

The Corporation of the City of Clarence-Rockland

By-law 2026-76

Being a By-Law of the City of Clarence-Rockland, to prescribe standards for the maintenance and occupancy of property and for the enforcement of those standards.

Whereas section 15.1 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, authorizes Council to prescribe standards for the maintenance and occupancy of property and to require property that does not conform with those standards to be repaired and maintained or demolished; and

Whereas sections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, authorize Council to prescribe minimum standards for the maintenance of the heritage attributes of designated property; and

Whereas section 434.1 of the Municipal Act, 2001 authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality; and

Whereas Council of The Corporation of the City of Clarence-Rockland deems it desirable to enact a by-law prescribing standards for the maintenance and occupancy of property within the City and to provide for enforcement through Orders, prosecution, or administrative monetary penalties; and

Whereas the Official Plan for the City of Clarence-Rockland includes provisions relating to the maintenance and occupancy of property;

Therefore, the Council of the City of Clarence-Rockland enacts as follows:

1. Part 1 – Definitions

- 1.1. "Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 1.2. "Act" means the Building Code Act, 1992, S.O. 1992, c. 23, as amended.
- 1.3. "Basement" means that portion of a building between two floor levels that is partly underground and has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade adjacent to the exterior walls.
- 1.4. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
- 1.5. "Building Code" means the Building Code made under the Building Code

Act, 1992, including Ontario Regulation 332/12, as amended.

- 1.6. "Chief Building Official" means the Chief Building Official appointed under the Building Code Act, 1992.
- 1.7. "City" means The Corporation of the City of Clarence-Rockland.
- 1.8. "Code" means, as applicable: the Building Code, Electrical Safety Code, Fire Code, or Plumbing Code, as enforced by the appropriate authority having jurisdiction.
- 1.9. "Committee" means a Property Standards Committee established under this By-law.
- 1.10. "Council" means the Council of The Corporation of the City of Clarence-Rockland.
- 1.11. "Demolish" means to remove a building or any material part of it; "demolition" has a corresponding meaning.
- 1.12. "Dwelling" means a building or part of a building used or intended for human habitation.
- 1.13. "Dwelling unit" means a room or suite of rooms operated as a single housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, sleeping and sanitary facilities, and designed to be independent or self-contained.
- 1.14. "Exterior property area" means the building lot excluding buildings, to the extent that such area directly affects a building or structure subject to this By-law.
- 1.15. "Fence" means a structure, wall or barrier, other than a building, erected at grade for defining property boundaries, screening, restricting ingress/egress, or providing security or protection.
- 1.16. "First Storey" means the storey with a floor closest to grade and with a ceiling height of more than 1.8 m (6 ft) above grade.
- 1.17. "Guard" means a protective barrier installed to prevent accidental falls from one level to another.
- 1.18. "Graffiti" means any unauthorized letters, symbols, figures, inscriptions, markings, stains, or etchings howsoever made that deface or disfigure property, but does not include a mural or sign lawfully permitted under a City by-law.
- 1.19. "Habitable room" means any room in a dwelling unit used or designed for living, sleeping, eating, cooking or food preparation and includes, without limitation, a den, library, sunroom or recreation room.

- 1.20. "Heritage attributes" has the meaning given in the Ontario Heritage Act and includes attributes identified in a designation by-law or Minister's order.
- 1.21. "Heritage property" means a property designated under Part IV or located in a heritage conservation district under Part V of the Ontario Heritage Act.
- 1.22. "Means of egress" means a continuous and unobstructed path of travel from any point in a building or structure to a public way or open exterior space, including exits, corridors, stairways, doorways, and related facilities.
- 1.23. "Mural" means a decorative or artistic image painted directly onto the exterior surface of a building and authorized in accordance with the City's Sign By-law or other applicable approval.
- 1.24. "Non-habitable space" means a bathroom, toilet room, laundry, pantry, foyer, lobby, hall, corridor, stairway, closet, storage, boiler or furnace room, or a room/space that does not meet residential occupancy standards.
- 1.25. "Non-Residential Property" means a building/structure or part thereof not occupied for human habitation and includes appurtenant lands and outbuildings, fences and erections thereon.
- 1.26. "Occupant" means any person occupying the property.
- 1.27. "Officer" means a Property Standards Officer appointed by Council to administer and enforce this By-law.
- 1.28. "Order" means an order issued by an Officer under this By-law pursuant to the Building Code Act, 1992.
- 1.29. "Owner" includes the registered owner, owner in trust, mortgagee in possession, person managing or receiving rent, or any person responsible for maintenance.
- 1.30. "Person" includes an individual, firm, partnership, corporation, association or other entity.
- 1.31. "Professional Engineer" means a person licensed by Professional Engineers Ontario to practice professional engineering (P.Eng.).
- 1.32. "Property" means a building or structure or part thereof and includes appurtenant lands and premises and all mobile homes, outbuildings, fences and erections thereon, and includes vacant property.
- 1.33. "Repair" includes actions, additions, alterations and provision of facilities necessary to conform to this By-law.

