

# THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

By-law No. 2019/078

**Being a by-law to prescribe standards for the maintenance and occupancy of property, to provide for the enforcement of the standards and to appoint a property standards committee.**

**WHEREAS** Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, as amended, provides that the Council of a municipality may pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards and for requiring property that does not conform to the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition where the municipality has an Official Plan that includes provision relating to property conditions;

**WHEREAS** there are such Official Plan policies in effect in Southwest Middlesex;

**WHEREAS** Section 15.6(1) of the *Building Code Act*, S.O. 1992, c.23, as amended, provides for the establishment of a Property Standards Committee;

**WHEREAS** Section 391 of the *Municipal Act*, S.O. 2001, c.25 as amended provides that a municipality may pass by-laws imposing fees or charges on any class or persons for services or activities provided or done by or on behalf of it;

**WHEREAS** the Council of Southwest Middlesex deems it desirable to establish standards for Southwest Middlesex for the occupancy and maintenance of certain buildings and properties, so that owners and occupiers provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of buildings and properties;

**AND WHEREAS** it is deemed necessary and expedient to enact a by-law prescribing minimum standards for the maintenance and occupancy of property, to adopt a set of administration procedures and to appoint a Property Standards Committee;

NOW THEREFORE, the Council of the Corporation of Southwest Middlesex enacts as follows:

## **PART I – DEFINITIONS**

1. In this by-law,
  - a. “*Adjoining Property*” means property that is abutting to another property at some point;

- b. “*Accessory Building*” shall mean a detached building or structure not used for human habitation, that is a subordinate to the primary use of the same property and includes a detached private garage;
- c. “*Agricultural Operation*” shall mean an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998*, S.O., 1998, c.1 and includes such an operation that is not carried on with the expectation of financial gain but otherwise meets the definition of that Act;
- d. “*Approved*” shall mean acceptance by the Property Standards Officer;
- e. “*Basement*” shall mean that portion of a building between two floor levels, which is partly below grade and which has half or more of its height measured from floor to ceiling above the average exterior grade;
- f. “*Building*” shall mean a structure used for or intended for supporting or sheltering any use or any use of occupancy;
- g. “*Cellar*” shall mean that portion of a building between two floor levels, which is partly or entirely below grade and which has more than half of its height, measured from floor to ceiling, below the average exterior finished grade;
- h. “*Committee*” shall mean the Property Standards Committee established under this by-law;
- i. “*Crawl Space*” shall mean that portion of a building between two floor levels or between a floor level and the ground with a height of less than 2.03 metres (6 feet 8 inches);
- j. “*Debris*” shall mean, but is not limited to, garbage, rubbish, refuse or wrecked, decayed, dilapidated, or inoperative motor vehicles, vehicles or machinery and parts thereof;
- k. “*Domesticated mouse or rat*” shall mean a mouse or rat kept as a pet by the occupants of one dwelling unit, normally in an enclosed cage or container within the unit, which is cared for and fed by the occupants, which care includes clean-up and removal of mouse and rat waste and soiled rodent bedding from the dwelling unit and cage or container and which animal is kept in compliance with any animal control laws or by-laws;
- l. “*Dwelling*” shall mean a building, structure, mobile home, park model trailer or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicles that would be or would be intended to be used for such purposes, except where it is in a state of disrepair;
- m. “*Dwelling Unit*” shall mean a room or a suite of rooms operated as a housekeeping 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;

- n. “*Egress*” shall mean 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 or an approved area of refuge usually located outside the dwelling;
- o. “*Guard*” shall mean a protective barrier around openings in floor areas or on the open side 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 and such barriers may or may not have openings through it;
- p. “*Habitable Room*” shall mean any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- q. “*Heating Appliance*” shall mean a device to convert fuel into energy and includes all components, controls, wiring, duct work and piping required to be part of the device by the applicable standard referred to in the Ontario Building Code;
- r. “*Inoperative Motor Vehicle*” shall mean and includes any motor vehicle other than a motor vehicle which is currently licensed, and operable and regularly driven by an owner or occupant of the property on which it is stored;
- s. “*Inoperative Vehicles, Machinery, Trailers or Boats*” shall mean such items that are unable to operate as a result of being dismantled, broken or incomplete, decayed or dilapidated, and in particular includes vehicles with missing part(s), wheel(s), tire(s), engines, drive train or body components or window(s) including any vehicle, machinery, trailer or boat remaining on the property for a period of three months, unless such item is operable, not dismantled, broken or incomplete, decayed or dilapidated and it’s use is permitted under the zoning by-law or is necessary for the operation of a business enterprise lawfully situated on the property;
- t. “*Multiple Dwelling*” shall mean a building containing three or more dwelling units;
- u. “*Municipality*” shall mean the Corporation of Southwest Middlesex;
- v. “*Non-habitable Room*” shall mean any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, washroom, laundry, pantry, lobby, communicating corridor, corridor stairway, stairway, closet, boiler room, garage or other space for service and maintenance of the dwelling for public use, and for access 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;
- w. “*Non-residential Property*” shall mean a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation,

- and includes the lands and premises appurtenant thereto and all of the outbuildings, fences or erections thereon or therein;
- x. “*Occupant*” shall mean any person or persons over the age of eighteen years in possession of the property;
  - y. “*Occupancy*” shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
  - z. “*Officer*” shall mean a Property Standards Officer appointed by by-law and assigned the responsibility for enforcing and administering this by-law and includes a building inspector;
  - aa. “*Ontario Building Code*” shall mean the *Building Code Act* and any amendments and regulations made under that Act;
  - bb. “*Owner*” includes,
    - (i) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on 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
    - (ii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property;
  - cc. “*Person*” shall mean an individual, firm, corporation, association or partnership and includes an occupant or an owner of property;
  - dd. “*Pest*” shall mean any mouse, rat, bed bug, flea, wasp, hornet, or cockroach, but does not include any domesticated mouse or rat;
  - ee. “*Property*” shall mean a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property;
  - ff. “*Property Standards Officer*” shall mean a person appointed by by-law as a Property Standards Officer and assigned the responsibility for enforcing this by-law in Southwest Middlesex;
  - gg. “*Protective Device*” shall mean any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner;
  - hh. “*Repair*” shall include the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that the property conforms with the standards established by this by-law;

