

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: BY-LAW DEPARTMENT**

**CHAIRPERSON: COUNCILLOR L. MICK**

**DEPT. HEAD: WAYNE P. BELTER**

**TITLE: PROPERTY STANDARDS BY-LAW**

08-24 Draft By-Law      \_\_\_\_\_ Item      \_\_\_\_\_ Policy Recommendation

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**Mayor D. Backer and Members of Council:**

The existing Property Standards by-Law # 91-12 as amended has been in use for 17 years. As a housekeeping exercise the By-Law has been updated reflecting the powers of the municipality to pass By-Laws and enforcing their provisions as provided under section 15.1(3) of the Building Code Act, S.O. 1992, c 23.

The intent and some wording of the former Property Standards By-Law has been changed and the fines and penalties have been kept the same as By-Law 92-14 prescribed.

**Recommendation:**

That the Town of Mattawa adopts By-Law 08-24 which is a new Property Standards By-Law passed under section 15.1(3) of the Building Code Act, S.O. 1992, c. 23.

Respectfully submitted

Councillor L. Mick

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**THE CORPORATION OF THE TOWN OF MATTAWA  
BY-LAW NO. 08-24**

**BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF MATTAWA PROHIBITING THE OCCUPANCY OR USE OF SUCH PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS, AND FOR REQUIRING PROPERTY BELOW THE STANDARDS PRESCRIBED HEREIN TO BE REPAIRED AND MAINTAINED TO COMPLY WITH THE STANDARDS OR THE LAND THEREOF TO BE CLEARED OF ALL BUILDINGS AND STRUCTURES AND LEFT IN A GRADED AND LEVEL CONDITION.**

**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 Mattawa includes provisions relating to the maintenance and occupancy of property within the Town of Mattawa;

**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 Mattawa hereby enacts as follows:

**SHORT TITLE**

This By-law may be cited as the "Property Standards By-law".

All standards here in, shall be deemed to be reasonable standards having regard to health and safety hazards or climatic weather conditions and having regard to the economic condition of the property.

**1. DEFINITIONS**

- (1) **Accessory Building** – means a detached, subordinate building not used for human habitation, located on the same lot as the main building.
- (2) **Balustrade** – means a row of balusters or spindles surmounted by a railing.
- (3) **Basement** – means one or more *storey* of a *building* located below the first *storey*.
- (4) **Bathroom** – means a room containing a bathtub or shower, with or without water closet and basin

- (5) **Building – means:**  
(a) a structure occupying an area greater than ten square metres consisting of wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,  
(b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (6) **Chief of the Fire Department – means** Chief of the Fire Department of the Corporation of the Town of Mattawa
- (7) **Committee – means** Property Standards Committee
- (8) **Corporation – means** the Corporation of the Town of Mattawa
- (9) **Crawlspace – refers to** an enclosed space between the underside of floor assembly and the ground cover directly below with a clearance less than 1 800 mm in height
- (10) **Dwelling – means** a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land appurtenant thereto and all outbuildings, fences or erections thereon or therein
- (11) **Dwelling unit – means** a *suite* operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities
- (12) **Fire Resistance Rating – means** the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria or as determined by extension or interpretation of derived there from as prescribed by the Underwriters’ laboratories of Canada
- (13) **Floor Area – means** the space on any storey of a building between exterior walls and required firewall, including the space occupied by interior walls or partitions, but not including exits and vertical service spaces that pierce the storey
- (14) **Foundation – means** a system or arrangement of *foundation units* through which the loads from a *building* are transferred to supporting *soil* or *rock*
- (15) **Guard – means** a protective barrier, with or without openings through it, that is 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
- (16) **Habitable Room – means** any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes
- (17) **Maintenance – means** the preservation and keeping in repair of a property