- 1.34. "Residential property" means a property containing one or more dwelling units.
- 1.35. "Safe condition" means a condition that does not present an undue or unreasonable risk to life, limb or health and that is structurally sound.
- 1.36. "Sewage system" means the City's storm, sanitary or combined sewers or an approved private sewage disposal system.
- 1.37. "Sign" means any device or notice, including its structure, used to identify, describe, advertise or direct attention to any person, business, service, commodity or use.
- 1.38. "Structure" means anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground, and includes buildings, decks, porches, balconies, retaining walls, fences and similar objects.
- 1.39. "Vacant" means a building or part thereof that is unoccupied and not lawfully used for its intended purpose.
- 1.40. "Vital Services" means the supply of potable water, electricity, fuel, heat, sanitary sewage disposal, natural gas, and any other utility or service required for the safe and habitable occupancy of a building.

2. Part 2 - Short Title, Purpose and Interpretation

2.1. Short Title

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

2.2. Purpose

The purpose of this By-law is to prescribe and enforce minimum standards for the maintenance and repair of properties within the City; to ensure that buildings and structures, and the conditions affecting their safety and occupancy, are maintained in a safe and sanitary condition; to protect the health, safety, and well-being of occupants and the public; and to provide a consistent framework for inspections, Orders, appeals, and compliance measures.

2.3. Interpretation

This By-law shall be interpreted in a manner consistent with the Building Code Act, 1992, the Ontario Heritage Act, and all other applicable statutes, as amended.

2.4. The standards prescribed in this By-law represent minimum requirements, and nothing in this By-law shall be construed to prevent the enforcement of higher or more stringent requirements imposed by

any other applicable law.

- 2.5. Where a provision of this By-law conflicts with another applicable law, the provision that establishes the higher standard for the protection of health or safety shall prevail, to the extent permitted by law.
- 2.6. For the purposes of interpreting this By-law, the definitions listed in Part 1 apply. Where a term is not defined, its ordinary dictionary meaning shall apply.
- 2.7. References to an Act, regulation, or by-law include any successor legislation, as amended or replaced from time to time.
- 2.8. Nothing in this By-law shall be interpreted so as to permit the use, occupancy, construction, alteration, or maintenance of any building or structure in a manner that is contrary to the Zoning By-law, as amended, or any other applicable municipal, provincial, or federal law.

3. Part 3 - Application, Scope of Authority and General Requirements

3.1. Application

- a. This By-law applies to all property within the City, unless specified in the By-law.
- b. This By-law does not apply to normal farm practices carried out in accordance with the Farming and Food Production Protection Act, 1998; however, it does apply to residential buildings on farms and to unsafe or derelict buildings or structures, provided that enforcement does not interfere with normal farm practices. In the event of a conflict, the Farming and Food Production Protection Act, 1998 prevails to the extent required by law.
- c. The standards herein are minimum standards and do not derogate from the requirements of any other applicable law.
- d. Where a property does not conform to this By-law, the owner shall repair, maintain or secure the buildings or structures on the property so as to bring them into conformity, or, where authorized, remove unsafe or non-conforming buildings or structures, except that a designated heritage property shall not be demolished, removed, or altered except in accordance with the Ontario Heritage Act.

3.2. Scope of Authority

- a. This By-law regulates the maintenance, safety, and occupancy of buildings and structures and the conditions that directly affect

such buildings or structures.

- b. This By-law does not regulate yard maintenance, outdoor storage, refuse, debris, waste accumulation, site grading, or land conditions except where such conditions directly create a safety hazard to a building or structure or adversely affect the use or occupancy of a building or structure.

3.3. General Requirements

- a. Every person to whom an Order is issued shall comply within the time specified.
- b. No owner shall fail to maintain and repair a building or structure in conformity with this By-law.
- c. Occupants shall keep exits clean and unobstructed;
- d. For complaint-driven inspections, an occupant's written notice to the owner is required and shall identify the deficiencies and provide a reasonable period for compliance. This provision does not apply to vacant land or buildings, deficiencies observed by an Officer, or emergencies under the Building Code Act.
- e. Residential appliances supplied by the owner shall be maintained in a state of good repair and good working order by the owner.
- f. Owners shall ensure that all Vital Services are provided and maintained in good working order and shall not disconnect or interrupt any Vital Service required under this By-law, except during temporary interruptions required to complete active repairs or maintenance, provided the service is restored without undue delay.
- g. During an investigation, the City may discontinue further action where the complaint reveals no infraction or is deemed unjustified.
- h. In establishing compliance timelines, the Officer may consider weather conditions, seasonal constraints, availability of materials, and the level of risk posed by the condition.
- i. All repairs shall be carried out in a good and workmanlike manner, with suitable, sufficient, defect-free materials, in accordance with applicable Codes.

