



The Corporation of the Town of New Tecumseth

By-law 2019-164 (Consolidated – as amended)

Property Standards By-law

A by-law to prescribe standards for the maintenance and occupancy of property within the Town of New Tecumseth and the Property Standards Committee Procedures.

Consolidation		
Amendment No. 1	By-law No. 2020-044	May 11, 2020

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**THE CORPORATION OF THE TOWN OF
NEW TECUMSETH**

BY-LAW

Number 2019-164

“PROPERTY STANDARDS BY-LAW”

A by-law to prescribe standards for the maintenance and occupancy of property within the Town of New Tecumseth and the Property Standards Committee Procedures

WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, C.23, as amended, authorizes the Council of a municipality to pass a by-law to 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 for requiring 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, structures, refuse or debris and left in graded and levelled condition;

AND WHEREAS the Official Plan for the Town of New Tecumseth includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Town of New Tecumseth deems it expedient to repeal by-law 94-23, 95-20 and enact By-law 2019-164, being the Property Standards By-law of the Town;

AND WHEREAS Section 15.6(1) of the Building Code Act S.O. 1992, c.23 requires that a By-law passed under section 15.1(3) of the Building Code Act S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth does hereby enact as follows:

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2. SHORT TITLE

- 2.1. This By-law may be referred to as the **“PROPERTY STANDARDS BY-LAW”**.

3. DEFINITIONS

3.1. All words used in this by-law shall be interpreted as defined in this by-law. Where definitions are not provided herein, the words shall be defined as provided firstly in the most current editions of the Building Code Act and the Ontario Building Code. Finally, any remaining words shall be as defined in the Concise English Oxford Dictionary in the context of the by-law application.

3.2. In this By-law;

- a) **“Accessory Building”** means a building or structure, not used for human habitation, subordinate to a main building or structure which is exclusively devoted to the principal use of the property and shall include garages, sheds, barns, and similar storage facilities.
- b) **“Bathroom”** means a room which shall contain a water closet and basin and may contain bathtub and/or shower.
- c) **“Building”** means a structure consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof and may include plumbing.

- d) **“Building Code”** means the Ontario Building Code Act, S.O. 1992, c.23.
- e) **“Committee”** means a Property Standards Committee established under section 15.6 of the *Building Code Act*, S.O. 1992, C.23
- f) **“Dwelling”** shall mean a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of residential occupancy and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- g) **“Dwelling Unit”** shall mean a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing, eating, living, sleeping and sanitary facilities.
- h) **“Electrical Safety Code”** means the Electrical Safety Code administered by the Electrical Safety Authority pursuant to the Electricity Act, 1998.
- i) **“Habitable Room”** means a room or area used or intended to be used for living, or sleeping, or cooking or eating purposes.
- j) **“Maintain”** shall mean the preservation and keeping in good repair. Maintenance and maintained shall have the same meaning.
- k) **“Multiple Dwelling”** shall mean a building containing two or more dwelling units.
- l) **“Non-Habitable Room”** means a room other than a habitable room in a dwelling or dwelling unit, and includes a bathroom, laundry room, boiler room, furnace room, pantry, closet, storage room, corridor, foyer, stairway, lobby or recreation room.
- m) **“Non-Residential Property”** shall mean a building or structure not occupied or capable of being occupied in whole or in part for residential occupancy and includes the lands and premises appurtenant thereto.
- n) **“Officer”** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law.
- o) **“Occupancy”** shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- p) **“Occupant”** means a person or persons over the age of 18 years in possession of the *property*
- q) **“Order”** means a Property Standards Order issued pursuant to section 50 of this bylaw.
- r) **“Owner”** includes the person for the time being maintaining or receiving the rent of land or the premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the 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* or maintain the property in accordance with the standards for the maintenance and occupancy of property.
- s) **“Person”** means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.
- t) **“Plumbing”** means a drainage system, a venting system and a water system or parts thereof.
- u) **“Principal Use”** shall mean the main use to which the premises are devoted and the main purpose for which the premises exist.
- v) **“Property”** means a building or structure or part of a *building* or *structure* and includes lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, and erections thereon whether heretofore or hereafter erected and includes vacant property
- w) **“Property Standards Committee”** shall mean the Property Standards Committee established pursuant to Section 15.6 of the Building Code Act.
- x) **“Refuse and/or Debris”** means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned, or is discarded from its usual and intended use, or is used up, in whole or in part, or expanded or worn out in whole or in part; and shall include domestic waste and industrial waste, and that domestic waste and/or industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable;