- ii. “*Residential Property*” shall mean any property that is designated for use, is used or is capable of being used as a dwelling, two-unit dwelling or multiple dwelling, and includes any land or buildings that are appurtenant to such establishment including but not limited to all steps, walks, driveways, parking spaces, fences and yards;
- jj. “*Retaining Wall*” shall mean a structure that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs;
- kk. “*Sanitary Sewage*” shall mean liquid or water borne waste:
  - (i) of industrial or commercial origin, or
  - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary sink and laundry waste;
- ll. “*Sewage System*” shall mean the municipal sanitary sewer system, storm sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within Southwest Middlesex;
- mm. “*Standards*” shall mean the standards of the physical condition and occupancy prescribed for property by the by-law;
- nn. “*Storm Water*” shall mean water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation.
- oo. “*Suite*” shall mean a single room or series of rooms of complementary use, operated under a single ownership or occupancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses and dormitories as well as individual store, and individual or complementary rooms for business and personal services occupancies;
- pp. “*Vacant Lands*” shall mean lands with no buildings and/or having no land uses established;
- qq. “*Vehicle*” shall include an automobile, motor cycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, ashpalter, earthmover, compactor, crane, lift, skid steer, generator, welder, streetcar or other vehicle running only upon rails, motorized snow vehicle, off road vehicle, trailer, boat, bicycle or any vehicle drawn, propelled or driven by any kind of power, including but not limited to, mechanical power, muscular power or wind.
- rr. “*Visual Barrier*” shall mean a continuous, uninterrupted structure, which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of a solid material;
- ss. “*Yard*” shall mean land, other than publicly owned, within the boundary lines of the property and not occupied by the principal building;

**PART II – SHORT TITLE**

2. This by-law may be cited and known as the “Property Standards By-law”.

**PART III – GENERAL STANDARDS FOR ALL PROPERTIES**

3. All repairs and maintenance of property required by the standards prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with suitable material and sufficient for the purpose.
4. Except as may otherwise be specified in this by-law, the standards, obligations and requirements set out in this by-law apply to all property within Southwest Middlesex.

**PART IV – STRUCTURAL STANDARDS**

5. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
  - a. to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
  - b. to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
  - c. to prevent the entry of moisture that would contribute to damage, fungus, mold, growth, decay or deterioration;
  - d. to be capable of safely and adequately performing its function subject to all reasonable service ability requirements; and
  - e. have a factor of safety as required by the Ontario Building Code.
6. All exterior surfaces of buildings, structures, fences and retaining walls, including mobile structures and buildings, shall be of materials which resist deterioration by the weather or have resistant coating applied to them, except that a non-residential farm building or structure may have unprotected wood surfaces.
7. The exterior walls, chimneys, roofs and other parts of buildings, structures, fences and retaining walls, including mobile structures and buildings on the property shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects. Such material and objects shall be removed, repaired or replaced.

**PART V – VACANT BUILDINGS**

8. Where any building is vacant or unoccupied, the owner shall protect such building against the risk of accidental or intentional damage to the property, or such damage as

may be caused to other properties, arising from the entry of unauthorized persons to the building, by effectively preventing entrance by unauthorized persons.

9. For the purpose of Section 8, doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing each opening with:
  - a. boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;
  - b. rigid composite panels securely fastened to the building;
  - c. sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
  - d. brick and mortar securely fastened to the building; or
  - e. concrete blocking and mortar securely fastened to the building.

The materials identified under this paragraph shall be of a colour compatible to the surrounding facade.

10. The options available in Section 9, shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by Section 9 shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry, and further, where the owner(s) control, attendance or lack of security measure(s) to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in Section. 9
11. Vacant buildings shall be kept clear of all garbage, rubbish and debris.
12. Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.

#### **PART VI – DAMAGED BUILDINGS**

13. Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall demolish or repair the building within 30 days or a reasonable time arranged with Southwest Middlesex.
14. Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

15. Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall protect the building against further risk or further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the building with:
  - a. boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;
  - b. rigid composite panels, securely fastened to the building;
  - c. sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
  - d. brick and mortar securely fastened to the building; or
  - e. concrete blocking and mortar securely fastened to the building; and

The materials identified under this paragraph shall be of a colour compatible to the surrounding facade.

16. The options available in Section 15 shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by Section 15 shall be considered not to include the use of a less secure option which has more than once failed to exclude unauthorized entry, and further, where the owner(s) control, attendance or lack of security measure(s) to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in Section 15.
17. The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.
18. In the event the building or structure is beyond repair, the land shall be cleared of debris and remains and shall be left in a graded, level and safe condition without unreasonable delay.
19. Exterior walls, roofs and other parts of a building shall be free objects and materials, which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced so as to create a safe condition.
20. Any such work required under this Part and Part VII shall be done in compliance with the Ontario Building Code, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolitions permits, and with the by-laws applicable to demolition and clearing of property.



### **PART VII – FIRE DAMAGED BUILDINGS**

21. Fire damaged buildings shall be kept clear of all garbage, refuse and debris and 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.
22. The owner of the fire-damaged building shall restore the building or to meet the requirements of Parts IV, V, VI, VII and VIII of this by-law.
23. When the fire damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law prior to occupancy.

### **PART VIII – DEMOLITION**

24. Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, debris, refuse, masonry, lumber and left in a graded and leveled condition.
25. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.
26. Prior to demolishing any building, other than farm buildings, a Demolition Permit must first be obtained from the Chief Building Official.

