hazards;
 - 4.2.4 of uniform construction, of material acceptable to the Township, and of a minimum height of 1.5 metres (4.92 feet) if screening or securing permanent outdoor storage, or salvage or scrap yards.
- 4.3 All parking areas, ramps, walks, driveways, steps and similar areas shall be:
 - 4.3.1 maintained so as to afford safe passage under normal use and weather conditions;
 - 4.3.2 surfaced, resurfaced, repaired or regraded to provide a safe surface for pedestrian or vehicle travel;
 - 4.3.3 maintained as a dust free surface by regular cleaning or application of an environmentally safe dust control agent;

Storage of Garbage

- 4.4 Every property shall store all garbage, rubbish, ashes, trade waste or other refuse in receptacles that shall be:
 - 4.4.1 of watertight construction;
 - 4.4.2 capable of being tightly closed;
 - 4.4.3 where in plastic garbage bags, be in approved Wellington County waste collection bags;
 - 4.4.4 sufficient receptacles to contain all garbage, rubbish, ashes, trade waste or other refuse that may accumulate on a property between the regular collection days, as designated from time to time by the County of Wellington
 - 4.4.5 made available for regular removal in accordance with the regulation of this Township or alternatively shall be removed on a regular basis by private arrangement.

Sewage

4.5 Sewage shall:

- 4.5.1 be discharged only through a building drain into a sewage system in accordance with all applicable Provincial and Township regulations;
- 4.5.2 not be discharged on to the surface of the ground, whether into a natural or artificial surface drainage system or otherwise, except as it relates to agricultural practices that are in accordance with all Provincial regulations;
- 4.5.3 be disposed of only in a manner acceptable to the Medical Officer of Health where a sewerage system does not exist.

Drainage

4.6 Every property shall:

- 4.6.1 except for established ponds and drainage works approved by the Township, be graded and drained so as to prevent ponding or the entry of water into a building basement or cellar and shall be protected with suitable ground cover to prevent soil erosion;
- 4.6.2 not permit or allow stagnant water to exist or occur in any location on a residential property at any time;

Structures

4.7 Every accessory building, fence, or other structure shall:

- 4.7.1 be kept in good repair, kept free from health, fire, and accident hazards, and be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject;
- 4.7.2 have all exterior exposed surfaces not inherently resistant to deterioration maintained so as to provide adequate protection from weather, insects, or vermin.

4.8 Every building and accessory building shall be kept free of rodents, vermin and insects. Every yard shall be kept free of rodents and vermin.

4.9 All signs, canopies, marquees, awnings, fire escapes, exhaust ducts and similar overhanging extensions, shall be maintained in good repair, safe condition, be properly anchored so as to be kept in a secure and sound condition and shall be protected from the elements and against decay and rust by the periodic application of an effective weather coating material (such as paint or other protective treatment).

Compost

- 4.10 Compost on every property shall only be contained in a composter that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metre (39 inches) in height and is enclosed on all sides by lumber, masonry, or a commercial enclosed container designed for composting except if composting is necessary for the operation of a business enterprise or agricultural purpose lawfully situated on the property.
- 4.11 Every composter shall be maintained to deter animals and be free of odours.
- 4.12 No compost heap or composter shall be situated on or touching a boundary fence on a property.

5. Building Standards for All Properties

Structural Standards

- 5.1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional load to which it may be subjected through normal use. Every building shall meet the level of safety required by the *Ontario Building Code*. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired, reinforced or replaced.
- 5.2 Where any structural member or assembly is required to be repaired, replaced, or reinforced under Article 5.1, the requirements and specifications contained in the *Ontario Building Code* shall apply.
- 5.3 Every wall, roof, and other exterior part of a building shall be kept free from loose, rotted, deteriorated, broken, damaged or any improperly secured object or material. This includes solar energy panels, wind generators or any other thing attached to a building.
- 5.4 Every roof, including related roof structures and their components, fascias, soffits, eavestroughs, downpipes, guards and lighting, shall be maintained in good repair.
- 5.5 Every exterior wall, foundation, floor and roof shall be maintained to prevent the entry of water into the building.
- 5.6 Every exterior surface of a building not inherently resistant to deterioration shall be maintained so as to provide adequate protection from weather and insects by painting, scaling, restoring or repairing of walls or flashing, by waterproofing of joints, or other maintenance as necessary.
- 5.7 All roofs shall have eavestroughs or drains. Every eavestrough, drain, and downspout shall be maintained in good repair.
- 5.8 The roofs of buildings (including accessory buildings) shall be kept clear of dangerous accumulations of ice and/or snow.