4. Part 4 – General standards for all property and uses

4.1. Garbage Chutes/Rooms/Containers

- a. Chutes, disposal/collection rooms, containers and receptacles shall be maintained in a clean, sanitary, odour-free condition, and in good working order and repair.

4.2. Unenclosed Porches/Balconies

- a. Unenclosed porches or unenclosed balconies forming part of a building shall be kept free of garbage, waste, appliances, and other obstructions that obstruct use or egress or that create a safety or fire hazard.

4.3. Lot Grading – Drainage

- a. Roof, driveway, and other drainage shall not be discharged onto entrances, walkways, stairs, or in a manner that creates an unsafe condition or causes damage to a building or structure.
- b. Where feasible, roof drainage shall be discharged onto the ground at least 1 metre (39 inches) away from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion.
- c. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.

4.4. Walkways/Driveways/Parking Areas

- a. Walkways, driveways and parking areas forming part of a property shall be maintained in a safe condition, with a durable surface free of defects such as ponding, deep ruts, or holes, so as to provide safe passage for pedestrians and vehicles.

4.5. Exterior Lighting

- a. Every stairway, exterior exit and entrance, cellar or basement entrance shall have a permanently installed lighting fixture kept in good working order.
- b. Underground parking/common areas shall be illuminated to provide safe passage.
- c. Lighting facilities shall be maintained in good repair.

4.6. Retaining Walls

- a. All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

4.7. Accessory Buildings

- a. The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - i. constructed with suitable materials;
 - ii. maintained in good repair;
 - iii. protected from deterioration by the application of paint or other suitable protective material.

4.8. Towers/Gantries/Masts/Antennae

Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained:

- i. reasonably plumb, unless specifically designed to be other than vertical;
- ii. in good repair; and
- iii. in a safe and structurally sound condition.

4.9. Graffiti Prohibited

- a. No person shall place or cause graffiti to be placed on any building or structure.
- b. Every owner shall maintain all buildings, structures, fences, signs, accessory structures, and exterior surfaces on their property free of graffiti.
- c. Graffiti shall be removed within a reasonable time after becoming aware of its presence or within the time specified in an Order issued under this By-law.
- d. This section applies to all property, whether occupied or vacant, unless otherwise exempted by this By-law.

4.10. Supplementary Standards – Unfinished Buildings/Structures

- a. Unfinished buildings/structures or parts thereof shall be finished in an acceptable manner within a reasonable time and in accordance with applicable laws.
- b. The worksite on which unfinished buildings or structures exist

shall be maintained in a safe and healthy manner.

5. Part 5 - Exterior of Buildings

5.1. Structural Adequacy – Capacity

- a. Repairs shall be carried out in a good and workmanlike manner with suitable and sufficient materials.
- b. All parts shall be maintained in good repair and structurally sound so as to:
 - i. sustain their own weight and normal loads;
 - ii. accommodate normal movements without damage, decay or deterioration;
 - iii. prevent moisture penetration causing damage or deterioration; and
 - iv. perform intended functions safely.

5.2. Foundations – Basements

- a. Foundations and basement/cellar/crawlspace floors shall be maintained in good repair and in a structurally sound and reasonably watertight condition.

5.3. Exterior Walls – Cladding – Masonry

- a. Exterior walls/surfaces shall be sound, plumb, weathertight and free of loose/unsecured objects.
- b. Maintenance includes repairing/renewing defective masonry/siding/trim/stucco; painting or protective coatings; waterproofing joints/walls; installing termite shields where needed.
- c. Previously coated surfaces shall be maintained and coatings renewed when damaged/deteriorated.

5.4. Doors – Windows – Hatchways

- a. Windows, skylights, exterior doors/frames, hatchways and access doors shall be in good working order, good repair and safe condition to prevent wind, snow or rain entry and minimize heat loss.
- b. Every dwelling unit shall have at least one entrance door with hardware capable of being securely locked.

