

Consolidated Version as of February 27, 2018 – Amended by By-law No: 2018-042

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2017-007

A by-law to prescribe standards for the maintenance and occupancy of property within the Town of Oakville

WHEREAS under s. 15.1(3) of the Building Code Act, 1992, S.O. 1992, c. 23 a by-law may be passed by the Council of a municipality prescribing standards for the maintenance and occupancy of property within a municipality; prohibiting the occupancy or use of such property that does not conform with the standards to be repaired and maintained to conform with the standards, providing that the official plan for the municipality includes provisions relating to the property conditions;

WHEREAS the Official Plan of The Corporation of the Town of Oakville includes provisions relating to Property conditions;

WHEREAS under subsections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of a Part IV property or a Part V property, and require a Part IV or a Part V property that does not comply with the standards to be repaired and maintained to conform with the standards; **(By-law 2018-042)**

WHEREAS the Council of The Corporation of the Town of Oakville deems it desirable to enact a by-law for prescribing minimum standards for the maintenance and occupancy of property within the Town of Oakville;

WHEREAS the Council of The Corporation of the Town of Oakville deems it desirable to enact a by-law for prescribing minimum standards for the maintenance and occupancy of property, and minimum standards for the maintenance of the heritage attributes of any protected heritage property within the Town of Oakville; **(By-law 2018-042)**

WHEREAS the Ontario Heritage Act provides that no owner of a designated heritage property shall alter or permit the alteration of a designated heritage property that is likely to affect the property's heritage attributes unless the owner applies to Council of a local municipality and receives Council's consent in writing to the alteration; **(By-law 2018-042)**

WHEREAS under Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25 local municipalities may pass by-laws respecting matters within the sphere of jurisdiction for culture, parks, recreation and heritage; **(By-law 2018-042)**

WHEREAS the Council of The Corporation of the Town of Oakville seeks to conserve cultural heritage resources on protected heritage properties by prescribing minimum standards for the maintenance of the cultural heritage value or interest of such properties; and **(By-law 2018-042)**

WHEREAS the Council for the Corporation of the Town of Oakville, consistent with provincial policy, deems it desirable to ensure that, in the event of conflict between any provision of this by-law and a provision in any other by-law passed by Council, the provision that ensures that cultural heritage resources are conserved shall prevail, subject to the fundamental cultural paramountcy of matters that protect the health, safety and well- being of persons; **(By-law 2018-042)**

COUNCIL ENACTS AS FOLLOWS:

PART 1

Definitions

“Act” means the Building Code Act, 1992, S.O. 1992, c. 223, as amended;

“Accessory building” means a subordinate building or structure, on the same lot as the main building or a part of the main building devoted exclusively to a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the property;

“Adverse effect” means one or more of,

- a) impairment of the quality of the natural environment for any use that can be made of it,
- b) injury or damage to property or to plant or animal life,
- c) harm or material discomfort to any person,
- d) an adverse effect on the health of any person,
- e) impairment of the safety of any person,
- f) rendering any property or plant or animal life unfit for human use,
- g) loss of enjoyment of normal use of property, and
- h) interference with the normal conduct of business;

“Air” means open air not enclosed in a building, structure, machine, chimney, stack or flue; (“air”)

“Alter” means, in respect of a protected heritage property, to change in any manner and includes to restore, renovate, repair, or disturb and “alteration” has a corresponding meaning; **(By-law 2018-042)**

“Appear” means to attend in-person or participate remotely by telephone or by videoconference at the time, place, telephone number or videoconference link

scheduled for review or by email for a review by a Screening Officer. The format will be determined by the Director in consultation with the Legal Department and “Appearing” has a similar meaning;

“**Basement**” means that portion of a building below the first storey;

“**Building**” means as defined in the Act; **(By-law 2018-042)**

“**Building Code**” means the Ontario Regulation 350/06, as amended, or other regulations made under section 34 of the Act;

“**Built heritage resource**” means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated or otherwise protected under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers; **(By-law 2018-042)**

“**Business Day**” means a day from Monday to Friday, other than a holiday as defined in section 87 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F, as amended from time to time;

“**Certificate of Compliance**” means a certificate issued by an Officer if he/she is of the opinion that the property, for which the certificate has been requested, is in compliance with the standards established by this by-law;

“**Chief Building Official**” means the chief building official for the Town of Oakville appointed or constituted under section 3 or 4 of the Act or his or her designate;

“**Conserved**” (or “**conserve**”) means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments; **(By-law 2018-042)**

“**Construction Fence**” means a temporary fence erected on or around a Property or a portion of a Property to protect a site where construction or demolition is occurring or is contemplated to occur, “**Hoarding**” shall have the same meaning;

“**Contaminant**” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect; (“contaminant”)

“Council” means the Council of the Town;

“Cultural heritage landscape” means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and railways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site); **(By-law 2018-042)**

“Cultural heritage landscape conservation plan” or **“CHL conservation plan”** means, for a cultural heritage landscape contained or included in a protected heritage property, a conservation plan approved by the Town pursuant to Town By-law 2018-019; **(By-law 2018-042)**

“Cultural heritage resources” means built heritage resources, cultural heritage landscapes, and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation; **(By-law 2018-042)**

“Cultural heritage value or interest” means:

- (a) In the case of a protected heritage property created on or after April 28, 2005, the cultural heritage value or interest stated in applicable notices, by-laws, designations or orders under the Ontario Heritage Act; or
- (b) In the case of a protected heritage property created before April 28, 2005, the cultural heritage value or interest that is set out in, or can be reasonably inferred from, applicable notices, by-laws, supporting documentation for a by-law, designations or orders under the Ontario Heritage Act; **(By-law 2018-042)**

“Demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning;

“Director” means the Director of Municipal Enforcement Services, or designate;

“Dwelling” means a building or structure or any part of which is, or is intended to be, used for the purpose of human habitation and includes a building that is or would be intended to be used for such purposes except for its state of disrepair;

“Dwelling Unit or Rental Dwelling Unit” means a room, or suite of rooms, operated as a single housekeeping unit in a building, used or intended to be used as a domicile by one or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities and approved as a permitted use by the Town’s zoning by-law, as amended;

“Feature” means, in relation to a cultural heritage landscape, a built heritage resource, a circulation system, a spatial organization, a visible sign of past or continuing land use or pattern of land use, an archaeological site, a space, a natural element, a visual relationship, a view or a vista that has cultural heritage value or interest or contributes to the cultural heritage value or interest or heritage attributes of the landscape; **(By-law 2018-042)**

“Fence” means a fence as defined in the Fence By-law;

“Fence By-law” means the Town of Oakville Fence By-law as amended or replaced from time to time;

“Floor area” means the aggregate area of a building contained within the exterior walls, but does not include attic or basement space;

“Grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“Ground cover” means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping;

“Guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another;

“Hearing Officer” means a Hearing Officer appointed pursuant to Screening and Hearing Officer By-law 2015-091, as amended, or successor by-laws;

“Heritage attributes” means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property), as identified:

- (a) In the case of a protected heritage property created on or after November 26, 2002, are described in applicable notices, by-laws, designations or orders under the Ontario Heritage Act; or
- (b) In the case of a protected heritage property created before November 26, 2002, are described in, or can be reasonably inferred from, applicable notices, by-laws, supporting documentation for a by-law, designations or orders under the Ontario Heritage Act; **(By-law 2018-042)**

~~“Heritage property”~~ deleted by By-law 2018-042

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990 c. H.8, as amended;

“Landlord” includes:

- a) The owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit; and,
- b) The heirs, assigns, personal representatives and successors in title of a person referred to in clause (a)

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Natural element” means soil, rock, water and vegetation, and includes a landform, hill, mound, berm, watercourse, water body, ditch, spring, wetland or forest, whether designed or otherwise; **(By-law No. 2018-042)**

“Non-residential property” means property not occupied, in whole or in part, for the purpose of human habitation;

“Notice of Penalty and Due Date” means a letter sent by the Town to the person to whom the penalty notice was issued that includes the penalty notice number, the amount of the outstanding administrative penalty, any administrative fees and the due date for payment;

“Notice of Final Due Date” means a letter sent by the Town to the person to whom the penalty notice was issued that sets out the final date for payment of an administrative penalty and any administrative fees prior to these costs being recovered as set out in subsection 20.18.2 of this By-law;