### **PART IX – FOUNDATIONS AND BASEMENTS**

27. The foundation walls and basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
28. Every basement, cellar and crawl space on a property shall be maintained in reasonable watertight conditions so as to prevent the leakage of water into the building.
29. Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing subsoil drains where necessary at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints and floors.
30. Every building, unless of concrete slab-on-grade design, shall rest upon full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry or other material acceptable for construction under the provisions of the Ontario Building Code and shall be sound, reasonably plumb and adequate to carry the loads imposed on them.

**PART X – EXTERIOR WALLS AND ROOFS**

31. Exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring, cladding with an exterior finish or by repairing of the walls, coping or flashing by the waterproofing of joints and the walls themselves.
32. Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with:
  - a. the Ontario Building Code and amendments thereto, made under the Building Code Act, S.O. 1992, c.25, or
  - b. standards equivalent to the Ontario Building Code and amendments thereto, satisfactory to the Property Standards Officer.
33. Exteriors of buildings shall be:
  - a. kept weather resistant through the use of caulking and other appropriate weather resistant materials; and
  - b. be maintained to prevent the entry of vermin and birds.
34. A roof, including the fascia board, soffit, cornice and flashing shall be maintained in a weather-tight condition, and able to prevent the leakage of water into the building without the use of tarping unless otherwise authorized in writing by the Chief Building Official.
35. All roofs shall be maintained:
  - a. in a water tight condition so as to prevent the leakage of water into the building or structure;
  - b. free from loose or unsecured objects or materials;
  - c. free from dangerous accumulation of snow or ice or both;
  - d. free from all other accident, fire or health hazards;
  - e. so that roof decks and related guards are in good state of repair; and
  - f. free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.
36. All structural components of a roof shall provide adequate support for all design loads, and form a suitable base for the roof covering, and where the roof is subjected to a load for which it may be inadequate, the roof shall be cleared of the load to prevent collapse or structural damage.

37. Exterior walls and their components shall be repaired of vandalism or other damage, including defacements by paint, inscription or other markings and broken windows.
38. Exterior walls of a building or structure, and their components shall be maintained so as to be free of posters or advertisements:
  - a. which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or
  - b. which is loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

#### **PART XI – INTERIOR STRUCTURE & FLOORS**

39. Every structural component in every building, 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 subjected.
40. Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Ontario Building Code, to ensure water drainage and to guard against the entry of vermin.
41. Every floor shall be smooth, level and free of holes and maintained so as to be free of all loose, warped, protruding, broken or rotted boards or coverings that may create an unsafe condition or surface or allow the entrance of rodents and other vermin or insects. Such defective floors shall be repaired or replaced.
42. Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or other flooring shall be repaired or replaced.
43. The rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning and shall have a floor covering of water-resistant material.
44. Every wall and ceiling shall be maintained in a condition free from holes, open cracks, loose covering or other substantial defects. Walls surrounding showers and bathtubs shall be impervious to water.
45. Where fire resistant walls, doors and/or floors exist between separate dwelling units, they shall be maintained in a condition, which maintains their fire-resistant quality.
46. Every dwelling and suite shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling or suite 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.

**PART XII – DOORS AND WINDOWS**

47. Exterior doors, windows, skylights, doors, basement or cellar hatchways, including storm and screen doors and storm windows shall be:
- a. maintained in good repair and weather tight;
  - b. free from rotted or defective members;
  - c. free from defective or missing hardware;
  - d. free from torn, damaged or missing screens;
  - e. free from defective or missing weather stripping or caulking;
  - f. free from defective storm or screen doors;
  - g. free from defective frames, casings and sashes; and
  - h. free from missing or broken glass.

**PART XIII – STAIRS, BALCONIES, PORCHES AND OTHER PLATFORMS**

48. Interior and exterior stairs, landings, balconies, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
49. Handrails shall be installed and maintained in good repair on all stairs within dwelling units that have more than 2 risers and on all other stairs having 3 risers.
50. Handrails, balustrades and guards shall be installed and maintained in good repair so as to provide protection against accident or injury as required in compliance with the regulations under the Ontario Building Code where applicable.
51. Handrails shall be located between 810 mm (32 inches) and 920 mm (36 inches) measured vertically above a line down through the outside edges of stair nosings.
52. Handrails will be provided on both sides of stairs when the width of the stairs is greater than 1100 mm (43 inches).
53. Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 610 mm (24 inches), and every exterior stair with more than three risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 610 mm (24 inches).

54. Except for existing guards that have been maintained in good condition and are a minimum height of 900 mm (33 inches), all guards, including those that are required to be replaced due to their deteriorated condition or to be installed under Section 53, shall be constructed in accordance with the Ontario Building Code and all such guards shall be maintained in good repair at all times.

#### **PART XIV – PLUMBING SYSTEM**

55. The plumbing system in every building shall be maintained in good working order and free from leaks and defects.
56. All water pipes and appurtenances thereto shall be protected from freezing.
57. All plumbing fixtures shall be connected to the sewage system through water seal traps.
58. Every dwelling and every building to which water is available under pressure through piping shall be provided with:
- a. piping for hot and cold water connected to every kitchen fixture, every wash basin; bathtub, shower, sink and laundry area; and
  - b. piping for cold water connected to every toilet and hose bib.
59. Each required washbasin, bathtub, shower and sink shall be equipped with an adequate supply of potable water with a flow and pressure sufficient for the intended use of the fixtures.
60. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water.

#### **PART XV – KITCHEN FACILITIES**

61. Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area and space for a stove and refrigerator and all areas and spaces shall be maintained in a good state of repair.