- c. All operable windows and exterior doors shall have interior locking/securement.
 - d. Operable windows shall have screens maintained in good condition.
- 5.5. Window/Other Openings – Screens
 - a. Openings used/required for ventilation or illumination and not protected by doors/windows shall have mesh screening, metal grills or other durable protection to prevent entry of rodents, vermin and other pests.
- 5.6. Canopies – Marquees – Awnings
 - a. Canopies, marquees and awnings shall be securely anchored, safe, sound and protected against decay/rust by periodic weather-coating.
- 5.7. Roofs
 - a. Roofs and components shall be in good repair and structurally sound.
 - b. Maintenance includes removal of loose/rusted objects; removal of hazardous snow/ice; maintaining watertightness; and keeping related structures plumb unless designed otherwise.
- 5.8. Eavestroughs – Flashing – Exterior Ducts
 - a. Eavestroughs, gutters, downspouts, flashing and exterior metal ducts shall be secured, unobstructed, weather-tight, hole-free and kept in good repair; they shall be protected against rust and renewed as necessary. Roof drainage shall be discharged per section 4.3 (b) of this By-law.
- 5.9. Stairs – Handrails – Guards (Exterior)
 - a. Exterior stairs/porches/landings shall be free of holes, cracks and defects creating hazards.
 - b. Handrails, guards, balustrades and similar features shall be in good repair, anchored, structurally capable and protected against rust.
 - c. Handrails are required on exterior stairs with more than three risers.
- 5.10. Means of Egress (Exterior)
 - a. Exterior stairs and fire escapes shall be maintained in a safe state

of repair and kept free of ice and snow.

5.11. Chimneys – Flues – Vents

- a. Chimneys, vents, stacks, flues and ducts shall be constructed/installed/maintained free from obstruction and prevent smoke/gas entry, overheating of combustibles and hazards.

5.12. Garages – Carports

- a. Doors between an attached or built-in garage and dwelling unit shall be tight-fitting, weather-stripped and self-closing to prevent gas/fume passage.
- b. Garages and carports, including floors, shall be maintained in good repair and free from hazards.
- c. Garage doors must be maintained in good repair and operate safely.

6. Part 6 - Interior of Buildings, Structures and Dwellings

6.1. Mold – Unsafe Conditions

- a. Extensive mold accumulations shall be removed immediately by the owner; no person shall permit occupancy where such mold poses a risk to health. Conditions contributing to mould (e.g., water penetration, humidity, and inadequate ventilation) shall be corrected. Minor maintenance/lifestyle mold may be exempt at the Officer's discretion.
- b. Any condition on the property that creates an unreasonable danger to health or safety—whether or not listed elsewhere—shall be corrected. The property must be safe for persons carrying out duties under this By-law.

6.2. Interior Structure – Structural Systems

- a. Buildings and structural systems/components shall sustain their own weight and imposed loads (including snow/wind).
- b. Where structural condition is in doubt, an Officer may Order a Professional Engineer's report (P.Eng.), at the owner's expense, identifying deficiencies and remedial work. A final engineer's certification shall be provided upon completion. No structural element shall be altered without required permits.
- c. An Officer may accept the findings contained in the Professional Engineer's report (P.Eng.) provided that the Officer is satisfied

that all deficiencies have been identified and appropriately dealt with by the report.

6.3. Walls – Ceilings

- a. Every interior wall and ceiling finish shall be maintained in good repair and in a clean, safe, and stable condition, free from defects including holes, cracks, and loose materials.
- b. Bathroom walls shall be water-resistant and easily cleanable 42 inches above a tub with shower or 6 feet in shower stalls.

6.4. Windows

- a. Except where otherwise required, a window is not required in habitable space, other than a bedroom or living room.
- b. All bedrooms and living rooms shall have a window or a door which contains a window that faces directly to the outside of the building.

6.5. Floors

- a. Floors shall be smooth, level and free of loose/warped/protruding/broken/rotted boards creating hazards; worn/torn coverings shall be repaired/replaced.
- b. Bathrooms, kitchens, laundries and shower rooms shall have water-resistant, cleanable floor finishes.
- c. Basements/cellars shall have concrete or other suitable materials that provide adequate drainage and safe condition.

6.6. Stairs – Handrails – Guards (Interior)

- a. Interior stairs, porches, and landings shall be maintained free of hazardous defects and in a safe condition.
- b. Handrails, guards and similar features shall be anchored, secure and capable of supporting imposed loads.
- c. Metal components of stairs, porches, landings, handrails, and guards shall be protected against rust and corrosion and maintained in good repair.
- d. Handrails are required on interior stairs within dwelling units having more than two risers.

6.7. Elevators

- a. Elevating devices, including parts, lighting, buttons, indicators and fans, shall be operational, safe and in good repair.

6.8. Means of Egress

- a. Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- b. Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- c. The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- d. In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- e. Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.

6.9. Heating and Air Conditioning

- a. Every residential dwelling unit shall have heating equipment capable of maintaining 21°C at an outdoor design temperature of -18°C.
- b. Portable heaters shall not be used as the primary source of heat.
- c. Heating/mechanical systems shall be properly installed, operational and maintained.
- d. Fuel-burning equipment shall have safe fuel storage and be vented to a flue/chimney; flues shall be unobstructed and leak-free.
- e. Air conditioners shall have devices preventing condensation discharge onto entrances/walkways and shall be maintained safe mechanically/electrically.
- f. Cooling water shall not be discharged onto municipal property or in a manner causing building damage.