“Occupant” means any person or persons over the age of eighteen (18) years occupying a property;

“Officer” means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, property standards officers and provincial offences officers;

“Ontario Heritage Act” means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;

“Owner” includes:

- a) The registered owner of the property;
- b) The person for the time being managing or receiving the rent of the property, whether on the person’s own account or as agent or trustee of any person, or who would receive the rent if the property were let; and,
- c) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property as set out in this by-law;

“Part IV Heritage Property” means property designated under section 29 or 34.5 of the Ontario Heritage Act;

“Part V Heritage Property” means property designated under section 41 of the Ontario Heritage Act;

“Penalty Notice” means a notice issued pursuant to Section 20.2 of this By-law;

“Person” means an individual, corporation, unincorporated association or partnership;

“Pests” means rodents, vermin or insects;

“Planning Act” means the Planning Act, R.S.O. 1990 c. P.13, as amended; **(By-law 2018-042)**

“Property” means real property or, in relation to property standards authorized under the Act, a building or structure, or part building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon; whether heretofore or hereafter erected, and includes vacant property; **(By-law 2018-042)**

“Protected heritage property” means real property in the Town, including all buildings, structures and other features thereon, that:

- (a) has been designed under Part IV of the Ontario Heritage Act;
- (b) has been designed under Part V of the Ontario Heritage Act; or

(c) is subject to a notice of intention to designate under section 29 of Part IV of the Ontario Heritage Act for having cultural heritage value or interest; **(By-law 2018-042)**

“Rates and Fees Schedule” means the Town’s then current Rates and Fees Schedule approved by Council as part of the annual budget approval process;

“Recyclable material” includes, but is not limited to, the following material:

- a) Glass, including bottles and jars, but not broken glass, light bulbs, mirrors, plate glass or ceramics;
- b) Tin and aluminum cans;
- c) Plastic soft drink bottles;
- d) Newspapers; and,
- e) Corrugated cardboard;

“Refuse” means any article or thing that:

- a) Has been cast aside, discarded or abandoned, whether of any value or not;
- b) Has been used up, in whole or in part, whether of any value or not;
- c) Has been expended or worn out, in whole or in part, whether of any value or not;

“Region” means the Regional Municipality of Halton;

“Rental Unit” means a dwelling unit used, or intended to be used, as a residential rental property;

“Repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this by-law;

“Residential rental property” includes a rental unit and the yards;

“Screening Decision” means a decision or disposition made by a Screening Officer;

“Screening Officer” means a Screening Officer appointed pursuant to Screening and Hearing Officer By-law 2015-091, as amended, or successor by-laws;

“Sewage system” means the Region’s sanitary sewer system or a private sewage disposal system Approved by the Town or the Ministry of the Environment;

“Sign” means any surface, structure and other component parts, which is used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device;

“State of good repair” means,

- (a) In conformity with the Act and the Building Code; the Municipal Act, 2001, and any applicable Ontario Heritage Act designation, order, or by-law;
- (b) Structurally sound;
- (c) Not broken, rusted, rotten or in a hazardous condition;
- (d) Not unsightly to the extent that it would be deleterious to abutting property owners or the neighbourhood;
- (e) In proper working order;
- (f) Adequately protected by weather-resistant material, if applicable; **(By-law 2018-042)**

“Structure” means a building or other manufactured thing erected on land by humans that is distinct in visual form and materials from the land itself and natural elements and includes any structure designated under the Building Code, as amended, a building permit for which has been issued under the authority of the Building Code Act; **(By-law 2018-042)**

“Tenant” means a person who pays rent or is required to pay rent in return for a right to occupy a rental unit;

“Town” means the Corporation of the Town of Oakville;

“Undesirable material” includes:

- a) Refuse, rubbish, garbage, brush, waste, litter, debris;
- b) Injurious insects, termites, rodents, vermin and other pests;
- c) Growth of grass in excess of 20.33 cm (8”)
- d) Giant hogweed (*Heracleum mantegazzianum*);
- e) Ragweed (*Ambrosia spp.*);
- f) Poison ivy (*Rhus radicans L.*);
- g) Ground cover, hedges and bushes which overhang the sidewalk, impede pedestrian or vehicular traffic or cause a site obstruction;
- h) Dead, decayed or damaged trees or other natural growth and the branches and limbs thereof;
- i) Wrecked, dismantled, inoperative, discarded, unused or unlicensed motor vehicles or trailers, except in an establishment licensed and zoned to conduct or operate a wrecking business;
- j) Stagnant water which provides a breeding place for mosquitoes or other health hazards;
- k) Machinery or parts thereof, or other objects or parts thereof, or accumulation no material;
- l) All furniture used for exterior use that becomes dilapidated; or
- m) All furniture designed for interior use;

“Yard” means any open, uncovered, unoccupied space appurtenant to a building;

“Zoning By-law” means a by-law passed by Council under the provisions of s. 34 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended.

PART 2

2.1 APPLICATION AND INTERPRETATION

2.1.1 This by-law applies to all Property in the Town.

2.1.2 For the purpose of this by-law, unless otherwise stated to the contrary, the provisions prescribed shall be held to be the minimum standards for the promotion of the public health, safety, comfort, convenience and general welfare and are not intended to derogate from the standards found in any other applicable by-laws or legislation.

2.1.3 Subject to 2.1.4, the Owner of Property which does not conform to the standards prescribed in this by-law shall Repair and maintain the Property to conform to the standards or the Property shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

2.1.4 Notwithstanding 2.1.3, above, in the case of a protected heritage property, where the property does not conform to the standards prescribed in this by-law, this by-law does not authorize the alteration, including clearing, of property that is likely to affect the heritage attributes of the property unless such alteration is required pursuant to 18.1.1 of this by-law or is in conformity with the requirements of, as applicable, Part IV or Part V, the Ontario Heritage Act. **(By-law 2018-042)**

PART 3 PROHIBITIONS

3.1 PROHIBITIONS

3.1.1 No person shall use or occupy, or permit the use or occupancy, or acquiesce in the use or occupation of any Property that does not conform to the standards prescribed in this by-law.

3.1.2 No Owner shall fail to maintain their property in conformity with the standards prescribed in this by-law.

3.1.3 No Owner shall fail to comply with an Order issued under this by-law.

PART 4 GENERAL

4.1 GENERAL

4.2 Air Quality

4.2.1 All buildings, or portions thereof, shall be kept free from accumulations of airborne contaminants that may cause an Adverse affect to any person.

4.2.2 No person shall occupy, or permit the occupancy of a building or portion thereof, where a high concentration of airborne contaminants exist which may cause an Adverse affect to any person who occupies the building, or portion thereof.

4.2.3 Notwithstanding any other section of this by-law, section 4.2.1 and 4.2.2 shall not apply if, in the opinion of an Officer, the presence of airborne contaminants is minor in nature and relates to general maintenance and/or lifestyle.

4.3 Mold

4.3.1 Any extensive accumulation of mold shall be immediately cleaned and removed by the owner of a building.

4.3.2 No person shall occupy, or permit the occupancy of a building, or portion thereof, where an extensive accumulation of mold exists which could pose a health concern to any person who occupies the building, or portion thereof.

4.3.3 Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which relate to the creation and growth of mold, shall be repaired or removed by the owner of the building.

4.3.3.1 Notwithstanding any other provision of this by-law, section 4.2.1 and 4.2.2 shall not apply if, in the opinion of an Officer, the presence of mold is minor in nature and relates to general maintenance and/or lifestyle.

PART 5 ENVIRONMENT

5.1 DRIVEWAYS, RAMPS, ETC.

5.1.1 Driveways, ramps, parking areas, paths, outside stairs and landings shall:

- a) Provide a uniform surface for pedestrian or vehicular use;
- b) Be surface treated with asphalt, concrete, interlocking brick, similar hardscaped surface, or other material sufficient to provide stability, prevent erosion, be usable in all seasons, and allow infiltration of surface water; and,
- c) Be provided markings or islands to indicate parking spaces, ingress and egress and snow piling areas.

5.2 LIGHTING

- 5.2.1 Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.
- 5.2.2 All exterior lights shall not cause light to trespass on to adjacent properties that would likely disturb the inhabitants or shine directly into a dwelling unit.
- 5.2.3 Sensor activated lighting shall not be triggered by activity off the property.
- 5.2.4 Lighting as required by the Building Code shall provide and be maintained to allow for an adequate level of lighting so that the use normally carried out in such areas can be undertaken safely.

