

# **THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND**

## **BY-LAW NUMBER 2019-27**

### **BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE CITY OF CLARENCE-ROCKLAND.**

**WHEREAS** Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 and amendments thereto, provides that a Council of a municipality may pass By-laws to:

- (1) Prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards; and
- (2) Require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings and structures; and

**WHEREAS** there are in effect in the City of Clarence-Rockland Official Plans which include provisions relating to property conditions; now

**THEREFORE** the Municipal Council of the Corporation of the City of Clarence-Rockland hereby enacts as follows.

### **SECTION 1 GENERAL**

#### **1.1 SHORT TITLE**

This By-law may be cited as the "Property Standards By-law" of The City of Clarence-Rockland.

### **SECTION 2 DEFINITIONS**

- 2.1 "Accessory Building"** means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 2.2 "Apartment Building"** means a building containing more than four dwelling units with individual access from an internal corridor system.
- 2.3 "Approved"** means acceptance by the Property Standards Officer.
- 2.4 "Basement"** means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished

grade.

- 2.5 **"Building"** as defined in the Ontario Building Code Act, as amended.
- 2.6 **"Cellar"** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 2.7 **"Committee"** as defined in the Ontario Building Code Act, as amended.
- 2.8 **"Corporation"** shall mean the Corporation of the City of Clarence-Rockland.
- 2.9 **"Dwelling"** shall mean a building or structure or part of a building or structure used or intended to be used as a domicile by one or more persons usually containing cooking, eating, living, sleeping and sanitary facilities and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- 2.10 **"Dwelling Unit"** means a room or a suite operated as a house-keeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities.
- 2.11 **"First Storey"** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 2.12 **"Guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.
- 2.13 **"Habitable Room"** means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 2.14 **"Land leased community"** means a community where buildings or portions of land is individually leased for living accommodation, but does not include mobile parks.
- 2.15 **"Maintenance"** shall mean the preservation and keeping in repair of a property.
- 2.16 **"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room or a contained open space to a public thoroughfare usually located outside the building.
- 2.17 **"Multiple Dwelling"** means a building containing three or more dwelling units.
- 2.18 **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a



habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room or other space for service and maintenance of the dwelling for public use and for access to and vertical travel between storeys and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this by-law.

- 2.19 **"Non-Residential Property"** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 2.20 **"Occupant"** as defined in the Ontario Building Code Act, as amended.
- 2.21 **"Officer"** shall mean a Property Standards Officer who has been assigned by Council with the responsibility of administering and enforcing this by-law.
- 2.22 **"Owner"** as defined in the Ontario Building Code Act, as amended.
- 2.23 **"Person"** shall mean an individual, firm, corporation, association or partnership.
- 2.24 **"Property"** shall mean a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto.
- 2.25 **"Repair"** as defined in the Ontario Building Code Act, as amended.
- 2.26 **"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any 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.
- 2.27 **"Standards"** shall mean the standards of physical conditions and occupancy set out in the by-law.
- 2.28 **"Toilet Room"** shall mean a room containing a water closet and a wash basin.
- 2.29 **"Yard"** shall mean land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property and includes vacant land.

### **SECTION 3 STRUCTURAL SOUNDNESS AND MAINTENANCE OF ALL BUILDINGS**

- 3.1. Every part of a building or structure appurtenant to a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it normally may be subject.

- 3.2** Materials or objects on the exterior of buildings which have been damaged or show evidence of decay or other deterioration shall be repaired or replaced.
- 3.3** Exterior walls and roof of a building and their components, including soffits and fascia, shall be maintained in good repair, weather tight condition, free from cracked, broken or loose materials, masonry units, stucco and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.4** Inside and outside stairs, porches, balconies, landings and their guards/handrail shall be maintained so as to be free of holes, cracks and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 3.5** The foundations, walls, columns, beams, floors and roof of building shall be maintained in good repair.
- 3.6** Every building shall be:
- (a) Kept in good repair and free from health, fire and accident hazards;
  - (b) Maintained in a safe condition which includes the removal or securing of loose or insecure parts of the building or appurtenant parts thereof and
  - (c) Protected by weather-resistant materials.
- 3.7** Every building damaged by fire or other causes shall be:
- (a) Made secure to neighbours, persons and to other users of the property;
  - (b) boarded up by covering all opening through which entry may be with at least 12.7mm (1/2") weatherproof sheet plywood securely fastened to the building;
  - (c) made secure in order to prevent damage to property and chattels and
  - (d) repaired or completely demolished as required by the Property Standards Officer.

## **SECTION 4 RESIDENTIAL STANDARDS FOR RENTAL UNITS**

- 4.1** Section 4 applies to any residential property of dwelling occupied by persons other than the property owner for which compensation is paid to the property owner or his or her agent. The other sections of this By-law also apply to rental residential buildings.

### **4.2 PEST PREVENTION**

- 4.2.1** Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- 4.2.2** Openings, including windows, that might permit the entry of rodents, insects,

vermin or other pests shall be appropriately screened or sealed.

