

THE CORPORATION OF THE TOWN OF RAINY RIVER

BY-LAW 1688-18

Being a By-Law for prescribing standards for the maintenance and occupancy of property within the Town of Rainy River

WHEREAS, under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a By-Law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Corporation of the Town of Rainy River includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Town of Rainy River is desirous of passing a by-law under Section 15.1(3) of the Building Code Act. S.O. 1992, c.23;

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

NOW THEREFORE the Council of the Corporation of the Town of Rainy River hereby enacts the following:

PART I

DEFINITIONS

In this by-law:

1.01 “Accessory Building” means

- a) a detached building or structure that is not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot therewith, and,
- b) includes a detached private garage, detached carport, boathouse or detached deck

1.02 “Apartment Building” means a building containing more than four dwelling units with individual access from an internal corridor system.

1.03 “Approved” means acceptance by the Property Standards Officer.

1.04 “Basement” means

- a) that portion of a building or structure within which 50% or more of the interior wall height from finished floor to finished ceiling is below the average finished grade level adjacent to one or more of the exterior walls of the building or structure, but
- b) does not mean or include a storey or part of a storey.

1.05 “Cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.

- 1.06** “Committee” shall mean the Property Standards Committee established under this by-law.
- 1.07** “Dwelling” means a separate building or factory built double-wide home containing one or more dwelling units.
- 1.08** “Dwelling Unit” means
- a) one room or a group of rooms in a building used or designed or intended to be used by only one household as a single, independent and separate housekeeping establishment,
 - i) in which food preparation and sanitary facilities are provided for the exclusive use of such household, and
 - ii) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
 - b) does not mean or include a tent, trailer, or a room or suite of rooms in a hotel, motel, motor hotel or bed and breakfast business.
- 1.09** “First Storey” means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6ft) above grade.
- 1.10** “Guard” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.11** “Habitable Room” means a room which:
- a) is located within a dwelling unit;
 - b) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
 - c) can be used at all times throughout the year but does not include any room specifically defined as a non-habitable room.
- 1.12** “Means of Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.13** “Multiple Dwelling” means a building containing three or more dwelling units.
- 1.14** “Non-Habitable Room” means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law.
- 1.15** “Non-Residential Property” means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.16** “Person” means an individual, firm, corporation, association, trust, incorporated company, organization, trustee, agent or partnership, and their heirs, executors or other legal representatives of a person whom the same can apply according to law.

- 1.17** “**Residential Property**” means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.18** “**Standards**” means the standards of the physical condition and of occupancy prescribed for property by this By-Law.
- 1.19** “**Toilet Room**” means a room containing a water closet and a wash basin.
- 1.20** “**Yard**” means
- a) an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structure except as may be expressly permitted in this By-Law.
 - b) does not include a court yard.

PART II

GENERAL STANDARDS FOR ALL PROPERTY

- 2.01** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

YARDS

- 2.02** Every yard, including vacant lots shall be kept clean and free from:
- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
 - (2) wrecked, dismantled, discarded or abandoned machinery, vehicles (without valid registration permits), trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
 - (3) long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*;
 - (4) dilapidated, collapsed, unsightly or partially constructed structures which are not currently under construction;
 - (5) injurious insect, termites, rodents, vermin or other pests; and
 - (6) dead, decayed or damaged trees or other natural growth.

SURFACE CONDITIONS

- 2.03** Surface conditions or yards shall be maintained so as to:
- (1) prevent ponding of storm water;
 - (2) prevent instability or erosion of soil;
 - (3) prevent surface water run-off from entering basements;
 - (4) not exhibit an unsightly appearance;

- (5) be kept free of garbage and refuse;
- (6) be kept free of deep ruts and holes;
- (7) provide for safe passage under normal use and weather conditions, day or night; and
- (8) not create a nuisance to other property.

SEWAGE AND DRAINAGE

- 2.04** Sewage only shall be discharged into the sewage system.
- 2.05** Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.06** Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

PARKING AREAS, WALKS AND DRIVEWAYS

- 2.07** All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 2.08** Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

- 2.09** Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.10** Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

GARBAGE DISPOSAL

- 2.11** Every building, dwelling, and dwelling unit shall be equipped with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collections days. Such receptacles shall be maintained in a clean and odour free condition at all times.
- 2.12** All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable and screened from public view.