- (18) **Means of Egress** – means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space
- (19) **Medical Officer of Health** – means the Medical Officer of Health of the District of Nipissing
- (20) **Multiple Dwelling** – means a building containing two or more dwelling units
- (21) **Multiple Use Building** – means a building containing both a dwelling unit and a non-residential property use
- (22) **Non-habitable Room** – means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry room, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance or the dwelling for public use, and for access to, and vertical travel between storey
- (23) **Occupancy** – means the use or intended use of a building or structure or part thereof for the shelter or support of persons, animals or property
- (24) **Occupant** – means any person(s) over the age of eighteen (18) years in possession of the property
- (25) **Officer** – means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law
- (26) **Owner** – means the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the words is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such land and premises were let
- (27) **Plumbing Appliance** – means a receptacle or equipment that receives or collects water, liquids or sewage and discharges water, liquids and sewage directly or indirectly to a plumbing system
- Plumbing System** – means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing
- (28) **Property** – means a building or structure or part of a building or part of a structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, and is divided into:

- (i) **Non-residential Property** – means a building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation
  - (ii) **Residential Property** – means property which is occupied or capable of being occupied in whole or in part for the purposes of human habitation and is hereinbefore and hereinafter referred to as a dwelling, and
  - (iii) **Vacant Land** – means property on which there are no structures of any kind but does not include open space land designated by the Council of the Corporation
- (29) **Repair** – means the provisions of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law
- (30) **Sewage** – means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff
- (31) **Sewage System** – means the municipal sanitary sewage system or private sewage disposal system approval by the Medical Officer of Health
- (32) **Standards** – means the standards of physical condition end of occupancy prescribed for property by this By-law
- (33) **Toilet Room** – means a room containing a water closet and washbasin
- (34) **Unsafe Condition** – means:
- (a) structurally inadequate or faulty for the purposes for which it is used or intended to be used; or
  - (b) in a condition that could pose a hazard to:
    - (i) persons in the normal use of a building;
    - (ii) persons authorized or expected to be on or about the property; or
    - (iii) persons or property in the immediate vicinity of the subject condition.
- (35) **Yard** – means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling and used or intended to used, capable of being used in connection with the dwelling
- (36) **Vehicle** – includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, included muscular power
2. This By-law prescribes the standards for every building and dwelling unit situated in the Town of Mattawa.

## **PART I – MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS**

### **3. YARDS**

Yards shall be kept clean and free from:

- (1) rubbish or other debris and from objects or conditions such as holes or excavation that might create a health, fire or accident hazard.
- (2) all heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac shall be eliminated from the yard.
- (3) any vehicle including trailers or boats, which is in an inoperable, wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left in the yard, unless it is necessary for the operating of a business enterprise lawfully situated on private property, or duly plated at all times and screened from the public view.
- (4) all permanent signs and billboards shall be maintained in good repair and any sign, which has excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state or repair.
- (5) surfacing of Yards: all areas used for vehicular traffic and parking shall be paved with bituminous, concrete or crushed stone surfacing, properly graded, drained and shall be free from dirt or other litter and kept in a good repair.

### **4. SEWAGE AND DRAINAGE**

- (1) Sewage or organic waste shall be discharged into a sanitary sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the District Health Unit.
- (2) 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 and which is in conformance with local By-law.
- (3) Roof drainage or surface water shall;
  - (a) be drained from the lands so as to prevent recurrent ponding or entrance or entrance of water into the basement or cellar, and
  - (b) not be channelled to discharge on sidewalks, stairs, or neighbouring property.

### **5. SAFE PASSAGE**

Steps, walks and driveways and parking areas shall be maintained so as to afford safe passage under normal use weather conditions.



**6. ACCESSORY BUILDINGS AND FENCES**

- (1) Accessory buildings and fences shall be kept in good repair and free from health, fire and accident hazards.
- (2) Where an accessory building or a condition on the property may harbour noxious, rodents, or vermin, all necessary steps shall be taken to eliminate the insects, rodents or vermin and to eliminate the conditions so as to prevent its recurrence.
- (3) Exteriors of accessory buildings shall be kept weather resistant through the use of appropriate weather resistant material.

**7. GARBAGE DISPOSAL**

- (1) Every dwelling, dwelling unit and building except accessory buildings shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.
- (2) Receptacles shall be:
  - (a) of watertight construction
  - (b) capable of being tightly closed
  - (c) maintained in a clean condition; and
  - (d) made available for regular emptying or collecting by the forces of the Corporation of the Town of Mattawa or others in accordance with the provisions of By-law No. 96-18.
- (3) Garbage, rubbish and ashes shall be promptly stored in receptacles and made available for removal at the following locations:
  - (a) where a public alley or lane is provided from points at or near ground level as close as is practicable to the edge of the public alley or lane;
  - (b) where there is no public alley or lane from points at or near ground level as close as is practicable to the curb or travelled roadway but not so as to impede or obstruct pedestrian traffic or maintenance;
- (4) Plastic bags shall not be stored out-doors unless protected from damage.