#### **PART XVI – HEATING SYSTEMS**

62. Except for spaces exempted by the Ontario Building Code, a heating system shall be installed in every building or dwelling that is capable of supplying during normal hours of occupancy sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) at the outside design temperature specified in the Ontario Building Code.
63. For the purposes of Section 62, heat shall be provided and maintained so that the room temperature at 1.5 metres (5 feet) above floor level and 1 metre (39 inches) from exterior walls in all habitable rooms and in any area intended for use by occupants including

- washrooms, bathrooms, toilet rooms and laundry rooms but excluding sun rooms, locker rooms and garages, is at least 20° Celsius (68° Fahrenheit).
64. The heating system and all mechanical equipment associated with building services shall be operated and maintained:
- a. in good working order;
  - b. free from unsafe conditions; and
  - c. in accordance with the requirements of the Ontario Building Code.
65. A heating appliance shall not be located in corridors, hallways or other means of egress.
66. Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
67. All fuel burning appliances, equipment and accessories to such appliances and equipment, in a dwelling shall be installed and maintained to the standards provided by the applicable legislation.
68. 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.
69. Every chimney, smoke-pipe, flue and gas vent in use or available for use in the building shall be:
- a. installed and maintained so as to prevent the escape of smoke, or gases into the building;
  - b. clear of obstructions;
  - c. free from open joints;
  - d. free from broken and loose masonry; and
  - e. in good repair.
70. Any fuel burning heating equipment used in a building shall be properly vented to outside air by means of a Canadian Standards Association approved or Ontario Building Code compliant smoke pipe, vent pipe or chimney.

#### **PART XVII – NON-RESIDENTIAL ELECTRICAL SERVICES**

71. Non-residential property shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power for the intended use may be available at all times.

72. The electrical connections to and the wiring system of a non-residential property shall be installed and maintained in good working order and in compliance with the requirements of all applicable laws and regulations.

### **PART XVIII – LIGHTING**

73. 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 good working order.
74. All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all person attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties.
75. Fixtures for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal luminance as set out under the I.E.S. (Illuminating Engineering Society of North America) Lighting Handbook (2000).
76. Subject to Section 77, below, outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.
77. Section 76 above:
- a. does not apply to lighting located by a road authority,
  - b. does not apply to property owned or occupied by a municipal, provincial or federal government or authority,
  - c. does not require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the redirection, movement or the placing of shades or barriers to comply with the standards in this Part.
  - d. does not require that an illuminated outdoor advertising sign on the premises of a business to be turned off any time the business is open to the public, but may require the redirection, movement or placing of shades or barriers to comply with the standards of this Part; or
  - e. does not require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for the purposes, but may require the redirection, movement or the placing of shades or barriers to comply with the standards of this Part.

**PART XIX – RUBBISH AND DEBRIS**

78. Every property, including vacant lots, shall be kept clean and free from:
- a. rubbish or debris and objects or conditions that may create a health, fire or accident hazard or an unsafe condition;
  - b. wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - c. inoperative motor vehicles and inoperative vehicles or machinery unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - d. long grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act;
  - e. dilapidated, collapsed or partially constructed structures which are not currently under construction;
  - f. injurious insects, termites, rodents, vermin or other pests;
  - g. dead, decayed or damaged trees or other unmaintained natural growth;
  - h. metal, wood and rubber objects, barbed and other wire;
  - i. unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or may become contaminated;
  - j. trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
79. All garbage, refuse and ashes shall be promptly placed in an acceptable receptacle for garbage as described in Section 82 and made available for removal in accordance with the municipal garbage collection by-law where applicable.
80. Garbage storage areas shall be screened from public view.
81. Every building shall be provided with sufficient proper receptacles to contain all garbage, debris or rubbish which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and by-laws and not allowed to accumulate for longer than ten days.
82. Receptacles for garbage shall be:
- a. made of watertight construction;



- b. provided with a tight-fitting cover, which may be removed only when the receptacle is empty or being actively loaded;
  - c. maintained in a good condition without holes or spillage; and
  - d. closed or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or debris.
83. Plastic bags shall be considered acceptable receptacles under Section 82 above provided they are:
- a. adequately secured so as to prevent spillage;
  - b. not stored outdoors unless protected from access by animals or vermin; and
  - c. otherwise are maintained in compliance with Section 82 above.
84. Paper receptacles are not acceptable under this Part, except where they are placed inside other compliant receptacle or are placed out for collection in compliance with applicable collection by-laws.
85. Where commercial on-site garbage containers abut residential properties, the area where the receptacles are stored shall be enclosed on all sides by wall or solid fence not less than 1.2 metres and not more than 2.0 metres (6 feet 6 inches) high, such wall or fence containing an adequate door or gate to allow for the removal of garbage or refuse.
86. Where an exterior bulk or roll-off container disposal system is used, it shall:
- a. be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
  - b. be large enough to contain all refuse generated between collections by the occupants served;
  - c. not be loaded beyond the top of the container.
87. Receptacles for garbage, recyclable materials, and containers for recyclable materials shall not be stored in a front or side yard, except:
- a. proper receptacles may be placed out for collection, provided they are placed out in the time and manner that is in compliance with municipal by-laws;
  - b. commercial properties that maintain receptacles for use by the public entering the property, may have recycling or garbage receptacles in the front or side yard, if they are regularly emptied into proper containers or receptacles and any spillage is removed;
  - c. when permitted by a registered site plan agreement with the municipality.

**PART XX – YARDS/LOTS/VACANT PROPERTY**

88. Yards, parking lots and vacant lands shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
89. Except for land designated as wetlands in the Southwest Middlesex Official Plan, vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.
90. No vehicle which is in a wrecked, discarded, dismantled or inoperative condition, and no mechanical equipment, automotive and mechanical parts, including tires, shall be parked, stored or left in a yard or vacant property unless such vehicles, mechanical equipment, automotive and mechanical parts, including tires, are required for business purposes as part of a business lawfully carried on the property.
91. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and maintained in good repair.
92. 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 they shall be sealed or secured as required above.
93. Septic tanks, holding tanks, field beds, tile beds and dry wells shall be maintained in accordance with the Ontario Building Code. To decommission tanks or dry wells, they shall be pumped dry and contents disposed at a suitable disposal site. The tanks or dry wells may be broken up and buried, cavities shall be filled with sand or another suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.
94. The water in any privately owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odors and conditions likely to create a breeding environment for insects.
95. Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre (39 inches) of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials without collapsing or leaning over adjacent property.