6.10. Electrical

- a. Every dwelling and dwelling unit shall be wired for electricity and

shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

- b. Where an owner(s) supplies individual metering, meters shall be maintained and accessible to occupant(s).
- c. Kitchens shall have outlets suitable for a refrigerator and cooking appliance.
- d. Extension cords shall not be used as permanent wiring.

6.11. Ventilation

- a. Ventilation shall be provided/maintained/operated to prevent accumulations of heat, dust, fumes, gases (including CO), moisture, vapours or contaminants creating hazards.
- b. Ventilation systems shall be cleaned regularly and maintained in good working order and repair.
- c. Exterior openings used/required for ventilation shall be screened per this By-law.
- d. Basements/cellars/unheated crawl spaces/attics shall be vented to prevent entry of snow, rain, rodents and insects.

6.12. Lighting

- a. Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
- b. Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

6.13. Plumbing – Water Supply – Sewage (Interior)

- a. Plumbing, drain and water pipes, fixtures and connections to sewage systems shall be maintained in good working order, free of leaks/defects and protected from freezing; installed/maintained per applicable laws.
- b. Every dwelling/building with pressurized water shall have:
 - i. An adequate and safe supply of potable water at all times.

- ii. 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°C and not more than 49°C.
- iii. Hot and cold water piping to every kitchen fixture, washbasin, bathtub, shower, sink and laundry area;
- iv. Cold water to every toilet and hose bib.
- v. Sewage shall discharge into a sewage system and be maintained.

6.14. Pest Prevention

- a. Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.
- b. Openings and holes in a building containing rental 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.

7. Part 7 – Additional Requirements for Residential Occupancy

7.1. Occupancy Standards

- a. No person shall use or permit the use of a non-habitable space in a dwelling for a habitable space purpose.
- b. The maximum number of occupants in a dwelling unit shall be based upon two persons per bedroom.
- c. No room shall be used for sleeping purposes unless it complies with the applicable requirements of the Ontario Building Code, as amended.
- d. Every habitable space shall have a minimum ceiling height in accordance with the Ontario Building Code, as amended.
- e. No portion of a building shall be occupied if it does not meet the requirements of this By-law.

7.2. Toilet and Bathroom Facilities

- a. Every dwelling unit shall contain at least one toilet, one washbasin and one bathtub or shower in good repair and operable.

- b. Bathrooms/toilet rooms shall be located within and accessible from the dwelling unit, fully enclosed and maintained to provide privacy.
- c. No toilet/urinal shall be located within a bedroom or a room used for food preparation, cooking, storage or consumption.

8. Part 8 - Non-Residential Property Standards

8.1. Means of Egress

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

- a. maintained free from all obstructions or impediments;
- b. provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- c. provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

8.2. Guardrails

- a. Guards are required and shall be maintained on open sides of:
 - i. any stairway or ramp with three or more risers; and
 - ii. any landing $\geq$ 600 mm (24 in) above adjacent floor/ground.
- b. Stairwells shall have secure handrails in good condition.
- c. Guards, handrails and balustrades shall be strong, rigid, securely fastened and maintained not to become loose or unsafe; guards shall be provided around landings, porches and balconies.

8.3. Lighting

Lighting shall be provided and maintained in a safe condition and in sufficient quantity to permit the safe use and occupancy of the building.

9. Part 9 - Vacant, Damaged or Demolished Buildings

9.1. Vacant Buildings

If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazards.

Every owner of a vacant building shall:

- a. ensure that the property complies with all applicable statutes, regulations and By-laws, including but not limited to the Building Code Act, 1992, the Fire Protection and Prevention Act, 1997 and the Clean Yards By-law; and,
- b. satisfy the Officer that an individual retained by the owner attends the property to monitor the building condition at least every two (2) weeks or more frequently as required in writing by the Officer;
- c. board-up all exterior openings, including those located on all floor levels and any other openings that may allow access to the interior;
- d. use tamper-resistant board-up hardware;
- e. weatherproof board-up materials by painting and similar;
- f. paint board-up material in colours comparable with the surrounding walls and so as to be esthetically pleasing.

Prior to boarding-up, every owner shall:

- g. remove all combustible waste and stored materials to the satisfaction of the Officer and the Fire Department;
- h. disconnect and cap all services to the building, including but not limited to gas, water, electricity; and
- i. ensure the absence of human and wildlife (birds, raccoons, etc.) within interior spaces and cavities but not limited to crawlspaces, basements, attics and soffit.