Doors, Windows and Skylights

- 5.9 All doors, windows, skylights and shutters (including storm and screen doors and windows) shall be maintained in good repair and capable of performing their intended functions.
- 5.10 Doors, windows and skylights shall be maintained so that they are weather tight.
- 5.11 Without limiting the generality of Article 5.9, "maintained in good repair" includes;
 - (a) the refitting, replacement or repairing of damaged, decaying or defective exterior doors, windows, frames, sashes, casings, shutters, hatchways or screens;
 - (b) replacing cracked, broken or missing glass;
 - (c) repairing or replacing defective or missing hardware, including locks;
 - (d) weather-stripping and caulking (where such is defective or missing); and
 - (e) the application of paint or a similar effective preservative to inhibit deterioration.
- 5.12 Doors that allow access to or egress from a dwelling unit shall be equipped with locks, and shall be maintained in good repair and in an operable condition.
- 5.13 All windows in a dwelling unit that can be (or are required by the standards to be) openable shall be provided with screening to effectively prevent the entry of insects.

Plumbing

- 5.14 All plumbing including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects, supplied with potable water sufficient for normal use at a flow and pressure sufficient for the intended use of the fixtures installed, and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.15 Every washbasin, bathtub, shower, and kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 45 degrees Celsius (115 degrees F) and to a maximum temperature of 60 degrees Celsius (140 degrees F).

Electrical Service

- 5.16 Every residential building shall be wired for electricity and shall be connected to a source of electricity, in accordance with the regulations pursuant to the *Electricity Act, S.O. 1998, c. 15*.
- 5.17 Every washroom, kitchen, laundry room, furnace room, basement, stairway and hall shall be equipped with a permanent light fixture in good working order.

- 5.18 Every public hallway and stairway shall be illuminated throughout all times to a minimum level of 50 lux.
- 5.19 Lighting fixtures installed throughout a dwelling unit (including those installed in hallways, stairways, corridors, passageways, garages and basements) shall provide sufficient illumination so as to prevent accident hazards during normal use.
- 5.20 The capacity of the electrical service connection to a building, and the system of circuits distributing the electrical supply within the building, shall be adequate for the use and intended use thereof and shall be in compliance with the regulations pursuant to the *Electricity Act, S.O. 1998, c. 15*.
- 5.21 Electrical wiring, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems (where provided) shall be installed and maintained in good working order at all times, free from fire and accident hazards, in compliance with the *Electricity Act, S.O. 1998, c. 15* and with the regulations made thereunder.
- 5.22 Extension cords shall not be maintained, placed or attached, or permitted to be placed or attached through any doorway or transom, nor to any door frame, window frame, ceiling, wall or floor.

Heating Systems

- 5.23 Every residential building shall be provided with heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F) in all occupied areas.
- 5.24 The minimum temperature referred to in Article 5.23 shall be provided during all periods of occupancy between September 30th of each year and May 31st of the following year.
- 5.25 Every heating system, fuel burning appliance, chimney, and other mechanical system shall be operated and maintained in good working order and free from unsafe conditions.
- 5.26 All heating systems, fuel burning appliances, equipment, and accessories shall be properly vented to the outside air by means of a smoke pipe, gas, vent, chimney flue or other method effective to remove substantially all fumes and gases
- 5.27 Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to proper chimneys, and shall be maintained so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures. For the purposes of this Article, "maintained" shall include lining and repairing and relining with fire resistant material, and installing and replacing the hearth.
- 5.28 Heating, ventilation and mechanical systems (including factory built stoves, fireplaces and chimneys, fans, pumps, filtration and other equipment provided to supply heat or air conditioning or other services) shall be maintained in good repair and in a safely operable condition.
- 5.29 Air conditioners shall be equipped with proper devices to prevent condensation draining onto publicly owned sidewalks, walkways, entrances and other pedestrian routes.

- 5.30 No portable heating equipment shall be used as the primary source of heat in any room.

Walls, Ceilings and Floors

- 5.31 Every wall, ceiling and floor in a building shall be maintained so as to provide a continuous surface free of any hole, crack, loose covering or other defects.
- 5.32 A finish shall be applied to all walls and ceilings where same have been repaired.
- 5.33 Every floor, wall, ceiling or fixture in a building shall be maintained in a clean and sanitary condition and free from rubbish or other debris
- 5.34 Every floor in any washroom, laundry room or kitchen shall be maintained so as to be impervious to water and able to be easily cleaned.
- 5.35 Every wall surrounding a shower or bathtub shall be impervious to water in accordance with *Ontario Building Code* requirements.
- 5.36 Where a fire-resistant wall, ceiling or door exists it shall be maintained in a condition which maintains its fire-resistant rating.