**8. TREES**

All trees on the premises shall be kept pruned so as to be free from dead or dying branches. Dead trees and shrubs shall be promptly removed from the premises.

**PART II – MAINTENANCE OF DWELLINGS AND BUILDINGS**

**9. PROHIBITION**

1. (a) No person shall use or occupy, or permit the use or occupancy of any property that does not conform to the standards set out in Sections 10 & 11 of this By-law.

- (b) 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 such standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a graded, levelled condition.

### **PEST PREVENTION**

- 2. (a) A dwelling or building shall be kept reasonably free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act.
- (b) Basement or cellar windows used or required for ventilation, and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

### **10. FOUNDATIONS**

- (1) The foundation walls, and basement, cellar or crawl space floors shall be maintained in good repair free from major cracks, breaks or other defects and shall be structurally sound, and where necessary shall be so maintained by shoring of the walls and joists grouting masonry cracks, parging and waterproofing the walls or floors, and installing subsoil drains at footing levels.
- (2) Every basement, cellar and crawlspace in a dwelling or building shall be drained, and ventilated to the outside air.
- (3) A foundation wall of a dwelling or building shall be adequately waterproofed so as to prevent the infiltration of moisture.

### **11. STRUCTURAL STANDARDS**

- (1) Every part of a dwelling or building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Materials which have been so damaged or show evidence of such rot or dryrot or other deterioration shall be removed, or repaired or replaced.
- (2) All exterior surfaces shall be of materials which provide adequate protection from the weather.
- (3) All exterior walls, roofs and other parts of the dwelling or building shall be free from loose, rotten warped and broken materials and objects. Such materials and objects shall be removed, or repaired or replaced.

**12. EXTERIOR WALLS**

- (1) The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and insects, and shall be maintained by the painting, restoring or repairing of the walls, coping or flashing, by the installing or repairing of termite shields and by the treating of the soil with poison.
- (2) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

**13. ROOFS**

- (1) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the dwelling or building.
- (2) All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- (3) Accumulations of snow or ice or both shall be removed from the roof of a dwelling or building.
- (4) All roof drains which are installed or located directly over a public sidewalk shall be maintained so as to prevent the flow of drainage onto the public sidewalks.

**14. DAMPNESS**

The interior floors, ceilings and walls shall be kept reasonably free from dampness arising from the entrance of moisture through an exterior wall, or a roof, or through a cellar, basement or crawlspace floor.

**15. DOORS AND WINDOWS**

- (1) Windows and exterior doors and frames and basement or cellar hatchway shall be maintained in a good repair and shall be of such construction so as to prevent drafts and minimize heat losses through the infiltration of outside cold air in the cold weather season.
- (2) Rotted or damaged doors, door frames, window frames, sashes and castings, weather-stripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.
- (3) Thermal insulation of dwellings or buildings shall be done in accordance with the provisions of the Ontario Building Code or to provisions or requirements designed to meet seasonal or local winter conditions.

16. **STAIRS AND PORCHES**

Inside or outside stairs and porches shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or rotted or deteriorated shall be repaired or replaced.

17. **HANDRAILS**

A handrail shall be provided:

- (a) on at least one side of stairs or ramps less than 1 100 mm (43inches) in width,
- (b) on 2 sides of curved stairs or ramps of any width, except curved stairs within *dwelling units*, and
- (c) on 2 sides of stairs or ramps 1 100 mm (43inches) in width or greater.