#### **4.3 FOUNDATIONS**

- 4.3.1** Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints and floors.

#### **4.4 WINDOWS AND DOORS**

- 4.4.1** Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weather tight and draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.4.2** All windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least, one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 4.4.3** Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 4.4.4** In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 4.4.5** Every window that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

#### **4.5 WALLS, CEILINGS AND FLOORS**

- 4.5.1** Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.



**4.5.2** Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.

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

#### **4.6 GUARDS & HANDRAILS**

**4.6.1** Guards and handrails shall be installed wherever they would be required for a newly constructed or renovated area under the Ontario Building Code made under the Building Code Act, 1992. Such guards shall be properly maintained and repaired.

#### **4.7 KITCHENS**

**4.7.1** Every dwelling shall contain a kitchen area equipped with:

- a) A sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- b) Suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- c) A counter or work area at least 0.61 m (2 ft.) in width by 1.22 m (4 ft.) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- d) A space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

#### **4.8 TOILET AND BATHROOM FACILITIES**

**4.8.1** Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin and a bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water.

**4.8.2** Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

**4.8.3** Where toilet or bathroom facilities are shared by occupants or residential accommodation other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

#### **4.9 PLUMBING**

- 4.9.1 Each wash basin, bathtub or 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 43 degrees Celsius (110°F).
- 4.9.2 Every dwelling unit shall be provided with an adequate supply of potable running water from the water treatment plant of the Corporation or another source of potable water approved by the Medical Officer of Health.
- 4.9.3 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 and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.9.4 All plumbing fixtures shall be connected to the sewage system through water seal traps. All interior plumbing supply, drains and vents shall be maintained in a good state of repair.
- 4.9.5 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defect that may harbour germs or impede thorough cleansing.

#### **4.10 ELECTRICAL**

- 4.10.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system as required under the Electrical Safety Code of Ontario.
- 4.10.2 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- 4.10.3 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space, and for each additional 9.3 square metres (100 sq. ft.) of floor area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 4.10.4 Every bedroom, bathroom, toilet room, kitchen, laundry room, furnace room, basement cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 4.10.5 Lighting fixtures and appliances installed throughout a residential building, including dwelling units, stairways, hallway corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident

hazards in normal use.

#### **4.11 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- 4.11.1** Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70°F) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heat the individual dwelling units to the required standard.
- 4.11.2** All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards applicable legislation.
- 4.11.3** Where a heating system or part thereof requires solid or liquid fuel to operate a place or receptacle for such fuel, it shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 4.11.4** Every dwelling shall be constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 4.11.5** All fuel burning appliances, equipment and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 4.11.6** Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints and the repair of loose or broken masonry units.
- 4.11.7** Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

#### **4.12 SMOKE AND CARBON MONOXIDE ALARMS**

- 4.12.1** Smoke alarms shall be installed and operational in all dwelling unit and installed as per Fire Code, as amended.
- 4.12.2** Carbon monoxide alarms shall be installed and operational in all dwelling unit where a fuel burning appliance is present and installed as per Fire Code, as amended.

#### **4.13 EGRESS**



**4.13.1** Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

**4.13.2** Each dwelling containing more than one dwelling unit shall have a least two exists, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a window that provides an individual unobstructed open portion having a minimum area of 0.35m<sup>2</sup> with no dimension less than 380 mm. A single exit is permitted from a dwelling unit where the means of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

#### **4.14 NATURAL LIGHT**

**4.14.1** Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

#### **4.15 VENTILATION**

**4.15.1** Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft.) or an approved system of mechanical ventilation such that provide hourly air exchanges.

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

**4.15.3** All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

#### **4.16 ELEVATING DEVICES**

**4.16.1** Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication systems shall be operational and maintained in good condition.

#### **4.17 OCCUPANCY STANDARDS**

**4.17.1** The number of occupants residing on a permanent basis in an individual dwelling

unit shall not exceed two persons per sleeping room or sleeping area in a dwelling unit or suite.

**4.17.2** No room shall be used for sleeping purposes unless it has a minimum width of two metres and a floor area of at least seven square metres.

**4.17.3** Any basement or portion thereof used as a dwelling unit shall conform to the following requirements:

- (a) Each habitable room shall comply with all the requirements set out in this By-law;
- (b) Floor and walls shall be constructed so as to be damp proof and impervious to water leakage;
- (c) Each habitable room shall be separated from service rooms by 12.7 mm gypsum board fire separation and approved under the Ontario Building Code;
- (d) Access to each habitable room shall be gained without passage through a service room.

## **SECTION 5 VACANT BUILDINGS**

**5.1** Vacant buildings shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

**5.2** The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood.

## **SECTION 6 ADMINISTRATION**

### **6.1 APPLICATION OF BY-LAW**

**6.1.1** This By-law shall apply to all property within the boundaries of the Corporation of the City of Clarence-Rockland.