96. All yards, parking lots and vacant property shall be provided with suitable ground cover to prevent instability and erosion of the soil.
97. Grass shall be kept trimmed to be no more than 20.32 centimetres (8 inches) in height and all other growth, plantings and hedges shall be kept trimmed so as not to encumber or encroach upon public sidewalks, private walks, and driveways, and further, every yard and vacant property shall be kept free of noxious weeds as provided by the Weed Control Act, R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations or by-laws made there under.
98. Trees or parts thereof that have expired shall be removed or maintained in a condition, which is not hazardous to persons expected to be on or about the property.
99. Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.
100. Areas used for vehicle traffic and parking shall be paved with bituminous asphalt, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonable dust free substance and shall be maintained in good repair.
101. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
102. Stone surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.
103. Notwithstanding Sections 78, 90 and 91, a farm meeting the definition of “agricultural operation” under the Farming and Food Production and Protection Act, 1998, S.O. 1998, c.1, may store agricultural equipment in a yard provided:
  - a. the equipment is stored within a building; or
  - b. if the equipment is outdoors, it is:
    - (i) placed or arranged so as not to create a safety or health hazard to persons on the property, and in particular does not block emergency access to or from the property;
    - (ii) within an area enclosed by a fence, wall or other solid structure including a hedge at least 2 metres (6.5 feet) high, or some combination of those enclosures, with not more than three access points for entry or exit from the area; and
    - (iii) set back from the property lines by at least 122 metres (400 feet).
104. For the purpose of Section 103 above, “store” and “stored” in relation to farm equipment means equipment that is not in use and includes equipment that is not operational or in need of repair.

**PART XXI – WALKS AND SAFE PASSAGE**

105. There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such driveway or area leads to a street.
106. The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under their normal use.

**PART XXII – SEWAGE AND DRAINAGE**

107. Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists, and where a municipal sanitary sewer does not exist, the sewage shall be disposed of in a manner in accordance with the Ontario Building Code requirements for on-site sewage systems.
108. Roof drainage or discharge from a sump pump shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.
109. Storm water or discharge from a sump shall be drained from a yard so as to eliminate recurrent standing water or surface ponding, and such drainage shall be controlled, directed or limited so as to prevent the entrance of water into a basement or cellar on the property or adjoining properties' basements or cellars.
110. Condensation from air conditioners shall not be permitted to discharge onto a sidewalk or street.
111. Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
112. The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.
113. Where installed, eavestroughs and downspouts shall be maintained:
  - a. watertight and free from leaks,
  - b. in good working order, and free from any obstructions,
  - c. in a stable condition and shall be securely fastened to the structure, and
  - d. free from unsafe conditions.

**PART XXIII – FENCES, BARRIERS, RETAINING WALLS AND SIGNS**

114. Fences, barriers, retaining walls and signs shall be kept in good repair, and subject to Section 118 below, shall be maintained in compliance with the requirements of this Part.
115. The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain a visual barrier not less than 1.2 metres (4 feet) and not more than 2.0 metres (6 feet 6 inches) in height where such property abuts a residential property and is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the enjoyment and good appearance of the abutting residential property.
116. Despite Section 115, no visual barrier shall be required within 3.0 metres (11 feet 9 inches) in distance from a front lot line or in contravention of the applicable zoning by-law.
117. Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
118. Where a local zoning by-law, site plan or subdivision agreement entered into under the provision of the *Planning Act*, R.S.O. 1990, c.P.13, provides for no fence or a different maximum height for fencing, the height of the fence may be higher than permitted in this section provided it is in compliance with such zoning by-law or agreement.

**PART XXIV – SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES**

119. In addition to the standards, obligations and requirements of this by-law setout above, Sections 121 through 170 shall apply to all residential properties in the municipality.
120. In addition to the standards, obligations and requirements of this by-law setout above, Sections 121 through 173 shall apply to all multi-residential properties in the municipality.

**PART XXV – SECURITY**

121. All operant windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.
122. All exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space. 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.
123. Solid core exterior type doors shall be provided for all entrances to dwellings and dwelling units.

124. 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.
125. Every lock on a building that is designed to be unlocked with a key or key and combination shall be maintained in good working order or shall be repaired or replaced.
126. The owner of a dwelling or multiple dwelling, upon the written request of an occupant of the dwelling units in which children under the age of ten years are occupants, shall subject to Section 127 below, provide and install a protective device on any window that,
  - a. has a moveable sash, and
  - b. is more than 2.0 metres (6 feet 3 inches) above adjacent finished ground level.
127. The protective device shall be installed within seven (7) days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, unless that such person and the occupant giving notice agree that the protective device is not required on every such window that meets the requirements of Section 126 above.
128. The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 millimetres (4 inches).
129. The owner of a building containing ten or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed, framed copy of this Part, conspicuously placed in the building so as to be clearly visible to occupants of the building.

#### **PART XXVI – WATER**

130. Every dwelling shall be provided with an approved supply of potable water from at least one of the following sources:
  - a. Municipal Water System;
  - b. Communal Water System; or
  - c. Private Source
131. For the purpose of this by-law, hot water shall be supplied at a temperature of not less than 43° Celsius (100° Fahrenheit) and not more than 49° Celsius (120° Fahrenheit) other than for installed dishwashers or clothes washers.