5.3 ACCESSORY BUILDINGS

- 5.3.1 Accessory buildings, other than farm out-buildings, shall be
- a) Protected by paint, preservative or other weather-resistant material;
 - b) Structurally sound and plumb, unless specifically designed to be other than vertical;
 - c) Maintained in a state of good repair and free of accident hazards; and,
 - d) So as not to present an unsightly appearance.

5.4 FENCES

- 5.4.1 All fences shall be:
- a) Reasonably uniform in height and appearance;
 - b) Maintained in a state of good repair;
 - c) Protected from deterioration by the application of paint or other suitable protective material of uniform colour and construction using a material that is inherently resistant to such deterioration and compatible with surrounding finishes; and,
 - d) Constructed using suitable materials and designed and erected in a workmanlike manner and maintained so as to not appear unsightly.
 - e) Free of any condition rendering the fence unsightly or dangerous

5.5 CONSTRUCTION FENCES

- 5.5.1 Unless granted an exemption under 5.5.5, a person issued a building or demolition permit under the *Building Code*, for any work except internal work contained within a building in the Town, shall erect and maintain a construction fence to enclose the construction or demolition site, including any areas where equipment is operated or equipment or material is stored.

5.5.2 All construction fencing used on a property shall be maintained in a structurally secure manner and neatly painted or otherwise treated.

5.5.3 Construction fence shall be kept free from posters, signs, notice and advertising material, words, pictures or drawings, except as permitted under the Town Sign By-law, as amended from time to time or replaced from time to time.

5.5.4 Construction fence shall be kept free from graffiti or other defacements.

5.5.5 The Chief Building Official is authorized to grant an exemption from the requirements in 5.6.1 to erect a fence if the Chief Building Official is satisfied that conditions at a site would not present a particular hazard to the public after having regard to:

- a) The proximity of the site to occupied dwellings;
- b) The proximity of the site to places frequented by the public, including streets, parks, businesses and workplaces;
- c) The effectiveness of any existing fencing adjacent to the site;
- d) Any proposed security measures to deter entry to the site;
- e) The hazard presented by the activity occurring and materials used on the site;
- f) The expected duration of the hazard; and,
- g) Any other safety considerations.

5.5.6 Where work on a construction or demolition site is substantially suspended or abandoned, the Chief Building Official may revoke an exemption granted under 5.5.5 by serving written notice of the revocation on the permit holder.

5.5.7 General requirements of every fence required by 5.5 shall:

- a) Be erected at the perimeter of the site to fully enclose the site;
- b) Be constructed so that the side and rear yard portions of the construction fence are built of wood, plastic mesh or other material that can be shown to provide performance and safety equivalent to these fence types and provide a visual barrier between the construction site and neighboring properties;
- c) Be built to deter entry by unauthorized persons or vehicles;
- d) Have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
- e) Contain no opening more than 100 millimeters (3.9 in.) wide except where required for access to and from the site;
- f) At any access opening, be equipped with gates that shall:
 - I. Contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the site;
 - II. Open inward towards the construction site;
 - III. Be built to specifications that provide performance and safety at least equivalent to the fence; and,
 - IV. Deter entry by unauthorized persons;

- g) Be maintained:
 - I. In good repair with no gaps larger than 100 millimeters (3.9 in.) below the fencing and be free of graffiti and posters;
 - II. Free from health, fire and accident hazards; and,
 - III. So that any access opening is closed and locked or securely reinstalled when the site is unattended.
- h) Be removed at the request of an officer or no later than 30 days after completion of the construction or demolition work.

5.5.8 Height of a fence required by 5.5 shall:

- a) Have a height of not less than 1.8 metres (5.9 ft.) above the grade outside the enclosed area.

5.5.9 A construction fence shall be built to the following minimum standards:

- a) If built of wood, the outside face shall be smooth exterior grade plywood or wafer board 12.5 millimeters (.5 in.) thick that is closed-boarded, securely nailed or screwed to 89 millimeter (3.5 in.) vertical posts spaced at 2.4 metre (7.9 ft.) centres and embedded sufficiently deep into the ground to provide a rigid support, and securely nailed or screwed to 39 millimeter (1.5 in.) by 89 millimeter (3.5 in.) horizontal rails secured to the vertical posts at the top, bottom and intermediate locations at 600 millimeter (2 ft.) centres;
- b) If built with plastic mesh, the fencing shall be fastened securely at 200 millimeter (7.9 in.) centres to steel T or 50 millimeter (2 in.) wide U posts, spaced at not more than 1.2 metre (4 ft.) centres and embedded at least 600 millimeters (2 ft.) into the ground and to top and bottom horizontal steel rails or 9-gauge steel wire;
- c) If built of chain link, the mesh shall have openings no larger than 50 millimeters (2 in.) and shall be fastened securely both to vertical steel posts, spaced at not more than 2.4 metre (7.9 ft.) centres and embedded at least 600 millimeters (2 ft.) into the ground, and on top and bottom horizontal steel rails or 9-gauge steel wire;
- d) Any hoarding, canopy or similar protective barrier required under provincial law may form part of the fence; and,
- e) The construction fence may be a combination of the fence types specified in 5.5 or may be built of other materials if the fence can be shown to provide performance and safety equivalent to fence types specified.

5.6 RETAINING WALLS

5.6.1 Retaining walls shall be maintained in a state of good repair

5.6.2 Where a retaining wall is in excess of 0.6m (2 feet) in height and forms part of, or is adjacent to, a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

5.7 SIGN INSTALLATION AND MAINTENANCE STANDARDS

5.7.1 A sign shall be:

- a) Maintained in a state of good repair and without any visible deterioration; and,
- b) Installed and maintained in a reasonably vertical plane, unless otherwise approved by the town.

5.7.2 Any unused, not cared for or discarded signs shall be removed from the property or shall be stored within a building.

5.8 SWIMMING POOLS

5.8.1 All wading pools, ponds and any appurtenances thereto, including fences and gates, shall be maintained in a state of good repair.

5.8.2 All swimming pools shall be kept clean and maintained in a good repair and free from leaks, mechanical or structural disrepair, or any other defect so as to prevent visual blight, the entrance of elements, and/or the infestation of pests or insects, accumulations of stagnant water, or any safety or health hazard.

5.8.3 Section 5.9.1 does not apply to storm water management ponds.

5.9 MISCELLANEOUS

5.9.1 Storm water run-off shall be drained from the grounds of a property, and any area below exterior grade, so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.

5.9.2 Unprotected wells, holes or cavities over one metre in depth shall be filled or safely covered.

5.9.3 Sump pump discharge lines shall be designed, provided and maintained to prevent discharge water run-off from ponding on the town's road allowance.

PART 6 BUILDINGS

6.1 STRUCTURAL SYSTEM

6.1.1 A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds.

6.2 DOUBT AS TO STRUCTURAL CONDITION

- 6.2.1 If, in the opinion of an Officer, there is doubt as to the structural condition of a building or structure or parts thereof, an Officer may issue an Order that such a building or structure, or parts thereof, be examined by a professional engineer licensed to practice in Ontario, at the owner's sole expense, and that a written report, which may include drawings for any recommended remedial work, be provided to an Officer.

6.3 ENGINEERS REPORT ACCEPTANCE

- 6.3.1 An Officer may accept the findings contained in the engineer's report pursuant to subsection 6.2.1, provided that the Officer is satisfied that all deficiencies have been identified and appropriately dealt with by the report.
- 6.3.2 Upon completion of all of the work required by the engineers report, a further report prepared by the professional engineer shall be submitted to the Officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.
- 6.3.3 No structural element may be added, removed, repaired or modified in any manner until a required permit has been obtained from the Chief Building Official.