9.2. Damage by Fire – Storm – Other Causes

Every owner of a building, accessory building or structure that is damaged by fire, storm or other causes shall:

- a. immediately take all necessary steps to prevent, eliminate, or control any condition that may endanger the health or safety of persons on or near the property;
- b. secure, support, fence, barricade, or otherwise protect the building or structure, as required, until all necessary repairs or demolition are completed; and
- c. remove smoke damage, charring, staining, or other defacement from the exterior walls or surfaces of the building or structure

within a reasonable time.

- 9.3. Any structure, building, or part thereof that has been damaged by fire, storm, or other cause shall be repaired and restored to its original condition or shall be demolished in accordance with the Building Code Act, 1992, as amended and all applicable regulations.

9.4. Demolition

Where a building or structure is being demolished, the owner shall:

- a. protect adjoining properties and the public by installing and maintaining fences, barricades, covered walkways, or other protective measures as required until the demolition is completed; and
- b. remove and lawfully dispose of all demolition debris, fire debris, and waste materials within a reasonable time and in accordance with the Building Code Act, 1992, as amended, and all applicable regulations.

10. Part 10 - Heritage Property Standards

10.1. General Requirements

In addition to other standards, owners/occupants of heritage property (Part IV/V) shall:

- i. maintain, preserve and protect heritage attributes to conserve the cultural heritage value and integrity of the property; and
- ii. obtain Council approval pursuant to the Ontario Heritage Act before performing work under this Part.

10.2. Repair of Heritage Attributes

Where a heritage attribute can be repaired, it shall not be replaced and shall be repaired to minimize damage to heritage values and maintain original design/colour/texture/grain/distinctive features, using same materials where available; if unavailable, equivalent materials replicating appearance may be used with Council approval.

10.3. Replacement of Heritage Attributes

Where an attribute cannot be repaired, it may be replaced in a manner that replicates the original design, colour, texture and appearance using the same materials where available; if unavailable, equivalent replicating materials may be used.

10.4. Clearing/Levelling of Heritage Properties

Despite any other provision, no building/structure on a Part IV/V property may be altered/demolished/removed/relocated except in accordance with the Ontario Heritage Act.

10.5. Vacant Heritage Properties

- a. Where a Part IV/V property remains vacant for 90+ days, owners shall provide, maintain and monitor utilities required for heating and ventilation to prevent damage to heritage attributes.
- b. Owners shall protect against fire, storm, neglect, intentional damage or other damage by securing openings to prevent weather entry, unauthorized entry or pests, including:
 - i. exterior-installed boards fitted watertight, leaving trim/cladding uncovered/undamaged;
 - ii. fastening to minimize damage to attributes; and
 - iii. painting boards to reflect original openings or in matt black for panes and original frame colours; other boards shall be painted/treated to blend with the exterior.

11. Part 11 - Administration, Enforcement and Compliance

11.1. Powers of Entry and Inspection

- a. An Officer, upon producing proper identification, may enter property at any reasonable time without a warrant to inspect the property for compliance with this By-law or an Order issued under it.
- b. For inspection, per section 15.8 of the Building Code Act, an Officer may:
 - i. require production of documents/things (including drawings/specifications);
 - ii. inspect/remove documents/things to make copies/extracts;
 - iii. require information from any person concerning the property;
 - iv. be accompanied by a person with special/expert knowledge;
 - v. make examinations/tests/samples/photographs as necessary; and
 - vi. order the owner to take/supply tests and samples at the owner's expense as specified in the Order.

- vii. Where required to determine compliance with this By-law, an Officer may require the owner to provide, at the owner's expense, a report, inspection, certification or assessment prepared by a qualified person with expertise relevant to the condition or deficiency, including but not limited to a Professional Engineer, licensed trade, or other recognized specialist acceptable to the Officer.
- c. The City may impose fees pursuant to the User Fee By-law to recover the costs of tests or third-party inspections, and such costs may be recovered by adding such cost to the tax roll and collecting them in the same manner as municipal taxes.

11.2. Orders

- a. An Officer who finds that a property does not conform with any of the standards prescribed in this by-law may make an order:
 - i. stating the municipal address or the legal description of the property;
 - ii. giving reasonable particulars of the repairs to be made or stating that unsafe or non-conforming buildings or structures are required to be repaired, secured, or removed;
 - iii. 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,
 - iv. indicating the final date for giving notice of appeal from the order.
- b. An Order shall be served on the owner of the property and such other persons affected by it, as the Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.
 - i. If an Order is posted on the property, no person shall obstruct the visibility of an order, and no person shall remove a copy of an order posted in accordance with the Building Code Act unless authorized to do so by an inspector, or an Officer.
- c. An Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the

Order was served and, when the requirements of the Order have been satisfied, the Clerk of the City shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

- d. No person shall fail to comply with a final and binding order issued pursuant to section 15.2(2) of the Building Code Act, 1992, S.O. c. 23, as amended.