**PART XXVII – TOILET, KITCHEN AND BATHROOM FACILITIES**

132. Every dwelling unit shall contain plumbing fixtures in good repair and in operative condition, consisting of a minimum of:
  - a. one kitchen sink;
  - b. one water closet;
  - c. one hand wash basin; and
  - d. one bathtub or shower
133. The floor and the walls to a minimum height of .9 metres (3 feet) above the floor or bathtub of every bathroom, shower room and toilet room shall be so maintained as to be water-resistant and readily cleaned.
134. All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.
135. All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
136. A handwash basin shall be located in the same room as each toilet or in an adjoining bathroom provided that no sink in a kitchen shall be considered a handwash basin for the purpose of this Part.
137. Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, 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. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
138. Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good work order.
139. No toilet or urinal shall be located within a habitable room.

**PART XXVIII – KITCHEN FACILITIES**

140. Every dwelling unit and
  - (i) nursing home as defined in the *Nursing Homes Act* ,
  - (ii) approved charitable home for the aged under the *Charitable Institutions Act* ,
  - (iii) home as defined in the *Homes for the Aged and Rest Homes Act* ,

- (iv) residential facility that is operated as a retirement home and that provides care, in addition to accommodation, to the residents of the home, or
- (v) supportive housing residence funded or administered through the Ministry of Health and Long-Term Care or the Ministry of Community and Social Services.

shall be provided with a kitchen.

141. The kitchen provided for in Section 140 shall:

- a. be equipped with a sink that:
  - (i) is provided with a potable cold and hot water supply; and
  - (ii) is maintained in a state of good repair;
  - (iii) has a back splash which is water & grease resistant
- b. be equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking stove;
- c. when equipped with a refrigerator, cooking stove, kitchen fixtures or fittings, such appliances, fixtures or fittings shall be maintained in good repair and good working order;
- d. have a clear space above any exposed cooking surface of a cooking apparatus of at least .79 metres (24 inches);
- e. have a work surface of at least .74 square metres (8 square feet);
- f. have cupboards, pantry or storage space for the storage of food, dishes, and cooking utensils, having an interior capacity of at least .8 cubic metres (30 cubic feet), of sufficient design that when loaded the cupboards and pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be secured; and
- g. without affecting the above requirements, have space sufficient to accommodate a cooking range or countertop-cooking unit, beside or in the countertop and without placing the device in a doorway or path of egress.

#### **PART XXIX – ELECTRICAL SERVICES**

142. Where electrical services are available, every suite and dwelling unit shall be:

- a. connected to an electrical supply system; and
- b. wired to receive electricity.



143. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

### **PART XXX – NATURAL LIGHT**

144. 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 admit as much natural light equal to not less than ten (10) percent of the floor area for living and dining rooms and five (5) percent of the floor area for bedrooms and other finished rooms.

### **PART XXXI – VENTILATION**

145. In every dwelling unit, all habitable rooms, bathrooms and toilet rooms shall have adequate ventilation, either natural or mechanical as per the Ontario Building Code.
146. Where a system of mechanical ventilation is provided it must be installed in accordance with the Ontario Building Code.
147. All systems of mechanical ventilation shall be maintained in good working order.
148. Every basement, cellar, unheated crawl space and attic shall be vented in accordance with the table following, and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

**TABLE A: Required Venting**

<b>Location</b>	<b>Minimum Unobstructed Vent Area</b>
Attic	0.3% of insulated ceiling area
Basement (unfinished), Unheated crawl space, or Cellar	0.2% of the floor area

149. All windows in a residential unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and screens shall be maintained in good repair.

### **PART XXXII – DISCONNECTED UTILITIES**

150. No owner nor anyone acting on his or her behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, gas, water or cooking facilities for residential purposes occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

151. Section 150 above, does not apply if the tenancy agreement makes the tenant responsible for the supply of fuel for utilities and the supply has been discontinued because of arrears of payment.

### **PART XXXIII - GARAGES**

152. Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

### **PART XXXIV – GARBAGE DISPOSAL**

153. Subject to Section 155 below, every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
154. No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
155. Where it is not practical to maintain garbage chutes operational because compactors are not able to be installed in place of incinerators, the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:
- a. a garbage storage area is provided on each floor of the building,
  - b. the occupants are not required to deliver garbage to the ground floor, basement or parking lot of the building, and
  - c. the owner of the building provide a daily collection procedure from each floor and delivers the garbage to the receptacles as required by Part XIX.

### **PART XXXV – COMPOSTING**

156. A residential property may provide for not more than two compost heaps, provided the piles are located in the rear yard and each is no larger than one metre square (10.76 square feet), no higher than 1.5 metres (5 feet), are each enclosed on all sides by concrete blocks, a lumber structure, a metal frame, or a commercial plastic compost container and does not block a water course or swale.

**PART XXXVI – EGRESS**

157. 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.
158. Each dwelling and every building containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or one 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 vertically mounted casement window having an unobstructed opening of not less than 1,067 mm x 559 mm (42 inches x 22 inches) with a sill height of not more than 914 mm (36 inches) above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is through a room or means of egress that has unrestricted access to the occupants of the dwelling unit.

**PART XXXVII – ELEVATORS**

159. A building containing one or more dwelling units and more than three storeys in height but not more than six storeys in height and which has an elevator or elevators for the use of tenants shall have at least one elevator maintained and operable except for such reasonable time as may be required for repair or replacement.
160. A multiple dwelling which has an elevator or elevators required under the Ontario Building Code for the use of tenants shall have all elevators maintained and operable except for such reasonable time as may be required for repair or replacement.
161. In the event of conflict with the Elevating Devices Act, R.S.O. 1990, c. E.8, the regulations passed under such act, both as amended, or an order issued under that Act, the Act, regulation or order prevails over this by-law to the extent of the conflict.