Stairs, Porches, Balconies, Ramps, Fire Escapes, Guards and Handrails

- 5.37 Every inside and outside stair, porch, balcony, landing, ramp, deck, loading dock and fire escape shall be maintained so as to be free of any hole, crack, depression, protrusions, warp and other defect which may constitute an accident hazard. Every existing component of a stair, porch, balcony, landing, ramp, deck, loading dock or fire escape that is broken, warped, loose, rotted, or deteriorated shall be repaired or replaced.

Guards and Handrails

- 5.38 A handrail shall be installed in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in good repair.
- 5.39 Guards shall be installed around the perimeter of the higher floor surface where there is a difference in elevation to adjacent surfaces of more than 0.6 metres (24 inches) and such guards shall be maintained in good repair.
- 5.40 Every existing guard shall be a minimum of 0.9 metres (36 inches) in height.
- 5.41 The installation of new and replacement guards shall comply with the *Ontario Building Code*.

Elevating Devices

- 5.42 Every elevator and other elevating device shall be operational, accessible and maintained in good repair at all times.

Vacated or Fire Damaged Buildings

- 5.43 Every vacant or fire-damaged building shall be kept free from any flammable substance or debris and shall have all water, electrical and gas services to the building turned off except those services that are required for the security and maintenance of the property.
- 5.44 Every fire-damaged building shall be demolished or restored so that the building is structurally sound. Every opening in a fire-damaged building shall be boarded up to prevent unauthorized entry into the building until the necessary work is completed.
- 5.45 Vacant buildings shall be demolished or secured (including boarding of broken or missing windows and openings).
- 5.46 Despite Article 5.45, the owner of any property on which is situate a building, or part thereof, that is boarded up for a period exceeding 24 months (2 years) shall either repair the building and bring it in conformity with the standards rendering the building in a useable condition, or shall clear the property of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.

Egress

- 5.47 Every building shall have a safe, continuous and unobstructed passage from the interior of the building to the exterior leading to the street or grade level.

6. Additional Standards for Residential Property

Yards

- 6.1 No overgrown vegetation or noxious weeds shall be permitted in any yard.
- 6.2 Steps, walks, driveways, parking spaces and similar yard areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- 6.3 Firewood shall not be stored in a front yard.
- 6.4 Firewood may be stored in a rear yard or sideyard subject to the following conditions:
 - 6.4.1 it shall not be stored within 1.0 metres (3.28 feet) of a side lot line;
 - 6.4.2 not more than 6 bush cords, being 3.62 cubic metres per cord (128 cubic feet per cord) may be stored on a property at any one time;
 - 6.4.3 it shall not be stored in more than 4 separate piles;
 - 6.4.4 it shall not be stored in piles exceeding 1.5 metres (4.92 feet) in height;
 - 6.4.5 it shall not be stored in piles exceeding 28 square metres (301.40 square feet) of lot area or 10 percent of lot areas, whichever is less;

- 6.4.6 it shall not be stored within .5 metres (1.64 feet) of the property line in a rear yard;
 - 6.4.7 if in the form of logs, poles, timber, lumber and other wood products, it shall be cut into uniform length not exceeding 1.5 metres (4.92 feet) and shall be placed in orderly piles within 14 days of delivery to the property;
 - 6.4.8 if in the form of wood skids, boxes, doors, or other assembled salvaged wood products, it shall be dismantled and cut into uniform lengths and placed in orderly piles within 14 days of delivery to the property.
- 6.5 Excavations, swimming pools, hot tubs, wading pools and artificial ponds shall not contain standing water

Safety and Security

- 6.6 Every openable window within 2 metres of grade (6.5 feet), exterior door, and entrance door to a dwelling unit shall be equipped with hardware so as to be capable of being locked or somehow otherwise secured.
- 6.7 Every entrance door to a dwelling unit shall be a solid core door, excluding glazed areas.
- 6.8 Every entrance door locking release mechanism and every dwelling unit-to-vestibule communication system shall be maintained in proper working order.
- 6.9 Every window located greater than 2.0 metres (78 inches) above grade in residential buildings, within the scope of Part 3 of the *Ontario Building Code*, shall be provided with a controlled sash operation, to restrict, when engaged, the opening of the operable sash to not more than 0.10 metres (4 inches).
- 6.10 Every dwelling unit shall be provided with an operable smoke alarm. Smoke alarms shall be located between each sleeping area and the remainder of the dwelling unit.
- 6.11 Every floor level containing a bedroom in residential buildings within the scope of Part 9 of the *Ontario Building Code*, shall be provided with a window or exterior door having a minimum openable area of 0.35 square metres (3.8 square feet) and have a minimum dimension of 0.38 metres (15 inches).
- 6.12 An approved carbon monoxide detector shall be installed in any room within a dwelling unit which contains a combustion appliance.