COMPOST HEAPS

- 2.13** The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square meter and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

PART III

RESIDENTIAL STANDARDS

GENERAL CONDITIONS

- 3.01** Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 3.02** Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.03** Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

PEST PREVENTION

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

STRUCTURAL SOUNDNESS

- 3.06** Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- 3.07** Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

FOUNDATIONS

- 3.08** Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints and floors.
- 3.09** Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

EXTERIOR WALLS

- 3.10** Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.11** Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

WINDOWS AND DOORS

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

ROOFS

- 3.17** Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.18** The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- 3.19** Where eaves troughs, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

WALLS, CEILINGS AND FLOORS

- 3.20** Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.21** Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 3.22** Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

STAIRS, PORCHES AND BALCONIES

- 3.23** Inside and outside stairs, porches, balconies, landings and walkways shall be maintained so as to be free of holes, cracks and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

GUARDRAILS

- 3.24** A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

KITCHENS

- 3.25** Every dwelling shall contain a kitchen area equipped with:
- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet), a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
 - (c) a space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

- 3.26** Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 3.27** Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- 3.28** Where toilet or bathroom facilities are shared by occupants of residential accommodations, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

PLUMBING

- 3.29** Each washbasin, bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F).
- 3.30** Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 3.31** All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.32** All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.33** Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

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

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

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

FIRE ESCAPES, ALARMS AND DETECTORS

- 3.46** A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of the buildings or residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- 3.47** In addition to the provisions of Article 3.46 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area in the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:
- (a) equipped with visual or audio indication that they are in operating condition;
 - (b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.
- 3.48** Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

EGRESS

- 3.49** Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 3.50** Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm (42 x 22 inches) with a sill height of not more than 9.1 mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

NATURAL LIGHT

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

VENTILATION

- 3.52** Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft.), or an approved system of mechanical ventilation such that provide hourly air exchanges.
- 3.53** All systems of mechanical ventilation shall be maintained in good working order.
- 3.54** All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

ELEVATING DEVICES

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

DISCONNECTED UTILITIES

- 3.56** Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable times as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

- 3.57** The number of occupants, residing on a permanent basis, in an individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft.) of habitable floor area. Any area with a minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.
- 3.58** No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.
- 3.59** Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
- (a) each habitable room shall comply with all the requirements set out in this By-Law;
 - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
 - (d) access to each habitable room shall be gained without passage through a service room.

PART IV

VACANT LANDS AND BUILDINGS

- 4.01** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

VACANT LANDS

- 4.02** Vacant land shall be maintained to the standards as described in Part II, Article 2.02, of this By-Law.
- 4.03** Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

VACANT BUILDINGS

- 4.04** Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 4.05** The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Office by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

PART V

DAMAGED BUILDINGS

- 5.01** Where a building damaged by accident, storm, fire, neglect or other causes or intentional damage, the owner shall demolish or repair the building within 90 days unless a reasonable time has been arranged with the Town of Rainy River.
- 5.02** Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.

PART VI

FIRE DAMAGED BUILDING

- 6.01** Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 6.02** The owner of the fire-damaged building shall restore the building or to meet the requirements of Parts III, IV, V, VI, and VII of this By-law.
- 6.03** When the fire damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law prior to occupancy.

PART VII

DEMOLITION

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

PART VIII

NON-RESIDENTIAL PROPERTY STANDARDS

- 8.01** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the

trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

YARDS

- 8.02** The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this By-Law.
- 8.03** The warehousing or storage of materials or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

PARKING AREAS, AND DRIVEWAYS

- 8.04** All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic, parking spaces shall have a surface covering of asphalt, or similar hard surface.
- 8.05** All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

STRUCTURAL SOUNDNESS

- 8.06** Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 8.07** Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

EXTERIOR WALLS

- 8.08** Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 8.09** Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

GUARDRAILS

- 8.10** A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

LIGHTING

- 8.11** All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupations Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

PART IX

ADMINISTRATION AND ENFORCEMENT

- 9.01** This By-Law shall apply to all property within the limits of the municipality.
- 9.02** The imperial measurements contained in this By-Law are given for reference only.