**PART XXXVIII – OCCUPANCY STANDARDS**

162. No person shall use or permit the use of a non-habitable room for a habitable room purpose.
163. Every living room, dining room, kitchen and bedroom shall have a minimum room height of not less than:
  - a. 1.9 metres (6 feet 5 inches) over the required floor area and in any location that would normally be used as a means of egress, or
  - b. 2 metres (6 feet 8 inches) over at least fifty per cent (50%) of the required floor area.
164. A bedroom or sleeping room for:

- a. one person shall have a floor area of at least 5.6 square metres (60 square feet), and
- b. a bedroom or sleeping room for two or more persons shall have a floor area of at least 3.3 square metres (30 square feet) per person,

In each case above, shall be calculated by the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space and subject to Section 166 below. All bedrooms or sleeping rooms shall have a minimum width of 1.8 metres (6 feet).

- 165. The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every 10 square metres (107 square feet) of habitable floor area.
- 166. 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. floors and walls shall be constructed so as to be dampproofed and impervious to water leakage;
  - c. each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code; and
  - d. access and egress to each habitable room shall conform to the Ontario Building Code.
- 167. For the purpose of computing the floor area of rooms referred to in Section 163 and 164 of this Part, the floor area of any portion of the room which does not have a clear height of 1.4 metres (4 feet 7 inches) shall be excluded.

**PART XXXIX – PEST CONTROL**

- 168. Every dwelling, multiple dwelling and dwelling unit shall be kept free of infestation by pest(s).
- 169. Openings, including windows, that might permit the entry of rodents, insects vermin or other pests shall be appropriately screened or sealed.
- 170. For the purpose of Section 168, an “infestation” includes the presence of one rat or mouse, but excludes a domesticated mouse or rat and in the case of insects means the presence of more than one such insect, and in the case of wasps or hornets includes the presence of any occupied nest interior or if attached to the exterior of the structure.

**PART XL – MULTIPLE DWELLINGS**

171. In multiple dwellings, every stairway, hallway, exit and entrance, common area and parking area and all other parts of the dwelling used by tenants in common shall be adequately lighted at all times.
172. Every owner of a multi-residential building shall ensure that every unenclosed port or unenclosed balcony, and every exterior or interior hallway, stairway and common area are kept free of garbage, debris, furniture or appliance, except furniture which is outdoor grade or made weather and water resistant may be placed for use on balconies or porches.
173. Fire resistant doors shall be installed between dwelling units and common hallways or means of egress and their hardware shall be maintained in a condition, which maintains their fire-resistant quality.

**PART XLI – EXEMPTION**

174. This by-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.
175. This by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

**PART XLII – ADMINISTRATION AND ENFORCEMENT**

176. This by-law shall apply to any and all property within the limits of the municipality.
177. The Chief Building Official appointed pursuant to the Building Code Act, 1992, as amended, is hereby assigned the responsibility of administering and enforcing this by-law.
178. The Council of Southwest Middlesex shall appoint Property Standards Officers responsible for the enforcement of this by-law.
179. Persons appointed or assigned for the purposes of enforcing or administering this by-law are property standards officers, and have the authority to carry out the duties assigned to officers under this by-law and the Building Code Act, and may enforce the provisions of this by-law and the applicable sections of the Building Code Act.
180. A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under Section 15.3(7) of the Building Code Act, 1992, so as to provide for:
  - a. repair of the property; or

- b. clearing of all buildings structures or debris from the site and the leaving of the site in a graded and leveled condition, under the provisions of the Procurement Policy.
181. Where approved by the Chief Building Official, a Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this by-law.
182. The alternate standards shall be in accordance with the general purpose and intent of this by-law.
183. Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this by-law.
184. Upon completion of the work, repairs or demolition by or on behalf of the County, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

#### **PART XLIII – RIGHT TO ENTER AND INSPECT**

185. Where a by-law under Section 15.1 of the *Building Code Act*, 1992 is in effect, an officer acting under this by-law or any person acting under his or her instructions may at any reasonable time, and upon producing proper identification, enter upon any property 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 this by-law has been complied with.
186. Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless:
- a. the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act*, 1992;
  - b. the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person;
  - c. a warrant issued under the *Building Code Act*, 1992 is obtained; or
  - d. the entry is necessary to repair or demolish the property in accordance with an Order issued under this by-law and the Officer, within a reasonable time before entering the room or place, serves the occupier with the Notice of the Officer's intention to enter the room or place.

**PART XLIV – PROPERTY STANDARDS COMMITTEE**

187. A Committee to be known as the Property Standards Committee of Southwest Middlesex is hereby established.
188. The Property Standards Committee for Southwest Middlesex shall consist of three citizens at large to be appointed by Council, with a term to coincide with Council. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith.
189. The members of the Property Standards Committee and their term of appointment, which is subject to Section 190 below, are attached as Schedule “B” to this by-law.
190. Notwithstanding, paragraphs 187, 188 and 189 the current Property Standards Committee as identified in Schedule “B” to this By-law shall remain in place until November 30<sup>th</sup>, 2006 or until their successors are appointed.

**PART XLV – NOTICE OF VIOLATION**

191. If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the Property Standards Officer determines and a copy of the order may be posted on the property.
192. An order under this by-law shall:
  - a. state the municipal address or the legal description of the property;
  - b. give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and leveled condition;
  - c. indicate the time for complying with the terms and conditions of the order and give 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.
  - d. indicate the final date for giving notice of appeal from the order; and
  - e. be served or caused to be served,
    - (i) by personal service; or
    - (ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person’s agent for service.
193. If the Property Standards Officer is unable to effect service under Section 191, he/she shall place a placard containing the terms of the order in a conspicuous place on the

property and the placing of the placard shall be deemed as sufficient service of the order on the owner or other persons.

194. Despite any other provisions of this by-law, if upon inspection of a property, the Property Standards Officer is satisfied there is non-conformity with the standards prescribed herein 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 necessary work to be carried out forthwith to terminate the danger in accordance with Section 15.7 of the Building Code Act.