- y) **“Repair”** includes the provision of such facilities, the making of additions or alterations or the taking of any other actions that may be required so that a property conforms to the standards established in this by-law.
- z) **Residential Occupancy** shall mean the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.
- aa) **“Residential Property”** shall mean any property that is used or designed for residential occupancy, and includes any land or buildings that are appurtenant to such occupancy, and all yards, landscaping, steps, walks, driveways, parking spaces and fences associated with the occupancy.
- bb) **“Roomer or Lodger”** shall mean a person harboured, received or lodged, in a lodging house or boarding home in return for compensation.
- cc) **“Sewage”** shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm run-off.
- dd) **“Sewerage System”** shall mean the Town sanitary sewerage system or a private sewage disposal system approved by the Town.
- ee) **“Site Plan Agreement”** means an agreement approved by Council that ensures conformity to the Town’s Zoning By-law and other appropriate By-laws and regulations, ensure that development is consistent with the Town’s Urban Design Guidelines and is compatible with the natural environment of the surrounding area and to ensure the Town of New Tecumseth Technical & Submission Guidelines (Engineering, Planning, Recreation, Fire, Building, Public Works are satisfied.
- ff) **“Standards”** shall mean the standards of physical conditions and occupancy set out in this by-law.
- gg) **“Town”** means the Corporation of the Town of New Tecumseth.
- hh) **“Wall”** shall mean the solid vertical structure forming any one of the sides of a building and/or a partition forming the side of a room.
- ii) **“Weed Control Act” means** Weed Control Act, R.S.O. 1990, c. W.5 administered by the area weed inspector, district weed inspector or municipal weed inspector.
- jj) **“Wrecked, dismantled, inoperative”** means a vehicle or trailer which is inoperative, discarded, unused or unlicensed except in an establishment licensed or authorized to conduct and operate such a business and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment;
- kk) **“Yard”** means the land other than publicly owned land, around and appurtenant to the whole or any part of a *property* and used or intended to be used or capable of being used in connection with the *property*.

4. SCOPE

- 4.1. That this by-law applies to all property in the Town.
- 4.2. The standards prescribed in this by-law are adopted as the minimum standards for property within the Town.
- 4.3. No person, being an owner or occupant of property, shall fail to maintain the property in conformity with the standards required in this by-law.
- 4.4. The owner of any property which does not conform to the standards of this by-law shall repair and maintain the property to conform to the standards, or shall clear the land of all buildings, structures, refuse, debris and leave the property in a graded and levelled condition.
- 4.5. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned and where applicable, shall conform to the Ontario Building Code.
- 4.6. Any provincial or federal regulation that imposes a higher *maintenance* standard shall supersede this by-law.

PART I - GENERAL MAINTENANCE OF YARDS, PROPERTIES AND PARKING AREAS

5. YARDS

- 5.1. All property and yards shall be kept clear and free from refuse and/or debris or conditions that create or might create a health, fire or accident hazard.
- 5.2. All property yards shall be graded in a manner satisfactory to the officer to prevent hazardous conditions.
- 5.3. Without restricting the generality of Section 5.2, such maintenance includes the removal of:
 - (a) rubbish, garbage, litter and waste;
 - (b) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation;
 - (c) trees, or bushes and hedges, or limbs thereof, which are dead, decayed or damaged;
 - (d) noxious weeds pursuant to the Weed Control Act or any local weed list and any excessive growth of other weeds, grass, and brush;
 - (e) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an established licensed or authorized salvage, wrecking or repair business and then only if the establishment conforms with any relevant By-laws, statutes;
 - (f) dilapidated or collapsed buildings, or structures, or erections, or any other unsafe condition;
 - (g) holes, excavations or wells that might create an unsafe condition.

6. Outdoor Storage of Materials – No immediate use

- 6.1. No machinery or parts thereof, or other objects, or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material, glass, and metal, other than that intended for the immediate use on the property, shall be stored or allowed to remain in the exterior property area.

7. Garbage Receptacle

- 7.1. Every building shall be provided with sufficient proper receptacles to contain all garbage and waste which accumulates on the property. Garbage and rubbish shall be promptly stored in receptacles and made available for removal in accordance with the County of Simcoe collection by-laws and all amendments thereto.
- 7.2. Where private containerized garbage pick-up is provided, such containers shall be placed as per the Site Plan Agreement or where there is no Site Plan Agreement, behind the building line (where possible) and kept in a neat and tidy condition.

8. Garbage Chutes, Rooms, Containers

- 8.1. Garbage chutes, disposal and collection rooms, containers and receptacles shall be washed down, disinfected and maintained to be clean, odour free and in good working order.

9. Landscaping

- 9.1. Grass, trees, bushes, hedges and other landscaping shall be maintained to prevent an unsightly condition or unreasonable overgrowth in relation to the neighbouring environment.
- 9.2. Hedges, trees or other landscaping, required by the Town as a condition of Site Plan Agreement shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function, and to prevent an unsightly condition.

10. Ground Cover and Erosion Control

- 10.1. Suitable ground cover shall be provided and maintained to prevent erosion of the soil so as to be in harmony with the neighbouring environment. Where grass forms part of the ground cover, it shall be reseeded or resodded as often as is required to maintain the grass in living condition.

11. Drainage and Sewage

- 11.1. Drainage systems on a property shall be provided, installed and maintained:
 - (a) In compliance with the respective requirements of any applicable Act or by-law.
 - (b) In good working order and good repair; and
 - (c) In a safe condition.
- 11.2. No roof drainage, storm water drainage, sump pump discharge, or discharge from a swimming pool shall be directed or discharged directly onto a sidewalk, street, boulevard, stair or neighbour's property.
- 11.3. Storm water and pumped discharge water shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a building and in a manner that will minimize erosion of adjacent properties.
- 11.4. Sewage waste shall be discharged into a sewage system.