6.4 FOUNDATIONS, WALLS, ETC.

- 6.4.1 The foundations, walls, columns, beams, floor and roof slabs of a building, including ancillary structures such as parking garages, shall be maintained in a state of good repair.
- 6.4.2 A foundation wall, basement, cellar or crawl space floor, slab on grade, exterior wall and roof shall be structurally sound, weather tight and damp-proofed and shall be maintained so as to protect against deterioration caused by the elements, fungus, mold, dry rot, rodents, vermin or insects.
- 6.4.3 The foundations, walls, columns, beams, floors, roof slabs and balconies of all buildings, including parking garages and accessory buildings, shall be maintained:
- a) In a state of good repair;
 - b) Free from decayed, damaged or weakened sills, beams, piers, posts or other supports;
 - c) In a manner so as to prevent the entry of moisture into the building; and,
 - d) In a manner so as to prevent settlement of the building.
- 6.4.4 The exterior walls of all buildings shall be maintained in a state of good repair and in a manner to prevent deterioration caused by the elements or pests and free from:

- a) Cracked or broken masonry;
- b) Defective or deteriorated wood or metal siding or trim;
- c) Cracked, broken or loose stucco; or,
- d) Loose or unsecured objects.

6.4.5 Where the masonry units formed an exterior wall, or part of an exterior wall, of any building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or is finished with other materials approved by an Officer.

6.4.6 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in a state of good repair and the covering renewed when it becomes damaged or deteriorated.

6.4.7 Metal eaves troughs, roof gutters, rainwater pipes, downspouts, flashings and all exterior metal ducts shall be maintained in good repair, kept free from rust by application of a suitable protective material such as paint, and shall be renewed or replaced when such application deteriorates or becomes ineffective.

6.4.8 The cladding on the exterior walls of all buildings shall consist of masonry, stucco, plywood, metal or other materials of equivalent strength, durability and fire endurance approved by an Officer.

6.4.9 Balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be:

- a) Maintained in a state of good repair;
- b) Free from refuse, undesirable material and recyclable material;
- c) Properly and safely anchored;
- d) Protected against deterioration and decay; and,
- e) Free from broken or missing glass.

6.4.10 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be maintained in a state of good repair and weather tight.

6.4.11 An owner shall repair or replace defective, damaged or missing hardware or locking devices on a building.

6.4.12 Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects unless it can be shown, to the satisfaction of the Officer, that the

implementation of this section would adversely affect the normal operations in a non-residential property.

- 6.4.13 Dilapidated, collapsed or unfinished structures and all accumulations of refuse, undesirable material, recycling material, wood or other objects on a property that create an unsafe or unsightly condition shall be removed by an owner.

6.5 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

- 6.5.1 Air conditions shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways or onto a neighbouring property or road allowance.
- 6.5.2 Cooling water from water-cooled equipment shall be discharged directly to a property drainage system which complies with all applicable governmental regulations.

6.6 ROOF STRUCTURES

- 6.6.1 All roofs including, but not limited to, chimneys, stacks, masts, lightning arrestors, or antennae shall be maintained in a state of good repair.
- 6.6.2 No roof drainage shall be discharged on an entranceway, walkway or stair or discharged directly onto a neighbouring property, or onto any road allowance or in such a manner that it will penetrate or damage a building or structure.

6.7 STAIRS, HANDRAILS AND GUARDS

- 6.7.1 All stairs, porches, decks, landings, treads, risers or other similar structures shall have guards or handrails which shall be maintained in a state of good repair and shall be capable of supporting all loads to which they might reasonably be subjected.
- 6.7.2 All guards and handrails shall be installed and maintained in accordance with the *Building Code* so as to afford reasonable protection against accident or injury to any person in or on a property.

6.8 FLOORS

- 6.8.1 Floors and floor coverings in all buildings shall be maintained in a state of good repair, and free from all warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects.

6.8.2 The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

6.9 FIRE PROTECTION

6.9.1 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner so as to afford the fire protective properties required by all relevant governmental regulations.

6.10 HEATING, VENTILATION AND MECHANICAL

6.10.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stakes, flues, ducts and similar equipment shall be constructed, installed and maintained in a state of good repair and shall comply with all applicable governmental regulations.

6.10.2 Where a heating system, heating equipment or an auxiliary heating unit burns solid or liquid fuel, a receptacle for such fuel shall be provided and maintained in a state of good repair and in a location so as to be free from fire or accident hazards.

6.10.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in a state of good repair and in accordance with the requirements of all applicable governmental regulations.

6.10.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.

6.10.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall:

- a) Installed and maintained so as to prevent the escape of smoke or gasses into the building;
- b) Clear of obstructions;
- c) Free from open joints;
- d) Free from broken and loose masonry;
- e) Maintained in a state of good repair; and,
- f) Plumb.

6.10.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in a state of good repair, properly secured and free from fire, health and accident hazards.

6.10.7 Mechanical ventilating equipment and the supports for such equipment shall be maintained in a state of good repair and in safe mechanical condition.

6.11 SEWAGE DISCHARGE

6.11.1 Sewage shall be discharged into a sewage system.

6.12 PARKING GARAGES

6.12.1 Parking garages shall be maintained so as to prevent the accumulations of toxic fumes or the escape of toxic fumes into a building dwelling units.

PART 7 SUPPLEMENTARY STANDARDS FOR VACANT PROPERTY

7.1 GENERAL

7.1.1 The following additional standards shall apply to vacant property:

- a) The owner shall protect the property against the risk of fire, accident or other danger;
- b) The owner shall effectively prevent the entrance of any unauthorized persons.
- c) All materials used for boarding up vacant property shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building; and,
- d) Where a 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 secured to prevent accidental or malicious damage to the building or adjacent property, unless the aforementioned utilities are necessary for the safety or security of the building.

7.2 SUPPLEMENTARY STANDARDS FOR UNFINISHED BUILDINGS OR STRUCTURES

7.2.1 All buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and, where applicable, in accordance with all relevant legislation and by-laws.

PART 8 SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

8.1 GENERAL

8.1.1 The following additional standards shall apply to non-residential property:

- a) Every owner or occupant of a non-residential property shall maintain the property:
 - i. In a sanitary and safe condition free from litter, refuse and debris and shall provide containers for the disposal of such litter or refuse;
 - ii. Free from objects or conditions which are health, fire or accident hazards; and,
 - iii. Free from rodents, vermin and injurious insects.

8.1.2 In a multi-tenant building, no owner or occupant or anyone acting on behalf of an owner or occupant, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities to 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.

8.1.3 A person liable for rates for gas, water, steam, electric power, fuel oil or other service utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel, oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance.

8.2 MEANS OF EGRESS

8.2.1 All means of egress for non-residential property shall be maintained free from all obstructions or impediments and provided with clean, clear, unobstructed and readily visible exit signs for every exit.

8.3 INTERIOR WALLS, CEILINGS AND FLOORS

8.3.1 Interior walls, floors and ceilings of a non-residential property shall be maintained:

- a) Free from health, fire and accident hazards;
- b) In a state of good repair and free from holes, large cracks, broken plaster and loose or broken masonry;
- c) In a clean and sanitary condition which is reasonable considering the use or operation; and,
- d) Free from cracked and broken glass in door panels, glass screens and windows.

8.3.2 Cracked broken glass in door panels, glass screens and windows as outlined in section 8.3.1(d) shall be replaced with glass or other material approved by an Officer.

8.3.3 Plaster repairs made to the walls and ceilings of non-residential properties shall be completed in a workmanlike manner and each repair shall be finished to match the existing wall or ceiling.

- 8.3.4 Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.
- 8.3.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in a state of good repair to ensure the proper operation and integrity of the door.
- 8.3.6 Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.
- 8.3.7 All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the sewage system shall:
- a) Be maintained in a state of good repair; and,
 - b) Be free from leaks and defects.
- 8.3.8 All water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

PART 9

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1 GENERAL

- 9.1.1 The following additional standards shall apply to any residential rental property:
- a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:
 - I. Safe
 - II. Clean
 - III. In a state of good repair
 - IV. Fit for habitation; and,
 - V. Free from accumulations of snow and ice
 - b) The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of tenants.
- 9.1.2 All repairs and maintenance of property required by the standards prescribed in this part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.
- 9.1.3 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.

9.2 LIGHT AND VENTILATION

9.2.1 An opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function and the landlord shall:

- a) Ensure that the doors, windows and skylights are weather tight;
- b) Refit, replace, renew, caulk and weather-strip any damaged, decaying defective or missing doors, windows, frames, sashes, casings, hatchways or screens;
- c) Fit the door, window or skylight with locking devices;
- d) Replace any broken or missing glass; and,
- e) Replace any defective missing hardware.