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

**6.1.3** If any section, clause or provision of this By-law is for any reason held by a court of competent jurisdiction to be invalid, the validity of the remaining sections shall continue to be in effect until it is repealed.

### **6.2 PROPERTY STANDARDS OFFICER AND PROPERTY STANDARDS COMMITTEE**

- 6.2.1 The Council of the municipality shall appoint Property Standards Officers to be responsible for the administration and enforcement of this By-law.
- 6.2.2 Council shall appoint at large, by resolution or by By-law of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for the term of office concurrent with Council.
- 6.2.3. Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium as per Schedule "A" for their attendance at the Committee meetings.
- 6.2.4. Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable payment as per the current Fee Schedule of the city of Clarence-Rockland and amendments thereto.

### **6.3 INVESTIGATION**

- 6.3.1 Investigation of infractions of standards set in this By-law shall be initiated upon receipt of a written complaint form from the person making the complaint or initiated by the Property Standard Officer. The written complaint shall be filled in such form as provided in Schedule "B".

### **6.4 ISSUANCE OF CERTIFICATE OF COMPLIANCE**

- 6.4.1 Following the inspection of a building, or on the request of the Owner, the Officer may issue to the Owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this By-law.
- 6.4.2 If a Certificate of Compliance is issued at the request of the Owner, the Owner shall pay a fee as per the current Fee Schedule of the city of Clarence-Rockland and amendments thereto.

### **6.5 PENALTY**

- 6.5.1 An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to penalties as set out in Section 36 of that Act.

## **SECTION 7 COMPLIANCE**

- 7.1 All owners or occupants of buildings shall comply with the standards prescribed in this By-law and any Property Standards Order as confirmed or modified.



- 7.2 All buildings within the municipality shall be repaired and maintained to conform with the standards as contained in this By-law.

**SECTION 8 ENACTMENT**

- 8.1 That By-law No. 1999-32 is hereby repealed.
- 8.2 This By-law shall come into force on the date it is passed by the Council of the Corporation of the City of Clarence-Rockland.

**READ, PASSED AND ADOPTED IN OPEN COUNCIL THIS 4<sup>TH</sup> DAY OF MARCH 2019.**

  
GUY DESJARDINS, MAYOR

  
MONIQUE OUELLET, CLERK

**SCHEDULE "A"**

1. Committee Member Honorarium: \$100.00 (per case)

**SCHEDULE "X"**  
**FEE SCHEDULE**

1. Appeal processing fee: \$300.00 (per order)
2. Certificate of compliance (for Property Standard By-law): \$80.00





## SCHEDULE "B"

City of Clarence-Rockland  
Infrastructure and Planning  
1560 Laurier St.  
Rockland, Ontario, K4K 1P7  
Tel: 613-446-6022 ext. 2254  
Fax: 613-446-1497

### Property Standard Complaint Form

Use this form if you believe the unit and/or building contravenes the Property Standard By-law. Please return the completed form to the address listed above.

<b>Property information:</b>		
Property address		Unit #
City, Town	Province	Postal code
<b>Tenant/complainant information:</b>		
Name of Tenant		
Mailing address if different from above		Unit #
City, Town	Province	Postal code
Daytime phone number	Evening phone number	E-mail
<b>Landlord information: if applicable</b>		
Name of Landlord		
Mailing address		Unit #
City, Town	Province	Postal code
Daytime phone number	Evening phone number	E-mail

#### Please indicate if you have informed your landlord about your maintenance problem?

- ☐ Landlord informed in writing; date \_\_\_\_\_
 ☐ Landlord informed verbally; date \_\_\_\_\_  
☐ Landlord not informed; explain: \_\_\_\_\_

#### Where is your maintenance problems located?

<input type="checkbox"/> Living room	<input type="checkbox"/> Hallways	<input type="checkbox"/> Bedroom	<input type="checkbox"/> Bathroom
<input type="checkbox"/> Basement	<input type="checkbox"/> Kitchen	<input type="checkbox"/> Roof	<input type="checkbox"/> Other _____

**In what type of building do you live?**

<input type="checkbox"/> House	<input type="checkbox"/> Accessory apartment	<input type="checkbox"/> Land-lease Community	<input type="checkbox"/> Condominium
<input type="checkbox"/> Townhouse	<input type="checkbox"/> Mobile home	<input type="checkbox"/> Rooming home	<input type="checkbox"/> Other _____

**Details about your maintenance complaint:**  
Please describe the maintenance problem you are having and where it is located, provide as much information as possible. You may attach additional pages, if required.

Personal information contained on this form will be kept confidential. It is understood that if required I, the complainant, will provide or present evidence in support of this complaint at any hearings of the Property Standards Committee or a Court of Law of Ontario.

☐ I agree                      ☐ I don't agree, explain: \_\_\_\_\_

\_\_\_\_\_

Authorisation: (form must be completed)

Signature of complainant: \_\_\_\_\_ Date: \_\_\_\_\_