12. Walkways, Driveways and Yards

- 12.1. Walkways, driveways and yards shall be maintained in a safe condition free from ruts, holes, garbage, waste and provide safe passage under normal use and weather conditions, day or night.

13. Parking Lots

- 13.1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions and shall be kept free and clear of litter, or refuse and/or debris or damaged trees, branches and limbs, or pot holes or conditions that might create a health, fire or accident hazard.

14. Recreational Areas

- 14.1. Recreational areas shall be well kept, and equipment provided in connection therewith shall be safe and operable.

15. Signs

- 15.1. Signs and sign structures shall be maintained so as not to cause an unsafe or unsightly condition.

16. Exterior Lighting

- 16.1. In yards of multiple dwellings and non-residential buildings, sufficient lighting of the exterior property area shall be provided so as to minimize any danger to persons using driveways, walkways, stairs, exit and entrances to buildings.
- 16.2. All underground parking areas and common areas shall be illuminated so as to minimize any danger to persons.
- 16.3. Artificial light fixtures shall be maintained in a state of good repair.

17. Buffering

- 17.1. Properties which, because of their use or occupancy, or for other reasons, create a nuisance to adjacent properties or to the neighbourhood or to the users of streets or parks shall be buffered from such adjacent properties or public areas so as to minimize the effect of the nuisance. Without limiting the forgoing, such buffering shall include:
- 17.2. The provisions and maintenance of an effective barrier to prevent lighting and vehicle headlights from shining directly into a dwelling;
- 17.3. The provision and maintenance of an effective barrier to prevent wind-blown waste, wrappings, debris and the like from encroaching on adjacent properties;
- 17.4. The provision and maintenance of a visual screen, appropriate to the nature of the adjacent uses, to minimize the visual impact adjacent to the property.

18. Fences and Retaining Walls

- 18.1. Fences and retaining walls shall be kept in good repair so as to prevent an unsafe condition.

19. Wells, Cistern, Cesspool, Privy Vault, Pit or Excavation

- 19.1. A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed or secured by a fence, cover or netting unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon it shall be sealed or secured as required.

20. Accessory Buildings

- 20.1. The foundation, walls, roof, and all parts of an accessory building and other structures appurtenant to the principle building shall be:
- Constructed with suitable material;
 - Maintained in good repair;
 - Protected from deterioration with application of suitable protective material.

PART 2- GENERAL MAINTENANCE OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USES

21. Structural Adequacy - Capacity

- 21.1. All repairs and maintenance of property required by the standards prescribed in this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned with the materials suitable and sufficient for its purpose.
- 21.2. Every part of a property shall be maintained in good repair and in a structurally sound condition as follows:
- To be capable of sustaining safely its own weight and any additional load to which it may normally be subject to;
 - To be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - To prevent the entry of moisture that could contribute to damage, decay or deterioration; and
 - To be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

22. Foundation Walls – Basements

- 22.1. All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 22.2. Every basement, cellar or crawl space in a property shall be maintained in a reasonably watertight condition so to prevent the leakage of water into the building.

23. Exterior Walls

- 23.1. The exterior walls and their components, including eavestroughs, downspouts, soffits, and fascias, shall be maintained in good repair so as to prevent their deterioration due to weather or wear, and shall be maintained including painting, restoring, cleaning repairing or waterproofing as necessary; and
- 23.2. Exterior walls shall be maintained in good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects.

24. Roofs

- 24.1. Every Roof and all its components shall be maintained in good repair and in a safe and structurally sound condition so as to prevent leakage of water into the building.
- 24.2. All canopies, awnings, air conditioners and other similar overhang extensions shall be maintained in good repair, properly anchored and protected from rust.
- 24.3. Every chimney, smoke or vent stack and other roof component shall be maintained in good repair.
- 24.4. Without limiting the generality of this section, maintenance includes:
- Removal of loose, unsecured or rusted objects or materials;
 - Removal of potentially dangerous accumulations of snow or ice;
 - Keeping roofs and chimneys in water-tight condition so to prevent leakage of water into the building; and
 - Keeping all roof-related structures plumb unless specifically designed to be other than vertical.

25. Graffiti

- 25.1.** Appropriate measures shall be taken to remove objectionable markings, stains or other defacements occurring on all property and whereas necessary, to restore the surface as near as possible, to its original conditions.