9.2.2 Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be:

- a) Maintained in a state of good repair by the landlord and weather tight;
- b) Free from rotted or defective members;
- c) Free from defective or missing hardware;
- d) Free from torn, damaged or, where supplied, missing screens;
- e) Free from defective or missing weather-stripping or caulking;
- f) Free from defective storm or screen doors; and,
- g) Free from broken or missing glass.

9.2.3 A window or natural ventilation is not required in a kitchen or washroom if electrical lighting and mechanical means of ventilation is provided.

9.2.4 A window is not required in habitable space, other than a bedroom or dining room, if there is an opening in a dividing wall to an adjoining room and the adjoining room has a minimum of 5 percent window area of the combined floor areas, and if the required ventilation is provided.

9.2.5 All bedrooms, living rooms and dining rooms shall have a window or a door which contains a window that faces directly to the outside of the building.

9.2.6 All habitable space shall have natural or mechanical means of ventilation.

9.2.7 At the request of a tenant, each window in a rental unit that is located above the storey that has its floor closest to grade and that has its ceiling more than 1.8 metres above grade, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult tenant in an emergency without the use of tools.

9.2.8 Artificial lighting shall be provided and maintained by the landlord in all habitable space and interior common areas of a residential rental property to permit safe use and passage, in accordance with the Building Code.

9.3 INTERIOR WALLS

9.3.1 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained by the landlord in a safe and sanitary condition, in a state of good repair free from holes, mold, loose and broken boards, torn, damaged, decayed, leaks, deteriorating or missing materials.

9.3.2 All interior walls must be painted or finished in a manner similar to other interior walls in the building.

9.4 FUEL SUPPLY

9.4.1 Unless required to be provided by the tenant, a landlord shall ensure a continuous and adequate supply of fuel, service or utility which provides light, heat, refrigeration, water or cooking facilities for a rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repair or replacement of the fuel service or utility.

9.5 HEATING, VENTILATION, MECHANICAL

9.5.1 Heating, ventilating and mechanical systems, including stoves, heating appliances, fireplaces, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained by the landlord and capable of being operated.

9.5.2 A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.

9.5.3 Every residential rental property shall have heating facilities capable of being maintained at 21 degrees Celsius at outside design temperature of -18 degrees Celsius.

9.5.4 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.

9.5.5 Only heating appliances approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

9.6 ELECTRICAL

9.6.1 A supply of electrical power, wiring and receptacles acceptable to the Electrical Safety Authority shall be provided and properly maintained by the landlord to all habitable space and interior common areas in a residential rental property.

9.6.2 If the landlord supplies a meter for electricity for the purpose of billing the tenants individually, it shall be properly maintained by the landlord and kept accessible to tenants.

9.6.3 A kitchen shall be supplied with electrical power and shall have outlets suitable for a refrigerator and cooking appliances.

9.7 SAFETY AND SECURITY

9.7.1 Every residential rental property shall have a safe, continuous and unobstructed passage from every part of the interior to an exterior open space at street or grade level.

9.7.2 All windows and exterior doors which are intended to be opened and which are accessible from outside a rental unit or a residential rental property shall have hardware that makes them capable of being secured.

9.7.3 At least one entrance door in a rental unit shall be capable of being both secured from inside and locked from the outside of the rental unit.

9.7.4 Where provided, a vestibule door locking release and the rental unit-vestibule communications system shall be properly maintained by the landlord.

9.7.5 Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with a door equipped with a security device which prevents access to persons other than the landlord and tenants.

9.7.6 A mail delivery slot and other openings for deliveries that directly enter into a rental unit shall:

- a) Be located and maintained to prevent access to the lock on the entry door or any adjacent window; or,
- b) Be sealed, if other facilities for delivery have been made.

9.7.7 Mail boxes provided by the landlord shall be properly maintained and be capable of being secured.

9.8 INDOOR STORAGE OF REFUSE AND RECYCLABLE MATERIAL

9.8.1 Every residential rental property shall have one or more suitable containers or compactors shall be provided by the landlord for refuse and recyclable material

and shall either be stored or regularly disposed of so as not to cause a risk to the health or safety of any person.

- 9.8.2 The container shall be maintained by the landlord in a clean and sanitary condition, accessible to tenants and shall not obstruct an emergency route, driveway or walkway.

9.9 OUTDOOR STORAGE OF REFUSE AND RECYCLABLE MATERIAL

- 9.9.1 Where refuse or recyclable material is stored for disposal outside of the enclosed walls of a building, the refuse or recyclable material shall be blocked from view if it is stored less than 60m (196 ft) from a public highway, street, walkway, park or residential property so as not to be visible from such locations or as required under an approved site plan.

- 9.9.2 In addition to the conditions outlined in section 9.9.1, the storage of refuse or recyclable material permitted by an owner shall be blocked from view and the aforesaid visual blockage shall:

- a) Extend from grade to a height of 0.3m (1ft) above the height of the storage container(s);
- b) Consist of a continuous opaque visual barrier; and,
- c) Be maintained in a clean, sanitary and odour controlled condition.

9.10 PEST PREVENTION

- 9.10.1 Every residential rental property shall be kept free of rodents, vermin and insects at all times, and methods used for exterminating rodents and insects shall be in accordance with any applicable legislation.

- 9.10.2 Openings and holes in a building containing rental units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains, that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed as appropriate.

9.11 MISCELLANEOUS

- 9.11.1 Every rental unit shall contain at least the following:

- a) A toilet;
- b) A kitchen sink;
- c) A washbasin; and,
- d) A bathtub or shower or a combination thereof.

- 9.11.2 A washroom in a rental unit shall be an enclosed space and shall have:

- a) A water-resistant floor;
- b) Water resistant walls in a tub surround and a shower;

- c) A door which can be secured from the inside and can be opened from the outside in an emergency; and,
- d) An artificial light fixture which is maintained.

9.11.3 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing or consuming or storing food.

9.11.4 Hot water shall be provided to a sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43 degrees Celsius and not more than 49 degrees Celsius.

9.11.5 An adequate and safe supply of potable water shall be provided at all times.

9.11.6 A residential rental property shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of the walls, ceilings and floors.

9.11.7 Piped plumbing and drainage systems and appurtenances in a residential rental property shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.

9.11.8 All appliances such as refrigerators or cooking stoves supplied by the landlord shall be maintained in a state of good repair and good working order by the landlord.

9.11.9 Locker and storage rooms shall be kept free of dampness, mold or mildew by the landlord.

9.11.10 Elevators intended for use by the tenant shall be properly maintained by the landlord in accordance with the regulations under Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as amended, and kept in operation except for such reasonable time as may be required to repair or replace them.

PART 10 HERITAGE PROPERTIES

10.1 GENERAL

10.1.1 In addition to the minimum standards for the maintenance and occupancy of property set out elsewhere in this by-law, the owner of a protected heritage property shall:

- a) Maintain the property so as to retain its cultural heritage value or interest and heritage attributes;

- b) In the case of a protected heritage property that includes a cultural heritage landscape subject to a CHL conservation plan, adhere to or ensure consistency with the plan for any proposed action to alter the property; and
- c) Obtain Town approval under section 33 of the Ontario Heritage Act prior to performing any action or causing any action to be performed that alters the property and is likely to affect its heritage attributes. **(By-law No. 2018-042)**

10.2 REPAIR AT A PROTECTED HERITAGE PROPERTY

10.2.1 Subject to section 10.3.1, where the owner of a protected heritage property that does not include a cultural heritage landscape subject to a CHL conservation plan seeks to repair a part of feature of a protected heritage property that is likely to affect its heritage attributes, the repair shall, to the extent practicable, be carried out in a manner that:

- a) Maintains the original design, colour, texture, grain or other distinctive features;
- b) Uses, where possible, the same types of materials as the original in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
- c) Where the same types of materials as the original are no longer available, uses alternative types of materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material. **(By-law No. 2018-042)**

10.3 REPLACEMENT AT A PROTECTED HERITAGE PROPERTY

10.3.1 Notwithstanding section 10.2.1, where the owner of a protected heritage property that does not include a cultural heritage landscape subject to a CHL conservation plan seeks to maintain the property and its heritage attributes, but a part or feature of the property cannot be repaired, and requires replacement, the replacement shall be carried out in such a manner so as to:

- a) Replicate the design, colour, texture, grain and other distinctive features and appearance of the thing to be replaced, using the same types of material as the original; and,
- b) Where the same types of material as the original are no longer available, use alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original may be used. **(By-law No. 2018-042)**

10.4 CLEARING AND LEVELING OF HERITAGE PROPERTIES

10.4.1 Despite any other provision of this by-law or the Act, no building or structure located on a Part IV or Part V Heritage Property may be altered, demolished, removed, or relocated except in accordance with the Ontario Heritage Act.