18. **GUARDS**

- (1) Except as provided in Sentence (2), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of and ramps, exterior landing, porches, balconies, *mezzanines*, galleries and raised walkways, shall be protected by a *guard* on each side that is not protected by a wall for the length where:
  - (a) there is difference in elevation of more than 600 mm (24inches) between the walking surface and the adjacent surface, or
  - (b) the adjacent surface within 1.2 m (3.9ft) from the walking surface has a slope of more than 1 in 2.
- (2) When an interior stair has more than 2 risers or an interior ramp rises more than 400 mm(16inches), the sides of the stair or ramp and the landing or floor level around the stairwell or ramp shall be protected by a *guard* on each side that is not protected by a wall.
- (3) Height of Guards:
  - (a) Except as provided in Sentences (b) to (d), all *guards* shall be not less than 1070 mm (42inches) high.
  - (b) All *guards* within *dwelling units* shall be not less than 900 mm (36inches) high.
  - (c) Exterior *guards* serving not more than one *dwelling unit* shall be not less than 900 mm (36inches) high where the walking surface served by the *guard* is not more than 1800 mm (71inches) above the finished ground level.
  - (d) Guards for flights of steps, except in required exit stairs, shall be not less than 900 mm (36inches) high.
- (4) Openings in Guards:

Openings through any *guard* that is required shall be of a size that will prevent the passage of spherical object having a diameter of 100 mm (4inches) and having no member, attachment or openings which will facilitate climbing located between 140mm

(5.5inches) and 900mm (36inches) above the floor or walking surface protected by the guard.

**19. EGRESS**

- (1) Every dwelling unit or building shall have immediate access to not fewer than two non-obstructed and approved means of egress located as remotely as possible from one another and leading to safe and open space at ground level. The access to or egress from each dwelling unit or building shall be provided without passing through any other dwelling unit or a furnace room. A single means of egress may be allowed for a dwelling unit in a building or a building if:
  - (a) the building is not more than 2 storeys in a building height and
  - (b) the means of egress is an exterior door located at or near ground level and
  - (c) the access to this exterior door is not through an attached or built-in garage or through another dwelling unit.
- (2) Where a second means of egress is not provided for a dwelling or building of two storey in height, there shall be installed, fire warning or detection devices. These shall be installed in specified locations to the satisfaction of the Chief of the Fire Department.

**20. FIRE PROTECTION**

A high degree of safety to life and the protection of property shall be provided by the separation of dwelling units and the use of materials which retard the spread of fire and prevent the spread of fire and prevent the passage of flame, smoke and hot gasses through open or concealed spaces within the building, and by providing exits which will permit persons to leave the building with safety. The provisions of the National Fire Code will be observed except that minor variations to the code may be permitted where such variations to the code may be permitted where such variations are acceptable to the municipal or provincial authority.

**21. WALLS AND CEILINGS**

- (1) Every wall and ceiling finish shall be maintained in a clean condition and free from holes, loose coverings or other defects which would permit flame, excessive heat or water to enter the concealed space.
- (2) Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

**22. FLOORS**

- (1) Every floor shall be smooth and level.

- (2) Wooden floors or any part thereof shall be maintained so as to be free of all loose, warped, protruding, broken or rotted materials that might cause an accident, and all defective parts shall be repaired.
- (3) The floors of every bathroom, shower room, toilet room and kitchen shall be so maintained as to be resistant to water and readily cleaned.

### **23. BURNT MATERIAL AND DEMOLISHED MATERIAL**

- (1) In the event of fire or explosion, damage or partially burnt material and demolished material shall be forthwith removed from the premises, except that such material may be temporarily stored within the barricaded fire damaged building or unit.
- (2) Should the building have irrecoverable fire damage, the said building shall be demolished, foundation filled in and land cleared within 90 days after the date of the fire, until such time a protective 4'-0" barricade shall be installed and kept in good order...so as to protect the public.

## **PART III – STANDARDS OF FITNESS FOR OCCUPANCY**

### **24. CLEANLINESS**

Every floor, wall, ceiling fixture in a dwelling or building shall be maintained in a clean and sanitary condition, and the dwelling or building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

### **25. WATER**

Every dwelling or building to which water is available under pressure through piping shall be provided with:

- (1) an adequate supply of potable water.
- (2) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and piping for cold water connected to every toilet and hose bib.
- (3) equipment capable of supplying hot water to every washbasin, sink, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. (49 °C).