26. Exterior Doors and Windows

- 26.1.** All exterior openings shall be fitted with doors or windows.
- 26.2.** Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into a dwelling.
- 26.3.** Rotted or damaged doors, door frames, window frames, sashes and casings, weather stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

27. Vacant Buildings

- 27.1.** For the purpose of this section “Derelict” shall mean: any building that is vacant and has experienced structural failure in whole or in part.”
- 27.2.** For the purpose of maintenance of vacant buildings, all provisions within this By-law which regulate interior conditions of a building shall not apply. All provisions within this By-law which regulate exterior conditions and structural integrity shall apply with the exception of section 26 and 33 when the building’s exterior openings are boarded in accordance with this By-law.
- 27.3.** Notwithstanding all other provisions of this By-law the additional sections below shall apply to all vacant buildings.
- 27.4.** If any building is unoccupied, the owner shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
- 27.5.** If the normal locking of and other security measures for a building do not prevent entry, the owner or their agent of a vacant building shall board up the building on the direction of the Property Standards Officer, to the satisfaction of the Property Standards Officer by covering any openings through which entry may be obtained with at least 12.7mm (1/2 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible to the surrounding walls.
- 27.6.** If the building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.
- 27.7.** If a vacant building becomes derelict as defined in this By-law, the owner or their agent shall bring the building into compliance with all structural and exterior maintenance provisions of this By-law or such building shall be demolished in accordance with the Building Code Act.

28. Dampness

- 28.1.** The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a basement or crawl space floor.

29. Interior Structure

- 29.1.** In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subject.

30. Walls and Ceilings

- 30.1.** Every interior wall and ceiling finish shall be maintained in good repair, free of holes, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.
- 30.2.** Where dwelling units are separated vertically, the divided walls shall comply with the Ontario Building Code.

31. Floors

- 31.1.** Every floor shall be maintained free of loose, protruding, or broken flooring materials that may create an unsafe condition. Defective floors shall be repaired or replaced.
- 31.2.** Every basement shall:
 - (a) Have a floor of concrete masonry or other acceptable material; and
 - (b) Where a floor drain is necessary, it shall be located at the lowest part of
 - (c) Notwithstanding subsections 'a' and 'b', if the basement or crawl space are not served by a stairway leading from the building or from outside the building, it may have a dirt floor provided it is covered with a moisture proof covering.

32. Stairs, Porches, and Handrails

- 32.1.** Every inside and outside stair and every porch landing appurtenant to it shall be maintained free from defects that constitute an unsafe condition.
- 32.2.** All handrail and balustrades, stairways, fire escapes, balconies, landings, porches and similar appurtenances shall be:
 - (a) maintained in good repair so as to be free of holes and other defects which constitute accident hazards;
 - (b) properly anchored so as to be kept in a safe and secure condition;
 - (c) structurally sound for the loads imposed through their normal use; and if metal, shall be protected from rust or similar decay by periodic application of paint.
- 32.3.** Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 raisers and on all interior stairs within dwelling units that have more than 2 risers.

33. Egress

- 33.1.** Every building, structure or dwelling 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.
- 33.2.** Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- 33.3.** The passage required as egress from one dwelling unit shall not pass through another dwelling unit.

34. Elevators

- 34.1.** Elevators, hoists, lifts, moving stairs and walkways shall be installed and maintained in good repair and operational.

35. Heating Systems

- 35.1.** Every dwelling shall have a heating system capable of maintaining a room temperature of at least 20o C at 1.5 m (4ft 11in) above floor level and 1 m (3ft 4in) from the exterior wall in all habitable rooms, bathrooms and washrooms.
- 35.2.** All heating appliances or devices shall be installed and located in accordance with the manufacturer's specifications and shall be in a state of good working order.
- 35.3.** A space which contains a heating unit shall have natural or mechanical means of supplying sufficient combustion air.
- 35.4.** Auxiliary heating equipment shall not be used as a primary source of heat.
- 35.5.** Solid or liquid fuel burning appliances shall conform to the standards as set out in the Ontario Building Code. Such appliances shall be connected to an approved chimney, or vent or flue and shall be installed so as to not create a fire hazard.
- 35.6.** Fuel burning equipment shall be vented by means of rigid connections leading to a chimney, or vent or flue. All flues shall be kept clear of obstructions.
- 35.7.** Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

36. Air Conditioning

- 36.1.** Where provided, air conditioners shall be equipped with adequate devices to prevent condensation or water from draining onto entrance areas, sidewalks, pathways or other areas used for pedestrian or vehicular traffic.
- 36.2.** Where provided, air condition shall be maintained in a safe mechanical and electrical condition.

37. Electrical Services

- 37.1.** Electrical Installations, including the service capacity of the installations and the number and distributions of circuits, shall conform to the Ontario Electrical Safety Code.
- 37.2.** Electrical wiring and all electrical fixtures located or used in any building shall conform to the requirements of the Building Code and all applicable regulations and shall be maintained in good working order.
- 37.3.** Every Dwelling or Dwelling Unit shall be wired for electricity and shall be connected to an Electrical Safety Code approved electrical supply system.
- 37.4.** Every habitable room within a dwelling or dwelling unit shall have at least one duplex electrical outlet in good working order:
 - (a) for the first 11.15 square metres (120 square feet) or less of floor area; and
 - (b) for each additional 9.3 square metres (100 square feet) or less of floor area.
 - (c) Where provided, service equipment and appliances such as stoves, refrigerators, washers and dryers and their components shall be maintained in a state of good repair.