11.3. Service of Documents

- a. Orders may be served to the last known address or agent for service, in accordance with the Building Code Act, including personal service, registered mail, or such other method as permitted by the Act.
- b. A notice shall be deemed to be received:
 - i. in the case of mailed documents, five (5) days following the mailing date;
 - ii. in the case of personal delivery, e-mail, or fax delivery, on the day of delivery; and
- c. where more than one method of delivery is used, the latest deemed receipt date applies. A copy may be posted on the property.
- d. All fees payable under this by-law shall be as set out in the User Fee By-law, as amended from time to time.
- e. The owner may apply for the discharge of an order registered on title upon payment of the applicable fees. An Officer shall conduct an inspection and, where compliance is confirmed, shall cause the discharge of the order to be registered.

11.4. Hearing of Appeal

- a. An owner or occupant who has been served with an Order may appeal the Order to the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after being served with the Order along with the applicable fee.
- b. An Order that is not appealed within the time referred to in section 11.4. a) shall be deemed to be confirmed.
- c. The Committee shall hear the appeal.

- d. On an appeal, the Committee has all the powers and functions of the Officer who made the Order and the Committee may do any of the following things if, in the Committee's opinion, doing so maintains the general intent and purpose of this By-law and of the official plan or policy statement:
 - i. confirm, modify or rescind the Order to demolish or repair; or,
 - ii. extend the time for complying with the order.

11.5. Appeal of Decision of Committee

- a. The Municipality or any owner or person affected by a decision made by the Property Standards Committee may appeal to the Court by notifying the Clerk of the Municipality in writing and by applying to the Court for an appointment within fourteen (14) days after sending a copy of the decision to the Corporation, owner/occupant, or complainant.
- b. The Judge or Justice of the Peace shall, in writing, appoint a day, time and place for the hearing of the appeal and the appointment may direct that it shall be served upon such persons and in such manner as he or she prescribes.
- c. The Judge or Justice of the Peace on such appeal has the same powers and functions as the Committee.

11.6. Failure to Comply with an Order

- a. If an Order is not complied with, the City may cause the property to be repaired, secured, or demolished, as the case may be.
- b. For the purpose of section 11.6. a) of this by-law, employees or agents of the City may enter the property at any reasonable time, without a warrant, in order to repair, secure or demolish the property.
- c. The City or a person acting on its behalf is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under section 11.6. b) of this by-law.
- d. The City shall constitute a lien on the land for the amount spent on the repair, secure or demolition under this by-law and the amount may be added to the tax roll and collected in the same manner as municipal taxes in accordance with the Municipal Act, 2001.
- e. The Order, as deemed to have been confirmed pursuant to

section 11.4. b) or as confirmed or modified by the Committee pursuant to section 11.4. d) or as confirmed or modified by the Judge pursuant to section 11.5. c). shall be final and binding upon the owner or occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.

11.7. Power of Corporation to Repair or Demolish

- a. If the owner of a property fails to repair or demolish the property in accordance with an order as confirmed or modified, the Municipality in addition to all other remedies:
 - i. shall have the right to repair, secure, or demolish the building or structure accordingly;
 - ii. shall have the right for its servants and agents to enter in and upon the property to carry out the aforesaid repair or demolition;
 - iii. shall have the right to carry out the repairs or demolition at the expense of the owner; and
 - iv. shall not be liable to compensate such owner or any other person having an interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this section of the by-law.

11.8. Certificate of Compliance

- a. An Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established by this by-law, may issue a Certificate of Compliance to an owner who requests one and who pays the applicable fee.

11.9. Enforcement Authority

- a. This by-law may be enforced by an Officer.
- b. No person shall obstruct, or attempt to obstruct, an Officer, or any employee or agent of the City, in the exercise of a power or performance of a duty under this By-law or under the Act.

11.10. Offences and Penalties

- a. Any person who contravenes a final and binding Order issued under the provisions of this By-law, or who contravenes any other provision of this By-law, is guilty of an offence and upon conviction is liable to a fine as provided for in the Building Code Act S.O. 1992, as amended and any other applicable law,

exclusive of costs, for each offence.

- b. When a person has been convicted of an offence under this By-law, the Court may, in addition to any other penalty imposed, issue an order prohibiting the continuation or repetition of the offence or the doing of any act directed toward the continuation or repetition of the offence.
- c. The provisions listed in this By-law are hereby designated as provisions to which the Administrative Monetary Penalty By-law applies.
- d. Any person who is issued a penalty notice for a contravention of this By-law, in accordance with the Administrative Monetary Penalty By-law, shall be liable to pay an Administrative Monetary Penalty and any administrative fees.
- e. Where an administrative monetary penalty is not paid within thirty (30) days in accordance with the Administrative Monetary Penalty By-law, the Municipality may add the Administrative Monetary Penalty to the tax roll for any property for which the owner or owners are responsible for payment in the same manner as municipal taxes.
- f. Each day a contravention continues may constitute a separate offence.