OFFICERS

- 9.03** The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law.
- 9.04** Persons appointed or assigned for the purposes of enforcing or administering this By-law are property standards officers, and have the authority to carry out the duties assigned to officers under this By-law and the *Building Code Act*, and may enforce the provisions of this By-law and the applicable sections of the *Building Code Act*.
- 9.05** A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under Section 15.3(7) of the *Building Code Act*, 1992, so as to provide for:
- a. repair of the property; or
 - b. clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, under the provisions of the Procurement Policy.
- 9.06** Where approved by the Chief building Official, a Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 9.07** The alternate standards shall be in accordance with the general purpose and intent of this By-law.
- 9.08** Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.
- 9.09** Upon completion of the work, repairs or demolition by or on behalf of the municipality, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

PART X

RIGHT TO ENTER AND INSPECT

- 10.01** Where a By-law under Section 15.1 of the *Building Code Act*, 1992 is in effect, an officer acting under this By-law or any person acting under his or her instructions may at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine:
- a. whether the property conforms with the standards prescribed in the By-law; or

- b. whether an order made under this By-law has been complied with.

10.02 Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless:

- a. the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act*, 1992;
- b. the delay necessary to obtain a warrant or consent of the occupier would result in an immediate danger to the health and safety of any person;
- c. a warrant issued under the *Building Code Act*, 1992 is obtained; or
- d. the entry is necessary to repair or demolish the property in accordance with an Order issued under this By-law and the Officer, within a reasonable time before entering the room or place, serves the occupier with the Notice of the Officer's intention to enter the room or place, serves the occupier with the Notice of the Officer's intention to enter the room or place.

PART XI

PROPERTY STANDARDS COMMITTEE

11.01 Council shall appoint at large, by a Resolution, (or By-Law) of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for a term of office concurrent with Council.

11.02 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium of \$0.00 per day or \$0.00 per meeting for their attendance at Committee meetings.

11.03 Every person who initiates an appeal of an Order made under section 15.2 (2) of the *Ontario Building Code Act*, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and manner as prescribed in section 15.3 (1) of the Act. All notices of Appeal shall be accompanied by a non-refundable payment as defined in the Miscellaneous User Fee By-law.

PART XII

NOTICE OF VIOLATION

12.01 If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the Property Standards Officer determines and a copy of the order may be posted on the property.

12.02 An order under this By-law shall:

- a. state the municipal address or the legal description of the property;
- b. give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and leveled condition;
- c. indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense;
- d. indicate the final date for giving notice of appeal from the order; and
- e. be served or cause to be served,

- i) by personal service; or
- ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

12.03 If the Property Standards Officer is unable to effect service under Section 12.02, he/she shall place a placard containing the terms of the order in a conspicuous place on the property and the placing of the placard shall be deemed as sufficient service of the order on the owner or other persons.

12.04 Despite any other provision of this By-law, if upon inspection of a property, the Property Standards Officer is satisfied there is non-conformity with the standards prescribed herein to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other necessary work to be carried out forthwith to terminate the danger in accordance with Section 15.7 of the *Building Code Act*.

PART XIII

APPEAL OF ORDER

13.01 An owner or occupant who has been served with an order made under this By-law, and who is not satisfied with the terms or conditions of the order, may appeal to the Property Standards committee by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the order.

13.02 An order that is not appealed within the time referred to in Section 13.01 above is deemed to be confirmed.

13.03 If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,

- a. confirm, modify, or rescind the order to demolish or repair;
- b. extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the By-law and of the Office Plan or policy statement are maintained.

13.04 The municipality in which the property is situated or any owner or occupant or person affected by a decision under Section 13.03 may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after sending a copy of the decision.

13.05 A Judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

13.06 On the appeal, the Judge has the same powers and functions as the Committee.

13.07 An order that is deemed to be confirmed or modified by the Committee or Judge shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

PART XIV

REGISTRATION OF ORDER

14.01 An order that a property does not conform with any standards of this By-law may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the

registration of the order shall be deemed to have been served with the order on the day, which the order was served.

- 14.02** Where the Chief Building Official or an Officer determines there is compliance under this By-law with an order issued, the Clerk of the Municipality shall arrange for the register in the Land Registry or Land Titles Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

PART XV

POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

- 15.01** If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the Municipality, in addition to all other remedies:
- a. may repair or demolish the property;
 - b. may clear the site of all buildings, structures, or debris or refuse and leave the site in a graded and leveled condition; or
 - c. may make the site safe or impede entry by erecting fences, barricades or barriers;
 - d. shall not be liable to compensate such owners, occupants or another person having interest in the property by reason of anything done by or on behalf of the Town of Rainy River in a reasonable exercise of its power under the provisions of this Part;
 - e. may cause a prosecution to be brought against any person who is in breach of such an order and upon conviction, such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act*, S.O. 1992, c. 32;
 - f. shall have a lien on the land for the amount spent on the repairs or demolition; and
 - g. the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- 15.02** For the purpose of Section 15.01, Property Standards Officers and agents employed by the Municipality may from time to time enter in and upon the property.