38. Lighting

- 38.1.** All habitable rooms shall have artificial lighting fixtures to the level required by the Building Code.
- 38.2.** Windows or skylights or electrical lighting fixtures shall be provided and maintained in order to illuminate all passageways and stairways provided for use in case of fire or other emergency as required by the Building Code.
- 38.3.** Every habitable room in a dwelling or dwelling unit shall contain a window or skylight that complies with the Building Code.

39. Ventilation

- 39.1.** Ventilation shall be provided to all rooms within a building so to prevent accumulation of heat, dust, fumes or gases including carbon monoxide, vapours other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- 39.2.** Every bathroom or room containing a water closet, shall be provided with adequate ventilation.
- 39.3.** When an exterior opening is used or required for ventilation and it not required to be protected by a door, window or similar closure, it shall be protected with a fitted screen.
- 39.4.** All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

40. Plumbing

- 40.1.** All plumbing, drainpipes, water pipes and plumbing fixtures in every building or structure and every connecting line to the sewage system shall be maintained in good working order and be protected from freezing.

41. Toilet and Bathroom Facilities

- 41.1.** Every commercial, institutional and industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation,
- 41.2.** No facilities for food preparation, or cooking, or storage, or consumption of food or for sleeping shall be within a room that contains a water closet.

- 41.3.** Every dwelling shall contain plumbing fixtures consistent of at least:
- (a) a water closet
 - (b) a kitchen sink
 - (c) a wash basin and
 - (d) a bathtub or shower

42 Kitchen

- 42.1.** Every kitchen area shall be equipped with a sink, storage facilities, countertop work area and adequate space shall be provided for stove and refrigerator.

43 Water

- 43.1.** Every dwelling, dwelling unit, commercial, institutional, or industrial buildings shall be provided with an adequate supply of potable water.
- 43.2.** Every sink, wash basin, bathtub and shower required by this by-law shall have an adequate supply of hot and cold running water.
- 43.3.** All hot water shall be supplied at a temperature of between 45°C and 49°C.
- 43.4.** Notwithstanding Section 43.2, the provisions of hot running water shall not apply to dwellings or dwelling units used as seasonal cottages.

44 Occupancy

- 44.1.** No Person shall use or permit the use of a non-habitable room in a dwelling for a habitable space.

PART 3 ADMINISTRATION

45 Property Standards Committee

- 45.1.** A Property Standards Committee shall be appointed by Council as follows:
- (a) shall consist of five resident Town of New Tecumseth ratepayers; and
 - (b) shall serve a term that does not exceed the term of Council or until a new Committee is appointed.
- 45.2.** The Property Standards Committee shall follow the Rules of Procedure as outlined in Appendix "A" of this By-law.

46 Penalty for Non-Compliance

- 46.1.** Any person who fails to comply with an Order that is final and binding is guilty of an offence and upon conviction is liable to a fine pursuant to the Building Code.

47 Validity

- 47.1.** If any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

48 Service Fees

- 48.1.** That the municipal fees for the administration and enforcement of this by-law be in accordance with the Town's Fees and Charges By-law and any revisions thereto.

49 Inspection and Entry

- 49.1.** Where a by-law under section 15.1 of the Building Code is in effect, an Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:
- (a) Whether the property conforms with the standards prescribed in the by-law; or
 - (b) Whether an Order made under subsection 15.2 (2) of Building Code has been complied with.

- 49.2.** Despite section 46.1(b) an Officer shall not enter or remain in any room or place actually being used as a dwelling unless,
- (a) 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;
 - (b) a warrant issued under the Ontario Building Code Act is obtained;
 - (c) 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;
 - (d) the entry is necessary to terminate a danger under the Building Code for Emergency Orders;
 - (e) the requirements of the Notice being served under the Building Code Act are met and the entry is necessary to remove a building, restore a site, remove an unsafe condition, repair or demolish under the provisions of the Building Code Act.

50 Order

- 50.1.** An Officer who finds that a property does not conform to the standards prescribed in this By-law passed shall make an Order:
- (a) stating the municipal address or the legal description of the property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, refuse and/or debris and left in a graded and leveled condition;
 - (c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
 - (d) indicating the final date for giving notice of appeal from the Order.
- 50.2.** The Order shall be served by personal service or sent by registered mail to the owner at their last known address.
- 50.3.** If the Officer is unable to effect service under section 50 of this By-law, the Order may be posted in a conspicuous place on the property.

51 Date of Service

- 51.1.** When an Order has been served pursuant to Section 50 by a Property Standards Officer upon any person, the date of service shall be deemed to have been made on the fifth (5th) day after the day of mailing or as provided in the Building Code Act, as amended from time to time.

52 Emergency Order Re: Dangerous Non-Conformity with Standards

- 52.1.** If upon inspection of a property the Officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 of the Building Code Act 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 and pursue the steps set out within Section 15.7 of the Building Code Act.

53 Power of the Town to Repair, Demolish

- 53.1.** If the owner or occupant of property fails to repair the property or to demolish in accordance with an Order as confirmed or modified, the Town, in addition to all other remedies shall:
- (a) have the right to repair or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property;
 - (b) not be liable to compensate such owner, occupant or any other persons having an interest in the property by reason of anything done by or on behalf of the Town under the provisions of this subsection; and
 - (c) recover from the owner of the property the expense incurred by the Town for repair or demolition by action, or in like manner as taxes pursuant to the provisions of section 446 of the Municipal Act, 2001.