10.5 VACANT HERITAGE PROPERTIES

- 10.5.1 Notwithstanding the requirements of Part 7 and section 10.5.2 of this by-law, where a de property is protected heritage property, the owner shall, subject to sections 10.6.1 and 18.1.1, take all required steps to ensure that the cultural heritage value or interest and heritage attributes of the property are conserved or, at a minimum, are not permanently harmed or diminished.
- 10.5.2 For a vacant property that is a protected heritage property, the owner shall protect the building and property against the risk of fire, storm, neglect, intentional damage or damage by other causes;
- 10.5.3 Where a protected heritage property contains one or more buildings that remain vacant for a period of ninety (90) days, the owner shall ensure that:
- a) Appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes;
 - b) Steps are taken to effectively prevent the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings of the building in the following manner:
 - I. All boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
 - II. All boards shall be fastened securely in a manner that minimizes damage to the heritage attributes;
 - III. All boards used shall be painted in a manner to reflect the panes of glass, frames and muntins that were or are found on the opening that is being boarded over or the panes of glass shall be painted in matt black and the window frames and muntins shall be painted in a colour which matches that of the original opening; and,
 - IV. All boards not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure. **(By-law 2018-042)**

10.6 DEMOLITION AT HERITAGE PROPERTIES

- 10.6.1 Subject to 18.1.1, notwithstanding any other provision in this by-law, this by-law does not authorize any demolition or removal at a protected heritage property that is likely to affect the heritage attributes of the property unless the demolition or removal has received Town consent under section 34 of the Ontario Heritage Act. **(By-law 2018-042)**

10.7 CONFLICT

- 10.7 Subject to section 18.1.1, in the event of a conflict between the provisions of this Part and any other provision of this by-law, the provision that ensures that cultural heritage resources are conserved shall prevail. **(By-law 2018-042)**

PART 11 DEMOLITION

11.1 DEMOLITION

11.1.1 Subject to section 10.6.1, where a building or structure is being demolished on a property:

- (a) every reasonable precaution shall be taken to protect adjoining property and members of the public, which may include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose; and
- (b) the property shall be cleared of all undesirable material brush, recyclable material and unsightly storage and left in a graded and levelled condition within thirty (30) days. **(By-law 2018-042)**

PART 12 DAMAGE BY FIRE, STORM OR OTHER CAUSES

12.1 DAMAGE BY FIRE, STORM OR OTHER CAUSES

12.1.1 Subject to the provisions of Part 10 of this by-law, if a building or structure is damaged by fire, storm or by other causes:

- a) Immediate steps shall be taken to prevent or remove a condition which might endanger persons in, on or near the property, building or structure;
- b) The aforesaid building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out; and,
- c) The aforesaid building or structure shall be demolished or repaired.

PART 13 ENFORCEMENT

13.1 An Officer may, upon producing proper identification, enter upon any property at any reasonable times without a warrant for the purpose of inspecting the property to determine:

- a) Whether the property conforms with the standards prescribed in this by-law; or,
- b) Whether an Order made under the Act has been complied with.

13.1.2 For the purposes of an inspection, and in accordance with s. 15.8 of the Act, an Officer may:

- a) Require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- b) Inspect and remove documents or things relevant to the property or any part thereof for the purpose of making copies or extracts;

- c) Require information from any person concerning a matter related to a property or part thereof;
- d) Be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- e) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection; and,
- f) Order the owner of the property to take and supply, at the owners expense, such tests and samples as specified in the Order.

13.1.3 The Town may charge the owner of a property a fee or charge pursuant to the ~~Towns Fee Schedule~~ **Rates and Fees Schedule** to conduct an inspection, including increased fees for multiple inspections.

13.1.4 Where an Officer has reasonable grounds to believe that an offence has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

14.1 PROPERTY STANDARDS COMMITTEE

14.1.1 A Property Standards Committee shall be established in accordance with section 15.6 of the Building Code, as amended and the Terms of Reference passed by Council from time to time, to hear appeals of orders issued under this by-law, and shall consist of no less than three members.

15.1 ORDERS

15.1.1 An Officer who finds that a property does not conform to any of the standards prescribed in this by-law may 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, debris or refuse and left in a graded and levelled 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 (an "Order").

15.1.2 An Order shall be served on the owner of the property and such other persons affected by it, as the Officer determines, and a copy of the Order may be posted on the property.

15.1.3 An Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served and, when the requirements of the Order have been satisfied, the Clerk of the Town shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

15.2 ORDER FEES

15.2.1 If an Officer has issued an Order under subsection 15.1.1 of this By-law and is satisfied that the same Person has contravened the same provision of this By-law for a second time within twenty-four (24) months of the date the first Order is deemed to be confirmed by the Property Standards Committee or confirmed in accordance with subsection 16.1.3, the Officer may issue a second Order to the Person contravening the this By-law.

15.2.2 Upon issuance of a second Order in accordance with subsection 15.2.1 of this By-law, the Person shall be liable to pay an Order fee to the Town in the amount of \$100 or as revised in the Rates and Fees Schedule.

15.2.3 If an Officer has issued an Order under subsection 15.2.1 of this By-law and is satisfied that the same Person has contravened the same provision of the this By-law for a third time within twenty-four (24) months of the date the second Order is deemed to be confirmed by the Property Standards Committee or confirmed in accordance with subsection 16.1.3, the Officer may issue a third Order to the Person contravening this By-law.

15.2.4 Upon issuance of a third Order in accordance with subsection 15.2.3 of this By-law, the Person shall be liable to pay an Order fee to the Town in the amount of \$250 or as revised in the Rates and Fees Schedule.

15.2.5 If an Officer has issued an Order under subsection 15.2.3 of this By-law and is satisfied that the same Person has contravened the same provision of this By-law for a fourth or subsequent time within twenty-four (24) months of the date the third Order is deemed to be confirmed by the Property Standards Committee or confirmed in accordance with subsection 16.1.3, the Officer may issue a fourth or subsequent Order to the Person contravening this By-law.

15.2.6 Upon issuance of a fourth or subsequent Order in accordance with subsection 15.2.5 of this By-law, the Person shall be liable to pay an Order fee to the Town in the amount of \$500 or as revised in the Rates and Fees Schedule.

16.1 APPEALS

- 16.1.1 When the Owner upon whom an order has been served is not satisfied with the terms and conditions of the order, he or she may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Town Clerk within fourteen (14) days of the service of the order.
- 16.1.2 ~~An appeal fee of \$200.00, payable to the Town must accompany the notice of appeal. The appeal fee as set out in the Rates and Fees Schedule must accompany the notice of appeal.~~
- 16.1.3 In the event that no appeal is made within such fourteen (14) days, the order shall be deemed confirmed and shall be final and binding.
- 16.1.4 Where an appeal has been made, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order or may modify or rescind it, or may extend this time for complying with the Order provided that in the opinion of the Property Standards Committee, the general intent and purpose of this by-law is maintained.

17.1 POWER OF ~~MUNICIPALITY~~ THE TOWN IF ORDER NOT COMPLIED WITH

- 17.1.1 If an Order under this by-law is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the ~~municipality~~ Town, in addition to all other available remedies, may cause the Property to be repaired or demolished accordingly.
- 17.1.2 ~~A municipal corporation~~ The Town or Person acting on its behalf is not liable to compensate the Owner, Occupant or any other Person by reason of anything done by or on behalf of the ~~municipality~~ Town in the reasonable exercise of its powers under ~~14.4.1.~~ 17.1.1.
- 17.1.3 ~~The municipality shall have a lien on the land for the amount spent on the Repair or demolition under 14.4.1 and the amount shall be deemed to be due upon the land under section 349 of the Municipal Act, 2001, as amended and may be collected in the same manner as municipal taxes.~~ The Town shall have a lien on the land for the amount spent on the repair or demolition under 17.1.1 and the amount shall have a priority lien status as described in subsection 1(3) of the *Municipal Act, 2001*, as amended, and may be added to the tax roll and collected in the same manner as municipal taxes.