Kitchens

- 6.13 Every kitchen in a dwelling unit shall be equipped with:
- 6.13.1 a sink that is served with an adequate supply of hot and cold potable water and that is surrounded by surfaces impervious to water;
 - 6.13.2 a cupboard, shelving or pantry for storage of food, dishes and cooking utensils;

- 6.13.3 a counter top work area covered with a material that is impervious to water and is able to be easily cleaned;
- 6.13.4 a space provided for cooking and refrigeration appliances including suitable electrical or gas connections;
- 6.13.5 appliances that are in safe and proper working order, where such appliances are present.

Washroom Facilities

- 6.14 Every dwelling unit shall contain a washroom consisting of at least one operational water closet, wash basin, and a bathtub or shower. Every wash basin, bathtub, and shower shall have an adequate supply of hot and cold potable water. Every water closet shall have an adequate supply of running water.
- 6.15 Every required washroom shall be accessible by the occupant without having to travel through any room of another dwelling unit, through an unheated corridor or to the outside of the building.
- 6.16 Every required washroom shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.

Natural Light

- 6.17 Every living room and bedroom in a dwelling unit shall have an exterior window or skylight with a minimum glass area equal to 2.5% of the floor areas of that room.

Ventilation

- 6.18 Every habitable room in a dwelling unit shall be provided with an openable window or an adequate mechanical ventilation system.
- 6.19 Every washroom shall be provided with an opening or openings for natural ventilation located in an exterior wall (or through openable parts of skylights).
- 6.20 An opening for natural ventilation may be omitted from a washroom where a system of mechanical ventilation has been provided (such as an exhaust fan which is activated with a switch, with a duct leading to the outside)

Occupancy Standards

- 6.21 Accumulation or storage of garbage, refuse, appliances, or furniture in hallways, stairways or balconies shall not be permitted.
- 6.22 The minimum floor to ceiling height for habitable rooms shall not be less than 1.9 m. (6 ft, 5 in) over at least 50% of the floor area, provided that any part of the floor area having a clear height of less than 1.35 m. (4.4 ft) shall not be considered in computing the required floor area
- 6.23 Despite Article 6.22, a minimum height of 1.9 m. (6 ft. 5 in.) shall be required for all floor areas used as a means of egress.
- 6.24 Every room in any dwelling unit used for sleeping purposes shall have a minimum room area of 7.0 square metres (75 square feet).

6.25 The number of occupants in a dwelling unit shall not exceed one person for every 9 square metres (97 square feet) of total habitable room space.

7. Additional Standards for Buildings

- 7.1 An owner shall maintain any services and facilities supplied in respect of a property by that same owner and shall maintain common areas intended for the use of occupants. Such services and facilities may include, but are not limited to:
- (a) appliances
 - (b) parking facilities
 - (c) elevator facilities and equipment
 - (d) intercom systems and equipment
 - (e) gas/oil, water and electricity, and their related services and equipment
 - (f) heating facilities, services and equipment
 - (g) security services, facilities and equipment
 - (h) lighting
- 7.2 Common areas in apartment buildings, including laundry rooms, recreational rooms, storage rooms, hallways, entrance, exit and other shared facilities shall be maintained in good repair and kept clean and free from health, fire and accident hazards.
- 7.3 Interior cladding and finishes of floors, walls, ceilings and doors of common areas shall be kept free of stains and other defacement.
- 7.4 All mail collections areas, including mailboxes (where supplied in a building) shall be maintained in good repair.
- 7.5 All artificial lighting (including exterior fixtures, lamps and other supports and connections) shall be maintained in good repair and in a safe working condition.
- 7.6 No owner shall disconnect (or cause to be disconnected) any service or utility supplying heat, electricity, gas or water to a residential building occupied by a tenant, lessee or occupant of such building, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering the service or utility.

8. Administration and Enforcement

Property Standards Officer

- 8.1 The administration and enforcement of this By-law is the responsibility of the Property Standards Officer of the Township who shall be appointed by the Council of the Township.