54 Issuance of Certificate of Compliance

- 54.1.** Following the inspection of a property, the Officer may, or on the request of the owner shall, issue to the owner a Certificate of Compliance if, in the Officer's opinion, the property is in compliance with the standards of this by-law.
- 54.2.** If a Certificate of Compliance is issued at the request of the owner, the owner shall pay a fee of twenty (\$20.00) dollars.

55 Obstruction

55.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the exercise of a power or the performance of a duty under Section 19 (1) of the Ontario Building Code.

56 Repeal

56.1. That By-laws 94-23 and 95-20 are hereby repealed.

57 Effective Date

57.1. That this By-law shall come into force and effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF OCTOBER, 2019.

MAYOR

Office
Consolidation

CLERK

APPENDIX "A"

The Town of New Tecumseth
Property Standards Committee

RULES OF PROCEDURE

To Govern the Proceedings of the Town
of New Tecumseth's Property Standards
Committee

BACKGROUND

The Town has had a Property Standards By-law since 1994. The By-law has continued to evolve and requires every property owner to maintain their property and buildings in good condition.

To enforce the By-law, Town Council has approved the hiring of staff to investigate complaints and to require substandard properties to be brought into compliance.

In accordance with the Building Code Act, S. O. 1992, c. 23 a Property Standards Officer who finds a contravention of the By-law can issue an Order to the owner of the property and such other persons affected by it.

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 Property Standards Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within 14 days after being served the Order.

An Order that is not appealed within the time referred to above shall be deemed to be confirmed. This document is intended to establish rules of procedure for the Property Standards Committee to carry out its duties.

1. DEFINITIONS

1.1. In these rules, unless the context requires otherwise:

- (a) **"APPELLANT"** means a person appealing an Order thereof pursuant to the By-law;
- (b) **"BY-LAW"** means the Property Standards By-law of the Town, as amended;
- (c) **"CHAIR"** means the Chair as appointed by the Committee;
- (d) **"COMMITTEE"** means the Town's Property Standards Committee;
- (e) **"HEARING"** means a hearing in any proceeding of the Committee;
- (f) **"MEMBER"** means a member of the Committee;
- (g) **"PROCEEDING"** means a matter brought before the Committee under the provisions of the By-law or the Building Code Act S.O. 1992, C.23;
- (h) **"QUORUM"** means the majority of the members of the Committee are in attendance and eligible to participate; and
- (i) **"SECRETARY"** means the Secretary for the Committee who is responsible for recording all meeting proceedings and is not a voting member of the Committee.
- (j) **"TOWN"** means The Town of New Tecumseth;

2. INTERPRETATION

- 2.1. These rules shall receive such fair and liberal interpretation as will best ensure the most expeditious, just and least expensive determination of every *proceeding* on its merits.
- 2.2. Where matters are not provided for in these rules, the practice shall be determined by the Committee hearing the proceeding.

3. RULES AND REGULATIONS

- 3.1. The rules and regulations shall be observed in all proceedings of the Committee.
- 3.2. Every member, prior to speaking to any item on the agenda shall first be recognized by the Chair.
- 3.3. When a member is speaking, no other member shall interrupt him/her.
- 3.4. Any member may require a recommendation be re-read at any time during the debate.
- 3.5. Committee members shall not disclose any confidential information they may become aware of in the conduct of their responsibility as a member of the Committee.
- 3.6. Attendance - If a member is absent from Committee meetings for three consecutive regularly scheduled meetings without the permission of the Committee, or in the opinion of the Committee if any member's absenteeism jeopardizes the objectives of the Committee, the Committee may request Council to appoint a replacement member.
- 3.7. Where the number of members who by reason of a declared conflict of interest are disabled from participating in a meeting and the remaining members no longer constitute a quorum, then quorum is met provided that there are not less than two members present.

4. APPLICATION

- 4.1. These rules apply to all proceedings of the Committee in the exercise of its statutory power of decision, as defined in the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended.
- 4.2. These rules do not apply if a statute or the *By-law* provides for a different procedure to govern proceedings of the Committee in the exercise of its statutory powers of decision.

5. FAILURE TO COMPLY

- 5.1. Where a party to a proceeding has not complied in full with any rule, the *Committee* may:
 - (a) adjourn the proceeding until it is satisfied that such rule or order has been complied with; or
 - (b) take such other steps as it considers just and reasonable.
- 5.2. No proceeding is invalid by reason only of a defect or other irregularity in form.

6. APPEAL PERIOD

- 6.1. Orders issued by a Property Standards Officer pursuant to subsections 15.2 (2) and (3) of the Building Code Act may be served on the owner personally or by registered mail. Where service is by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless it can be proven to be later.
- 6.2. The *appellant* of the order has 14 days after being served the order to send a notice of appeal by registered mail to the *Secretary*.