PART XVI

CERTIFICATE OF COMPLIANCE

- 16.01** Every property owner may make an application to the Municipality for a certificate of compliance by completing and signing an application on the form available at the offices of the Chief Building Official and paying the applicable fee.
- 16.02** Where a property standards order has been registered, an owner or occupant may apply for an inspection of the property in respect of the order and shall pay a fee identified in the Miscellaneous User Fee By-law at the time of application.

PART XVII

PROHIBITION

- 17.01** No owner or occupant of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.

- 17.02** No person, being the owner, tenant or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- 17.03** The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded leveled condition.

PART XVIII

RESPONSIBILITIES AND COMPLIANCE ORDERS

- 18.01** The owner or occupant of a property shall:
- a. Comply with all standards prescribed in this By-law;
 - b. Comply with any final and binding order of the Property Standards Officer;
 - c. Produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the property or part thereof, allow entry by the inspector or such persons as need to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this By-law and the relevant portions of the Building Code Act.
 - d. Ensure, that in complying under this By-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such person and giving adequate warning where such risks cannot be so avoided so as to allow such persons to avoid the danger or risks.
- 18.02** A person affected by a property standards order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an officer, and shall be liable to pay any applicable fees, charges or expenses.
- 18.03** Where the proof submitted in Section 18.02 is insufficient for the Officer to determine the compliance of the property with the order or part of the order, the person shall, subject to the Ontario Building Code, permit or arrange for a reasonable and timely inspection by the Officer to determine compliance or that the proof submitted confirms compliance.

PART XIX

OBSTRUCTION

- 19.01** No person shall obstruct or attempt to obstruct or interfere with, or attempt to interfere with any Officer or other person, who is exercising a power or performing a duty under this By-law.
- a. Without limiting section 19.01, "Obstruct" includes:
 - i. to hinder or mislead;
 - ii. to knowingly provide false information or make a false claim or statement;

- iii. to prevent, bar or delay or attempt to prevent, bar or delay any person, including an Officer, from carrying out his or her duties or exercising his or her direction;
- iv. to prevent bar or delay or attempt to prevent, bar or delay any person, including an Officer, from carrying out his or her duties or exercising his or her powers, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;
- v. to prevent, bar or delay or attempt to prevent, bar or delay any person, including an Officer, from exercising his or her authority pursuant to an order issued by a Provincial Judge or Justice of the Peace; and
- vi. to fail to provide, upon request by an Officer, any information, documents or things relevant to an inspection.

19.02 Without limiting section 19.01, every person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to an Officer upon request and failure to do so shall be deemed to have obstructed the Officer in the execution of his or her duties contrary to the provisions of this By-law.

PART XX

PENALTIES

20.01 Subject to section 20.02 and 20.03 below, every person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a penalty in accordance with the Provincial Offences Act.

20.02 Every person who fails to comply with an order issued under this By-law which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for the first offence and to a fine of not more than \$100,000 for a subsequent offence.

20.03 If a corporation is convicted of the offence of failing to comply with an order issued under this By-law, the maximum penalty that may be imposed on the corporation is \$100,000 for the first offence and \$200,000 for any subsequent offence.

PART XXI

VALIDITY

21.01 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

21.02 Where a provision of this By-law conflicts with the provision of another By-law, Act, or Regulation in force within the municipality, the provisions that establish the higher standards to protect the health and safety of the persons shall prevail.

PART XXII

TRANSITIONAL RULES

22.01 After the date of the passing of this By-law, the Town of Rainy River By-law 1371-00, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been

completed or any enforcement proceedings with respect to such Order including any demolition, clearance, or repair carried out by the municipality shall be concluded.

22.02 In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a property standards By-law of any former area municipality, including the predecessor to By-laws mentioned in section 23.01 below, the process may be continued and carried out under this By-law.

PART XXIII

REPEAL

23.01 That By-law 1371-00 is hereby repealed.

PART XXIV

TITLE

24.01 This By-Law may be referred to as “The Property Standards By-Law.”

PART XXV

ENACTMENT

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

READ THIS FIRST TIME in open Council this 9th day of July, 2018.