Property Standards Committee

- 8.2 A Property Standards Committee shall function as set out in section 15.6 of the *Building Code Act*.
- 8.2.1 The Committee shall be composed of such persons, not fewer than three, as the Council of the Township shall appoint for terms of 3 years. Any vacancy on the Committee shall be filled forthwith by Council.
- 8.2.2 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium of \$75.00 per meeting for his or her attendance at committee meetings.

Entry for Inspection

- 8.3 An Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting a property to determine:
- 8.3.1 whether the property conforms with the standards prescribed by this By-law; or,
- 8.3.2 whether an order made under this By-law has been complied with.
- 8.4 An officer shall not enter or remain in any room or place actually being used as a dwelling unless,
- 8.4.1 the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act*, or;
- 8.4.2 a warrant issued under the *Building Code Act* is obtained, or;
- 8.4.3 the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person, or;
- 8.4.4 it is otherwise permissible pursuant to the *Building Code Act*.

Additional Powers of Inspection

- 8.5 An officer may:
- 8.5.1 require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- 8.5.2 inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- 8.5.3 require information from any person concerning a matter related to a property or part thereof;
- 8.5.4 be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;

8.5.5 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspections;

8.5.6 order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

Orders

8.6 An officer who finds that a property does not conform with any standards prescribed in this by-law may make an order:

8.6.1 stating the municipal address or legal description of the property;

8.6.2 giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

8.6.3 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 Township may carry out the repair or clearance at the owner's expense;

8.6.4 indicating the final date for giving notice of appeal from the order.

8.7 The order shall be served on the owner of the property and such other persons affected by it as the Officer determines and a copy of the order may be posted on the property.

8.8 The order may be registered at the proper land registry office.

Appeals of Orders

8.9 An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the order. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$200.00 for the processing of the appeal.

8.10 An order that is not appealed within the 14 days shall be deemed to be confirmed.

8.11 If an appeal is taken, the Committee shall hear the appeal and shall have all the power and functions of the Officer who made the order and may:

8.11.1 confirm, modify, or rescind the order to demolish or repair;

8.11.2 extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of this By-law and of the official plan or policy statement are maintained.

- 8.12 The Township or any owner, occupant, or person affected by a the decision of the Committee may appeal to a judge of the Ontario Superior Court of Justice by notifying the clerk of the Corporation in writing and by applying to the Ontario Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision.

Compliance with An Order

- 8.13 An Officer, who after inspecting a property, is of the opinion that the property is in compliance with the standards established in this By-law shall issue a certificate of compliance to an owner who requests one and who pays the fee set by the Township.
- 8.14 The fee for the issuance of a certificate of compliance shall be:
- 8.14.1 Forty (\$40.00) dollars for a residential property containing three or fewer dwelling units;
- 8.14.2 Twenty (\$20.00) dollars per dwelling unit for any residential property containing more than three dwelling units;
- 8.14.3 For commercial, industrial or institutional property:
- 8.14.3.1 Forty (\$40.00) dollars for any building having a gross floor area of 1800 square metres (5905.5 square feet) or less;
- 8.14.3.2 Sixty (\$60.00) dollars for any building having a gross floor area over 1800 square metres (5905.5 square feet) plus an additional ten (\$10.00) dollars for each additional 4000 square metres (43,057.05 square feet) in excess of 4600 square metres (49,515.61 square feet), if any.
- 8.15 A certificate of compliance does not relieve the recipient from any duty to comply with this By-law or any other By-law or statute.

Power of the Township to Repair or Demolish

- 8.16 If an order of an Officer is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge, the Township may cause the property to be repaired or demolished accordingly.
- 8.17 Pursuant to the *Building Code Act*, the Township shall have a lien on the land for the amount spent on the repair or demolition and the amount shall be deemed to be municipal real property taxes and shall be added by the clerk of the Township to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

Emergency Orders

- 8.18 If upon inspection of a property the Officer is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

8.19 The Officer and the Township shall comply with the procedures mandated section 15.7 of the *Building Code Act* in the circumstances of such an Emergency Order.

9. Conflicts

9.1 Wherever a standard established by this by-law is different from a standard in relation to the same matter established by any other item of legislation in force in the Township, the standard which provides the higher degree of protection for the health, safety, and welfare of the occupants and of the general public shall prevail.

10. Offence

10.1 Every person who contravenes this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Building Code Act, S.O. 1992, Chapter 23, as amended

11. Repeals

The following by-laws are repealed on the passing of this by-law:

Township of Guelph/Eramosa By-law 20/2001

12. Effective Date

11.1 This By-law shall come into force and be effective upon being finally passed.

READ three times and finally passed
this 2nd day of March, 2009

Chris White, Mayor

Julie Middleton, Deputy Clerk