#### **PART XLVI – APPEAL OF ORDER**

195. An owner or occupant who has been served with an order made under this by-law, 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 fourteen (14) days after being served with the order.
196. An order that is not appealed within the time referred to in Section 195 above is deemed to be confirmed.
197. If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,
- a. confirm, modify or rescind the order to demolish or repair;
  - b. extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law and of the Official Plan or policy statement are maintained.
198. The municipality in which the property is situate or any owner or occupant or person affected by a decision under Section 197 may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of Justice for an appointment within fourteen 14 days after sending of a copy of the decision.
199. A Judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.
200. On the appeal, the Judge has the same powers and functions as the Committee.
201. An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.



**PART XLVII – REGISTRATION OF ORDER**

202. An order that a property does not conform with any standards of this by-law may be registered in the Land Registry or Land Titles 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, which the order was served.
203. Where the Chief Building Official or an Officer determines there is compliance under this by-law with an order issued, the Clerk of the Municipality shall forthwith register in the Land Registry or Land Titles Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

**PART XLVIII – POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH**

204. If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the Municipality, in addition to all other remedies:
- a. may repair or demolish the property;
  - b. may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and leveled condition; or
  - c. may make the site safe or impede entry by erecting fences, barricades or barriers;
  - d. shall not be liable to compensate such owners, occupants or another person having interest in the property by reason of anything done by or on behalf of Southwest Middlesex in a reasonable exercise of its power under the provisions of this Part;
  - e. may cause a prosecution to be brought against any person who is in breach of such an order and upon conviction, such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the Building Code Act, S.O. 1992, c.32.
  - f. shall have a lien on the land for the amount spent on the repairs or demolition; and
  - g. the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
205. For the purposes of Section 204, Property Standards Officers and agents employed by the Municipality may from time to time enter in and upon the property.

**PART XLIX – CERTIFICATE OF COMPLIANCE**

206. Every property owner may make an application to the Municipality for a certificate of compliance by completing and signing an application on the form available at the offices of the Chief Building Official and paying the applicable fee.
207. Where a property standards order has been registered, an owner or occupant may apply for an inspection of the property in respect of the order and shall pay a fee identified in Schedule “A” at the time of application, which fee includes the registration or a discharge where compliance with the order is found.

**PART L – PROHIBITION**

208. No owner or occupant of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this by-law.
209. No person, being the owner, tenant or occupant of a property, shall fail to maintain the property in conformity with the standards required in this by-law.
210. The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded leveled condition.

**PART LI – RESPONSIBILITIES AND COMPLIANCE ORDERS**

211. The owner or occupant of a property shall:
  - a. Comply with all standards prescribed in this by-law;
  - b. Comply with any final and binding order of the Property Standards Officer;
  - c. Produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the property or part thereof, allow entry by the inspector or such persons as need to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the *Building Code Act*.
  - d. Ensure, that in complying under this by-law, and in carrying out work required under an order or other obligation under the by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids

conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons and giving adequate warning where such risks cannot be so avoided so as to allow such person to avoid the danger or risks.

212. A person affected by a property standards order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an officer, and shall be liable to pay any applicable fees, charges or expenses.
213. Where the proof submitted in Section 212 is insufficient for the officer to determine the compliance of the property with the order or part of the order, the person shall, subject to the Ontario Building Code, permit or arrange for a reasonable and timely inspection by the officer to determine compliance or that the proof submitted confirms compliance.

### **PART LII – PENALTIES**

214. Subject to Sections 215 and 216 below, every person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a penalty in accordance with *Provincial Offences Act*.
215. Every person who fails to comply with an order issued under this by-law which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.
216. If a corporation is convicted of the offence of failing to comply with an order issued under this by-law, the maximum penalty that may be imposed on the corporation is \$100,000 for a first offence and \$200,000 for any subsequent offence.

### **PART LIII - VALIDITY**

217. Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.
218. Where a provision of this by-law conflicts with the provision of another by-law, Act, or Regulation in force within the municipality, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

### **PART LIV – TRANSITIONAL RULES**

219. After the date of the passing this by-law, Town of Dunnville By-law 07-2000, Town of Haldimand By-law 1534/99 and City of Nanticoke By-law No. 60-99, as amended, shall

apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

220. In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a property standards by-law of any former area municipality, including the predecessor to by-laws mentioned in section 221 below, the process may be continued and carried out under this by-law.

#### **PART LV – REPEAL**

221. The following by-laws, as amended, are hereby repealed:

- a. By-law No. 2001/057
- b. By-law No. 2002/039
- c. By-law No. 2003/020

#### **PART LVI – ENACTMENT**

222. This By-law comes into force and effect on the date of its passing.

READ a first and second time this 10<sup>th</sup> day of July, 2019.

READ a third time and finally passed this 10<sup>th</sup> day of July, 2019.

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MAYOR

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CLERK

**SOUTHWEST MIDDLESEX**

**SCHEDULE "A"**

**BY-LAW NO. 2019/078**

**FEEES**

**1. FEES FOR CERTIFICATES OF COMPLIANCE**

An applicant shall pay the applicable fees for a Certificate of Compliance at the time the application is made as follows:

- |    |  |          |   |
|----|--|----------|---|
| a. | For a single family dwelling                                     | \$250.00 |   |
| b. | For a two family, a three family dwelling or a multiple dwelling | \$250.00 | Plus an amount calculated at the rate of \$50.00 for each additional dwelling unit in excess of the first dwelling unit   |
| c. | For a lodging house or nursing home                              | \$250.00 | Plus an amount calculated at the rate of \$25.00 for each permitted resident  |
| d. | For all other buildings  | \$250.00 | Plus an amount calculated at the rate of \$10.00 per 1,000 square feet of gross floor area for the gross floor area in the excess of the first 1,000 square feet. |

**SOUTHWEST MIDDLESEX**

**SCHEDULE "B"**

**BY-LAW NO. 2019/078**

**PROPERTY STANDARDS COMMITTEE**

**MEMBERSHIP & TERM OF OFFICE**

All of Southwest Municipal Council