7. REQUEST FOR HEARING

- 7.1. Where an appellant submits a notice of appeal and requests a hearing before the Committee, the request for a hearing shall be in writing and sent by registered mail or delivered in person to the Secretary and shall include:
 - (a) identification of the appellant and any other party;
 - (b) the address, telephone number and, where available, e-mail address and facsimile number for each person identified in clause (a), and their agents, if any;
 - (c) the name, address, telephone number and, where available, e-mail address and facsimile number of any agent, representative, or lawyer representing the appellant; and

- (d) whether special services or accommodations are required, including translation services or services for the visually or hearing impaired.

- 7.2. When a notice of appeal is received by the *Secretary*, he/she shall confirm that the notice was sent within the allowed appeal period. Late notices are invalid and are disqualified.
- 7.3. The *Secretary* shall set the time and place of a *hearing* after consulting with the Committee members and the appellant(s).
All members to participate electronically and to be counted as quorum when a declaration of emergency has been declared by the province of Ontario or the Town of New Tecumseth.
- 7.4. Once a date has been set for a hearing, it may not be adjourned except by notification of the *Secretary*. The reason for adjournment must be reasonable and justified.
- 7.5. Notice of the hearing shall be sent by the *Secretary* in writing to all parties affected by the Order at least 14 days in advance of the hearing.
- 7.6. Postponement of Meetings - The Chair, in consultation with the *Secretary* may, due to an emergency or inclement weather, postpone a meeting. Notice will be given by contacting each member of the Committee and all parties affected by the Order verbally or by sending individual emails and posting a notice on the Town's website.

8. FAILURE TO ATTEND

- 8.1. Where a person is properly notified of a hearing and does not attend at the time and place appointed, the Committee may proceed in that person's absence and without further notice to that person.

9. FILING

- 9.1. Filing of any document, excluding the request for the appeal (see Procedure No. 7), may be effected by personal delivery, by ordinary or registered mail or otherwise as the Committee may order to the *Secretary*.
- 9.2. Where a document is filed, the date of the receipt stamp on the document shall be deemed to be the date of the filing, unless the Committee orders otherwise.
- 9.3. Where the Property Standards Committee has no record of the receipt of a document alleged to have been filed, the documents shall be deemed not to have been filed, unless the Committee orders otherwise.

10. SELECTING A CHAIR AND A SECRETARY

- 10.1. At the first meeting of the Committee's term, the members shall appoint a Chair from among themselves. When the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- 10.2. The By-law Unit of the Clerk's Department shall provide a *Secretary* for the Committee.
- 10.3. The *Secretary* shall keep on file records of all official business of the Committee, including records of all applications and minutes of all decisions respecting these applications.
- 10.4. It shall be the duty of the Chair:
 - (a) to open the meeting by taking the Chair and calling the members to order;
 - (b) to announce the business in the order in which it is to be acted upon;
 - (c) to put to vote all decisions which are moved and seconded and to announce the result;
 - (d) to decline to put to a vote decisions which infringe upon the rules of procedure;
 - (e) to designate the order in which members are recognized to speak when two or more members wish to be recognized at the same time;

- (f) to encourage the observance of order and decorum among the members and all parties at the hearing;
- (g) to permit the meetings to proceed in an orderly and efficient manner.

10.5. Conduct of Members, no member shall:

- (a) use offensive words against the Committee or against any member;
- (b) speak on any subject other than the subject in debate;
- (c) disobey the rules of the Committee or a decision of the Chair.

10.6. If a member persists in any such disobedience after having been called to order by the Chair, the Chair may request that the member leave his/her seat for the duration of the meeting, but if the member apologizes, he/she may by majority vote, be permitted to retake his/her seat.

10.7. If a member arrives late at a meeting, any prior discussion shall not be reviewed without the unanimous consent of all members present.

10.8. Committee members, whether they are in favour or opposed to a Committee approved decision, shall support the position of the Committee.

11. EXHIBITS

11.1. All parties to a hearing, particularly solicitors and agents, shall be required to bring to the hearing a sufficient number of copies for Committee members and opposing counsel of clear photos and/or other documents to be entered as evidence or exhibits.

11.2. Specific types of audio visual equipment may be used. The parties shall advise the Secretary that audio visual equipment will be needed and shall provide to the Secretary the material in an electronic format by 4:30pm on the day prior to the meeting date.

11.3. Correspondence intended for the Committee is generally received as public information, subject to the Municipal Freedom of Information and Protection of Privacy Act. The Secretary shall be advised of any confidential items, the general nature of the confidentiality and will determine whether the item meets identified criteria for confidential material and whether or not it will be circulated within the public agenda.