11.11. Subsequent Contraventions

- a. Where a person commits more than one contravention of this By-law in respect of the same property within a period of twenty-four (24) months, each additional contravention shall be deemed a subsequent contravention and may be subject to an increased administrative monetary penalty in accordance with the Administrative Monetary Penalty By-law and its applicable Schedules.
- b. For the purposes of this section, escalation applies to repeat contraventions committed by the same person in respect of the same property.
- c. In determining whether a contravention constitutes a subsequent contravention, the City may consider the history, frequency and severity of prior contravention.

11.12. Emergency Powers

- a. Despite any other provisions of this by-law, if upon inspection of a property the Officer is satisfied that a non-conformity with the standards prescribed in the by-law exists 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 which requires remedial repairs or other work to be carried out forthwith to terminate the danger.

- b. The Order shall be served on the owner of the property and such other persons affected thereby as the Officer determines, and a copy shall be posted on the property.
- c. After making an Order under section 11.12. a), the Officer may, either before or after the Order is served, take or cause to be taken any measures he considers necessary to terminate the danger and for this purpose the employees and agents of the City have the right to enter in and upon the property in respect of which the Order was made, without a warrant.
- d. The Officer, the Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under section 11.12. c).
- e. Where the Order was not served before emergency measures were taken by the Officer to terminate the danger, the Officer shall forthwith after the measures have been taken, send or serve copies of the Order in accordance with the provisions of the Building Code Act, 1992, as amended, to the owner of the property and all persons affected thereby as determined by the Officer, and each copy of the Order shall have attached thereto a statement by the Officer describing the measures taken by the Municipality and providing details of the amount expended in taking the measures.
- f. Where the Order was served before the emergency measures were taken, the Officer shall serve a copy of the statement mentioned in section 11.12. e) in accordance with the Building Code Act, 1992, as amended, to the owner(s) as soon as practical after the measures have been taken.
- g. As soon as practical, after the requirements of sections 11.12. e) and 11.12. f) have been complied with, the Officer shall apply to a Judge of the Court for an Order confirming the Order made under section 11.12. a).
- h. The disposition of the application under section 11.12. g) shall be final and binding.

11.13. Property standards committee

- a. A Committee is hereby established to hear appeals of Orders, in accordance with section 15.3 of the Act and as required by section 15.6 of the Act. The Appeals Committee may be mandated for this purpose.
- b. The Committee shall be composed of such persons, not fewer than three (3), as Council considers advisable, unless the Appeals Committee is mandated and provides otherwise.
- c. The members of the Committee shall be appointed by Council and shall hold office for the Term of Council, unless the Appeals Committee is mandated and provides otherwise. Council shall fill any vacancy as soon as practicable.
- d. The members of the Committee shall be paid such compensation as the Council may provide.
- e. The members of the Committee shall elect a Chair from among themselves. When the Chair is absent through illness or otherwise, the Committee may appoint another member as acting Chair.
- f. A majority of the members of the Committee constitute a quorum for transacting the Committee's business, unless the Appeals Committee is mandated and provides otherwise.
- g. The members of the Committee shall provide for a Secretary for the Committee.
- h. The Secretary of the Committee shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.
- i. The Committee may adopt its own rules of procedure, and any member of the Committee may administer oaths.
- j. The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

11.14. Permits

Where a building permit is required for work, the owner is responsible for obtaining such permit. Failure to obtain required permits may result in penalties under applicable law.

11.15. Conflicts with Other Laws

Where provisions of this By-law conflict with any other applicable law,

the provision that establishes the higher standard for the protection of health or safety shall prevail, to the extent permitted by law.

11.16. Validity and Severability

If any section, subsection, clause, or provision of this By-law is declared invalid or unenforceable by a court of competent jurisdiction, such provision shall be severed from this By-law, and the remainder shall continue in full force and effect.

11.17. Repeal

By-law 2024-76 and all amendments thereto, are hereby repealed.

11.18. Transitional Rules

Despite the repeal of any former by-law, any Order issued thereunder shall remain valid and enforceable until it has been complied with or otherwise disposed of in accordance with the Building Code Act, 1992.

11.19. Amend

The Administrative Monetary Penalties System By-law 2022-33 is hereby amended by substituting Schedule A-8 with the version attached hereto.

11.20. Effective Date

This By-law comes into full force and effect on the day it is passed before Council.

Read, passed and adopted in open council this 12th day of August 2026.

Mario Zanth, Mayor

Monique Ouellet, Clerk

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