18.1 EMERGENCY PROVISIONS

- 18.1.1 If upon inspection of a Property, the Officer is satisfied there is nonconformity with the standards prescribed in this by-law to such extent so as to pose an immediate danger to the health or safety of any person, the Officer may make an Order in accordance with section 15.7 of the Building Code Act, 1992, as amended, containing particulars of the non-conformity and requiring remedial Repairs or the work to be carried out immediately to terminate the danger.

19.1 CERTIFICATE OF COMPLIANCE

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

20.1 ENFORCEMENT

- 20.1.1 Employees of the Town who are authorized to enforce by-laws within the town are authorized to enforce this by-law.

20.2 PENALTY NOTICE AND ADMINISTRATIVE PENALTIES

- 20.2.1 An Officer may issue a penalty notice to a person who the Officer is satisfied has failed to comply with:
- a) any provision of this By-law; or
 - b) an order issued in accordance with Section 15.1 of this By-law as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge.
- 20.2.2 Each person who is issued a penalty notice in accordance with subsection 20.2.1 of this By-law shall be liable to pay an administrative penalty to the Town in the amount of \$300 or as set out in the Rates and Fees Schedule.
- 20.2.3 If an Officer has issued a penalty notice under subsection 20.2.1 of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- 20.2.4 Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Rates and Fees Schedule.

20.2.5 If an Officer has issued a penalty notice under subsection 20.2.3 of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.

20.2.6 Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Rates and Fees Schedule.

20.2.7 The penalty notice shall include the following information:

- (a) the date of the penalty notice;
- (b) the penalty notice number;
- (c) particulars of the contravention;
- (d) the amount of the administrative penalty;
- (e) information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
- (f) a statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the Town.

20.3 PAYMENT OF AN ADMINISTRATIVE PENALTY

20.3.1 No Officer may accept payment of an administrative penalty.

20.3.2 A person who has been issued a penalty notice shall:

- (a) pay the administrative penalty within 15 days after the date the penalty notice is deemed to be served; or
- (b) request that the administrative penalty be reviewed by a Screening Officer in accordance with Section 20.5 of this By-law.

20.3.3 Payment of an administrative penalty or an administrative fee can be made through a Town approved payment system. Partial payments or payment plans will not be accepted.

20.3.4 Payment of an administrative penalty must be received by the due date and will not be credited until received by the Town.

20.3.5 Where a person has paid an administrative penalty or an administrative fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the Town shall refund the amount cancelled or reduced.

20.3.6 Once an administrative penalty has been paid, it shall not be subject to a review by a Screening Officer or a Hearing Officer or to any further review.

20.4 NON-PAYMENT OF AN ADMINISTRATIVE PENALTY

20.4.1 Where a penalty notice is served and the administrative penalty is not paid within 15 days of the date the penalty notice is deemed to be served:

- (a) the administrative penalty shall be deemed to be affirmed;
- (b) notwithstanding subsection 20.5.1 of this By-law, the person shall pay a late payment administrative fee as set out in the Rates and Fees Schedule; and
- (c) a Notice of Penalty and Due Date shall be sent to the person to whom the penalty notice was issued.

20.4.2 Where an administrative penalty and any applicable administrative fees are not paid within 30 days after the Notice of Penalty and Due Date is issued, a Notice of Final Due Date will be mailed to the person to whom the penalty notice was issued.

20.5 REVIEW OF AN ADMINISTRATIVE PENALTY BY SCREENING OFFICER

20.5.1 A person who is served with a penalty notice may request a review of the administrative penalty by a Screening Officer within 15 days after the date the penalty notice is deemed to be served under subsection 20.19 of this By-law.

20.5.2 If the person does not request either a review of the administrative penalty by a Screening Officer within 15 days after the date the penalty notice is deemed to be served under subsection 20.19 of this By-law or an extension of time to request a review by a Screening Officer within 45 days after the date the penalty notice is deemed to be served under subsection 20.19 of this By-law:

- (a) an administrative fee will be applied as set out in the Rates and Fees Schedule; and

(b) the administrative penalty shall be deemed to be affirmed.

20.5.3 The person requesting a review of the administrative penalty shall be notified:

(a) that their request for a review has been received;

(b) of the date and time of the review; and

(c) of the way in which the review will be conducted according to subsection 20.5.4 of this By-law.

20.5.4 Upon receipt of the request for review, the Screening Officer shall determine the format to be used for the review, including but not limited to in-person, over the telephone, by email, or remotely by videoconference.

20.5.5 Written submissions to a Screening Officer relating to a scheduled screening review shall be submitted to the Screening Officer by 12:00 noon, one business day prior to the review.

20.6 EXTENSION OF TIME TO REQUEST REVIEW

20.6.1 A person may request that the Screening Officer extend the time to request a review of the administrative penalty within 45 days after the date the penalty notice is deemed to be served under subsection 20.19 of this By-law, failing which, the administrative penalty shall be deemed to be affirmed.

20.6.2 The Screening Officer may:

(a) request such information from a person as the Screening Officer considers relevant to a request to extend the time to request a review of the administrative penalty; and

(b) extend the time to request a review of the administrative penalty when the person requesting the extension demonstrates extenuating circumstances for failing to take action that warrants the extension of time.

20.6.3 Where an extension of time to request a review is not granted by the Screening Officer, the administrative penalty is deemed to be affirmed.

20.6.4 A request for an extension of time to review an administrative penalty shall include the penalty notice number and the person's contact information.

20.6.5 The Screening Officer will consider the request for extension before reviewing the administrative penalty.

20.7 SCREENING DECISION

20.7.1 On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or may cancel, reduce or extend the time for payment of the administrative penalty, including any additional administrative fees, on the following grounds:

- (a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
- (b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any administrative fees, is necessary to reduce financial hardship.

20.7.2 The Screening Officer shall issue a decision to the person orally at the time of the review or thereafter by telephone, mail, or email using the contact information provided by the person. If applicable, the decision shall include the amount of the administrative penalty, any administrative fees to be paid and the final due date for payment.

20.8 FAIL TO REQUEST REVIEW OR EXTENSION OF TIME TO REQUEST A REVIEW

20.8.1 Where a person fails to request a review in accordance with subsection 20.5.1 of this By-law or an extension of time in accordance with subsection 20.6.1 of this By-law, the person shall be deemed to have waived the right to a screening and hearing and the administrative penalty shall not be subject to review.

20.9 FAIL TO APPEAR FOR SCREENING REVIEW

20.9.1 Where the person fails to appear at a review of an administrative penalty by the Screening Officer:

- (a) the person shall be deemed to have abandoned the review;
- (b) the administrative penalty and any administrative fees shall be deemed to be affirmed;
- (c) the administrative penalty and any administrative fees shall not be subject to review; and

- (d) the person shall pay the applicable fee as set out in the Rates and Fees Schedule.

20.10 REVIEW OF SCREENING DECISION BY HEARING OFFICER

- 20.10.1 A person who has received a screening decision may request a review of the screening decision by a Hearing Officer within 15 days after the date the screening decision is deemed to be served under subsection 20.19 of this By-law.
- 20.10.2 Where no request by mail or email for a review of the screening decision by a Hearing Officer is received within 15 days after the date the screening decision is deemed to be served under subsection 20.19 of this By-law, the administrative penalty shall be deemed to be affirmed.
- 20.10.3 The person requesting a review of the screening decision shall be notified:
 - (a) that their request for a review has been received;
 - (b) of the date and time of the review; and
 - (c) of the way in which the review will be conducted according to subsection 20.10.4 of this By-law.
- 20.10.4 Upon receipt of a request for review of the screening decision, the Director, in consultation with the Legal Department, shall determine the format to be used for the review, including but not limited to in-person, over the telephone, or remotely by videoconference.
- 20.10.5 A person may request a postponement of a scheduled review upon application to the Director, who may approve the request based on extenuating circumstances. An administration fee may be charged as set out in the Rates and Fees Schedule. At their discretion, the Hearing Officer may reschedule the review.
- 20.10.6 The Hearing Officer may request such information from a person as the Hearing Officer considers relevant to the request to review the screening decision.
- 20.10.7 Written submissions to a Hearing Officer related to a scheduled review of a screening decision and requests to participate in the review concerned shall be submitted to the Hearing Officer by 12:00 noon, one business day prior to the review.

20.10.8 A Hearing Officer shall not make any decision respecting a review of the screening decision unless the Hearing Officer has given the person and the Town an opportunity to be heard.