Mayor

Chief Administrative Officer

READ THIS SECOND TIME in open Council this 9th day of July, 2018.

Mayor

Chief Administrative Officer

READ THIS THIRD AND FINAL TIME in open Council 9th day of July, 2018.

Mayor

Chief Administrative Officer

SCHEDULE I

CORPORATION OF THE TOWN OF RAINY RIVER

INFORMAL NOTICE

Date:

Issued to:

Dear Sir/Madam:

Re: (Description and location of property)

Be advised that on _____ an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-Law No. 1688-18.

Schedule "A", attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-Law.

Be advised that By-Law No. 1688-18 gives the municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 15.2-(2), *Ontario Building Code Act, S.O. 1992, c.23*.

It is desired that you will comply with this informal notice that the aforementioned procedural step will not be necessary.

A re-inspection of the property will take place on or about _____ to ascertain compliance.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

*Note: An informal notice is not required under Provincial Statute. However, it may be given as a courtesy.

SCHEDULE II

CORPORATION OF THE TOWN OF RAINY RIVER

**ORDER TO REMEDY VIOLATION OF STANDARDS
OF MAINTENANCE AND OCCUPANCY**

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

Date:

Issued to:

Dear Sir/Madam:

Re: (Description and Location of Property in Violation)

WHEREAS on _____ you were served with an Informal **NOTICE** that required you to remedy certain violations of standards of maintenance and occupancy at you property, described above.

AND WHEREAS you have failed to remedy the noted violation(s) as set out in **Schedule “A”**, attached hereto and which forms part of this **ORDER**.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in **Schedule “A”** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-Law No. 1688-18 on or before _____.

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the Municipality may correct such violations at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE

*If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order may appeal to the committee by sending a **NOTICE OF APPEAL** by registered mail to the Secretary of the committee within fourteen (14) days after service of the order and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.*

FINAL DATE FOR APPEAL: _____

Property Standards Officer

SCHEDULE III

CORPORATION OF THE TOWN OF RAINY RIVER

**ORDER TO REMEDY VIOLATION OF STANDARDS
OF MAINTENANCE AND OCCUPANCY**

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

Date:

Issued to:

Dear Sir/Madam:

Re: (Description and Location of Property in Violation)

BE ADVISED that on _____ an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-Law No. 1688-18.

The violation(s) are set out in **Schedule "A"**, attached hereto, and forms part of this **ORDER**.

IT IS HEREBY CHARGED THAT the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-Law No. 1688-18 on or before:

TAKE NOTICE that if such violation(s) are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within fourteen (14) days after service of the order and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL: _____

Property Standards Officer

*Note: Order provided with no informal notice issued.

SCHEDULE IV

**NOTICE OF APPEAL
TO PROPERTY STANDARDS COMMITTEE**

Pursuant to Section 15.1 of the Ontario Building Code Act

Date:

To the Secretary
Property Standards Appeal Committee
Corporation of the Town of Rainy River
P.O. Box 488
Rainy River, Ontario
POW 1L0

Re: Order to Remedy Violation of Standards of Maintenance and Occupancy at:
(description and location of property in violation)

TAKE NOTICE of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on

Name (Owner or agent):

Address:

Telephone Number:

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant whom an order has been served is not satisfied with the terms or conditions of the order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

The Building Code Act, S.O. 1992, Chapter 23, section 15.3(1)

SCHEDULE V

CORPORATION OF THE TOWN OF RAINY RIVER

SUBSTANDARD PROPERTY

Ontario Building Code Act, S.O. 1992, c.23

ORDER TO COMPLY

Re: Description and Location of Property in Violation

THIS PROPERTY has been found NOT to be in conformity with the Standards of Maintenance and Occupancy established by this Municipality and as set out in the Property Standards By-Law No. 1688-18.

SCHEDULE “A”, attached hereto, sets out the work required to remedy such violation(s) and to bring the property into compliance with the By-Law.

**BE ADVISED THAT THIS PROPERTY MUST BE
MADE TO CONFORM WITH THE BY-LAW ON OR
BEFORE THE _____ DAY OF _____, 20__.**

Further information may be obtained at the Property Standards Office located at:
201 Atwood Avenue
Rainy River, Ontario
P0W 1L0

Dated at _____, this _____ day of _____, 20_____.

Property Standards Officer