12. CONDUCT OF HEARINGS

12.1. Hearings will be conducted in person only.

12.2. All Hearings are open to the public.

12.3. A hearing shall be conducted in the following order of presentation, unless the Chair directs otherwise:

- (a) The Chair shall call the hearing to order after confirming a quorum of the Committee is present;
- (b) The Chair shall explain to those in attendance at the hearing the format of the hearing and the specific purpose of the hearing. The Chair will advise those present that the Committee will only be considering the compliance and non-compliance of a property or building with respect to the standards of the *By-law*, and the time granted for compliance. All evidence is restricted to these matters. The hearing is not for determining the resolution of any landlord and tenant disputes;

- (c) The Chair shall solicit from those Committee members in attendance at the hearing any conflicts of pecuniary interest or other interest in any matter on the agenda for consideration;
- (d) The Property Standards Officer may make an opening address;
- (e) An appellant may make an opening address immediately after the opening address of the Property Standards Officer or after the evidence on behalf of the Property Standards Officer is concluded;
- (f) The Property Standards Officer will then present the evidence on behalf of the Town;
- (g) When the evidence being called on behalf of the Property Standards Officer is concluded, the appellant may then provide his or her evidence;
- (h) When the presentation of the evidence of the appellant is concluded, the Property Standards Officer may provide any reply evidence;
- (i) After all of the evidence has been provided by all parties to the proceeding, the Property Standards Officer may make a closing address, followed by the closing address of the appellant, if he or she decides to do so; and
- (j) Where there are two or more appellants, the order of presentation shall be as directed by the Chair.

12.4. Unless these Rules provide otherwise, witnesses at a proceeding shall be examined orally and the examination may consist of direct examination, cross-examination and re-examination.

12.5. The Committee shall ensure that there is no undue harassment or embarrassment of the witness as he or she is giving evidence and may disallow a question put to the witness that is vexatious or irrelevant to any matter that may be properly inquired into at the proceeding.

12.6. The Committee may at any time during a proceeding direct that a witness be recalled for further examination.

12.7. Where a witness appears unwilling or unable to give answers to the questions being posed, the Committee may permit the party calling the witness to examine him or her by means of leading questions.

13. COMMITTEE DECISIONS

13.1. Upon receiving all of the evidence, the Committee will render its decision on the matter in the presence of the public, the Town of New Tecumseth representative and/or designate and the appellant.

13.2. Every decision shall be read aloud and when moved and seconded shall be open to discussion. The Chair may not move or second any decision but shall vote on the decision unless prohibited to do so under any Act.

13.3. Voting on Decisions

- (a) Every member present at a meeting shall vote unless declaring a pecuniary interest, in which case it will be recorded.

- (b) Each member present and voting shall announce or indicate his/her vote upon the decision openly and individually and no vote shall be taken by ballot, or any other method of secret voting.
- (c) If there is a tie vote, the decision is defeated.
- (d) If any member at a meeting does not vote, he/she shall be deemed as voting in the negative except where a pecuniary interest has been declared.
- (e) There shall be no recorded vote at any Committee meeting.
- (f) When the Chair calls for a vote on a decision, each member shall occupy his/her seat and shall remain in his/her seat until the result of the vote has been declared by the Chair.
- (g) The vote on a decision may only be called after each member who wished to speak has spoken once.
- (h) If a member disagrees with the announcement of the Chair that a decision is carried or lost, he/she may, but only immediately after the declaration by the Chair, object to the Chair's declaration and request that the vote be retaken.

13.4. The Committee may decide;

- (a) to uphold the Order in whole or in part, with no additional time granted for compliance;
- (b) to uphold the Order in whole or in part with additional time granted for all or some of the deficiencies to be complied with;
- (c) to remove any items from the Order that have already been complied with, or have been determined to be invalid;
- (d) to modify any items within the Order in any manner seen fit by the Committee;
- (e) to quash the Order, in whole or in part, based on any technical or procedural error;
- (f) to defer a decision to a later date pending the receipt of additional information from any party to the hearing; or
- (g) to reserve a decision to a later date pending further consideration by the Committee of the evidence submitted at the hearing, at which time the decision can be provided in writing to all parties to the hearing.

13.5. Every decision shall be read aloud and when moved and seconded, shall be open to discussion. The Chair may not move or second any decision but shall vote on the decision.

13.6. The Chair upon rendering the Committee's decision should inform the *appellant* of their rights to appeal a decision of the Committee to a Judge of the Superior Court of Justice pursuant to the Building Code Act.

13.7. The Secretary shall prepare a written record of the hearing including minutes of the hearing and the decision (with conditions, if applicable).

13.8. The *Secretary* will arrange for the required signature(s) on the decision, prior to mailing it to the appellant and providing a copy to the Property Standards Officer. The Chair shall sign the decision on behalf of all Committee members present at the hearing.

13.9. The *Secretary* shall send the decision to the appellant by registered mail.

14. RIGHT TO APPEAL A COMMITTEE DECISION

- 14.1. The *Town* or any owner or *occupant* or person affected by a decision of the Property Standards Committee under subsection 15.3(3.1) of the Building Code Act, may appeal to the Superior Court of Justice by notifying the Clerk of the Town of New Tecumseth in writing and by applying to the court within 14 days after a copy of the decision is sent.

15. ORDER CONFIRMATION

- 15.1. An Order that is deemed to be confirmed pursuant to subsection 15.3(2), of the Building Code Act or that is confirmed or modified by the Committee under subsection 15.3(3), of the Building Code Act or a Judge under subsection 15.3(6), of the Building Code Act as the case may be, shall be final and binding upon the owner and *occupant* who shall carry out the repair or demolition within the time and manner specified in the Order.