20.10.9 The Hearing Officer may amend the penalty notice as may be necessary if it appears that it fails to state or states defectively anything that is requisite to the violation. In considering whether or not an amendment should be made, the Hearing Officer shall consider whether the person has been misled or prejudiced by the error or omission and whether the proposed amendment can be made without injustice being done.

20.11 EXTENSION OF TIME TO REQUEST REVIEW

20.11.1 A person may request that the Hearing Officer extend the time to request a review of the screening decision. The request must be received within 45 days after the date the screening decision is deemed to be served under subsection 20.19 of this By-law, failing which, the screening decision shall be deemed to be affirmed.

20.11.2 The Hearing Officer may:

- (a) request such information from a person as the Hearing Officer considers relevant to a request to extend the time to request a review of the screening decision; and
- (b) extend the time to request a review of the screening decision when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.

20.11.3 Where an extension of time to request a review is not granted by the Hearing Officer, the screening decision shall be deemed to be affirmed.

20.11.4 A request for an extension of time to review by the Hearing Officer shall include the penalty notice number, the person's contact information and the reason the person requires an extension of time to request a review of the screening decision.

20.11.5 The Hearing Officer will consider the request for extension before reviewing the decision of the screening officer.

20.12 DECISION OF THE HEARING OFFICER

20.12.1 On a review of the screening decision, the Hearing Officer may affirm the screening decision, or may cancel, reduce or extend the time for payment of

the administrative penalty, including any administrative fees, on the following grounds:

- (a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
- (b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any administrative fees, is necessary to reduce financial hardship.

20.12.2 The Hearing Officer's decision shall be issued to the person orally at the time of the review or thereafter by telephone, mail, or email using the contact information provided by the person.

20.12.3 The decision of the Hearing Officer is final.

20.13 FAIL TO REQUEST REVIEW OR EXTENSION OF TIME TO REQUEST A REVIEW

20.13.1 Where a person fails to request a review of the screening decision or extension of time before the Hearing Officer in accordance with this By-law:

- (a) the person shall be deemed to have waived the right to a hearing;
- (b) the screening decision, the administrative penalty and any administration fees shall be deemed to be affirmed; and
- (c) the screening decision, the administrative penalty and any administrative fees shall not be subject to any further review.

20.14 FAIL TO APPEAR FOR REVIEW OF SCREENING DECISION

20.14.1 Where a person fails to appear for a review of a screening decision by the Hearing Officer:

- (a) the person shall be deemed to have abandoned the hearing;
- (b) the screening decision, administrative penalty and any administration fees shall be deemed to be affirmed;
- (c) the screening decision, administrative penalty any administration fees shall not be the subject of any further review; and
- (d) the person shall pay the applicable fee as set out in the Rates and Fees Schedule.

20.14.2 Should a person fail to appear at the review by the Hearing Officer, the person shall be sent a notice setting out the administrative penalty, any administrative fees to be paid and the final due date for payment.

20.15 EXTENSION OF TIME TO PAY

20.15.1 A person who receives a penalty notice and is appearing before the Screening Officer or Hearing Officer may request an extension of time to pay the administrative penalty.

20.15.2 The Screening Officer or Hearing Officer may extend the time for payment of an administrative penalty taking into consideration such factors as:

- (a) the amount of the administrative penalty and any administrative fees; and
- (b) whether the person is employed, a student, retired or other circumstances that would render the payment an undue financial hardship; as outlined in section 20.16 of this By-law.

20.15.3 The extension of time should not exceed 60 days from the date of the Screening or Hearing Officer's review, as the case may be.

20.15.4 If a person is granted an extension of time to pay, the Screening or Hearing Officer shall record the extension so that the Town's records can be updated accordingly.

20.16 UNDUE FINANCIAL HARDSHIP

20.16.1 The Screening Officer or Hearing Officer may excuse a person from paying all or part of the administrative penalty, including any administrative fees, if requiring the person to do so would cause undue financial hardship.

20.16.2 Any person claiming undue financial hardship must provide documented proof substantiating financial hardship, for example: Old Age Security, Canada Pension, Guaranteed Income Supplement, Disability Pension, student loans, Ontario Works, etc. All information and documentation shall be treated in a confidential manner.

20.17 JURISDICTION OF SCREENING AND HEARING OFFICER

20.17.1 The Screening Officer or Hearing Officer has no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

20.18 ADMINISTRATION – ADMINISTRATIVE PENALTY

20.18.1 An administrative penalty that is deemed to be affirmed is due and payable and constitutes a debt to the Town.

20.18.2 The Town may recover the amount of unpaid administrative penalties, including administration fees, plus any applicable interest, from the person by invoicing the person for the amount of unpaid administrative penalties or costs, by action, by collection or by adding the amount to the tax roll.

20.18.3 If an extension of time to request a review of the Screening Decision is granted by the Hearing Officer, the collection process available to the Town in relation to the administrative penalty shall be suspended until the extension of time has expired.

20.18.4 Where an administrative penalty is cancelled by a Screening Officer or Hearing Officer, any administrative fees are also cancelled.

20.19 SERVICE OF PENALTY NOTICES AND OTHER NOTICES

20.19.1 Any penalty notice or any other notice may be given in writing in any of the following ways and is effective and considered to be served:

- (a) on the date on which a copy is delivered to the person to whom it is addressed;
- (b) on the seventh calendar day after a copy is sent by mail to the person's last known address or usual place of residence or abode;
- (c) upon the posting of a copy in a conspicuous place at the person's last known address;
- (d) upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number;
- (e) on the seventh calendar day after a copy is picked-up by a courier for delivery to the person's last known address or usual place of residence; or
- (f) subject to subsection 20.19.3 of this By-law, upon the sending of a copy by email transmission to the person's last known email address, unless the document was sent after 5 p.m., in which case service shall be deemed to have been made by 9:00 am on the following business day.

20.19.2 For the purpose of subsection 20.19.1 of this By-law, the person's last known address, last known facsimile transmission number and last known email address shall be deemed to include those provided by the person.

20.19.3 Promptly after the sending of a copy a penalty notice or other notice by email transmission in accordance with subsection 20.19.1(f) of this By-law, the penalty notice or other notice shall be sent by mail to the person's last known address or usual place of residence or abode.

21.1 OFFENCES AND PENALTIES

21.1.1 ~~Every person who contravenes any of the provisions of this by-law is guilty of an offence and pursuant to section 429 of the Municipal Act all contraventions of this by-law are designated as continuing offences.~~

21.1.1 Every person who contravenes any provisions of this By-law is guilty of an offence under subsection 36(1) of the Building Code Act.

21.1.1(i) Every person who fails to comply with an order made under this By-law is guilty of an offence, and on conviction, in addition to the penalties set out in subsections 21.1.2 and 21.1.3, is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired.

21.1.2 Every person who is convicted of an offence is 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.

21.1.3 Every corporation who is convicted of an offence is liable to a fine of not more than \$50,000 for the first offence and to a fine of not more than \$100,000 for a subsequent offence.

21.1.4 An offence is a subsequent offence if there has been a previous conviction under the Building Code Act, 1992, as amended.

21.1.5 If this by-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the by-law, the court, which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

22.1 SEVERABILITY

22.1.1 If any section, clause or provision of this by-law hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not

affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect.

23.1 CONFLICTING BY-LAWS

23.1.1 Where a provision of this by-law conflicts with a provision of any other by-law in force in the Town, the provision that ensures that cultural heritage resources are conserved shall prevail, subject to the greater paramountcy of any provision authorizing action to protect the health or safety of persons.
(By-law 2018-042)

24.1 SHORT TITLE

24.1.1 This By-law may be cited as the PROPERTY STANDARDS BY-LAW.

25.1 REPEAL

25.1.1 By-law 2007-100 and all amendments thereto are hereby repealed.

25.1.2 All Orders issued pursuant to By-law 2007-100 shall remain in full force and effect, notwithstanding that By-law 2007-100 is hereby repealed, and all such Orders may be enforced or acted upon by the Town as if the Order was made under 14.3 of this by-law.

26.1 COMING INTO FORCE

26.1.1 This by-law shall come into force and effect the day it is passed by Council.

PASSED this 12th day of June, 2017

Rob Burton

Mayor

Kathy Patrick

Acting Town Clerk