### **26. PLUMBING**

All plumbing, pipes and plumbing fixtures shall be kept in good working condition and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

**27. TOILET, KITCHEN AND BATHROOM FACILITIES**

- (1) Every self-contained dwelling unit shall be equipped with at least one kitchen sink, water closet, washbasin, and bathtub or shower, and an acceptable means of sewage disposal.
- (2) The occupants of not more than two (2) dwelling units may share a water closet, washbasin and bathtub or shower provided;
  - (a) not more than a total of four (4) persons occupy both dwelling units, and
  - (b) access to the fixtures can be gained without passing through rooms of another dwelling unit or outside the dwelling.

**28. BATHROOMS AND TOILET ROOMS**

- (1) All bathrooms and toilet rooms shall be located within and accessible from within the dwelling or building.
- (2) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed and locked so as to provide privacy for the occupant.
- (3) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- (4) No toilet or urinal shall be located within a room that is used for;
  - (1) the preparation, storing or consumption of food, or
  - (2) sleeping purposes

**29. KITCHEN**

- (1) Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold water where available, storage facilities, a counter top work area, and space for a stove and refrigerator.
- (2) Every kitchen shall have provided adequate and approved gas or electrical or other fuel supply for cooking purposes.
- (3) There shall be at least thirty inches (30") clear space above any exposed cooking surface.

**30. HEATING SYSTEM**

- (1) Every dwelling shall be provided with suitable heating facilities capable of maintaining an indoor temperature of 72°F – 21°C. This temperature shall be capable of being maintained at the mean outdoor January temperature for Mattawa; and shall be turned on from September 1<sup>st</sup> to May 30<sup>th</sup>.
- (2) The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.

- (3) No room heater shall be placed so as to cause a fire hazard to walls, curtains, and furniture, nor to impede the free movement of persons within the room where the heater is located.
- (4) No gas appliance or gas supply shall be installed, maintained, or permitted within any room used or intended to be used for sleeping purposes.
- (5) A furnace that services two or more dwelling units and is located adjacent to habitable spaces shall be enclosed with walls, ceiling and door having a fire resistance rating of not less than one hour.

### **31. CHIMNEYS**

- (1) Any heating or cooking apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smoke pipe, vent or similar adequate chimney.
- (2) Such heating or cooking apparatus or cooking equipment shall be properly connected to the chimney or flue by a permanently sealed connection.
- (3) All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in good repair.
- (4) All gaseous and liquid fuel burning appliances and equipment shall comply with the Energy Act.
- (5) Every chimney, smoke pipe, and flue in a dwelling building shall be maintained; so as to prevent gases from leaking into the dwelling or building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.

### **32. ELECTRICAL SERVICES**

- (1) Electrical facilities shall comply with the requirements of the Electrical Inspection Standards as specified by Ontario Hydro.
- (2) All air conditioners shall be maintained in a safe mechanical and electrical condition.
- (3) The electrical wiring and all equipment and appliance shall be installed and maintained in good working order so as not to cause a fire or electrical shock or other hazard.

### **33. LIGHT**

- (1) Every habitable room, except for a kitchen shall have a window or windows, skylights or translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.



- (2) All public halls and stairs in multiple dwelling shall be illuminated at all times so as to provide safe passage.
- (3) Every stairway, hall, cellar and basement, and every laundry, furnace and non-habitable workroom in a dwelling or building shall be maintained in good working order.

#### **34. VENTILATION**

- (1) Every habitable room shall have an opening or opening for natural ventilation and such opening shall have a minimum aggregate unobstructed free flow area of 0.28 m<sup>2</sup> (3 ft<sup>2</sup>).
- (2) An opening for natural ventilation may be omitted from a kitchen, living room or living – dining room if mechanical ventilation is provided, which changes the air once each hour.
- (3) Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation, or a system of mechanical ventilation.

#### **35. VITAL SERVICES**

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 utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except of such reasonable period of time as may be necessary for the purpose of repairing, replacing or otherwise altering said service or utility.

#### **36. OCCUPANCY STANDARDS**

- (1) The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every 9 m<sup>2</sup> (97 ft<sup>2</sup>) of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (6.89ft) shall not be considered as habitable.
- (2) No room shall be used for sleeping purposes unless it has a minimum width of two (2) metres (6.6ft.) and a floor area of at least 7 m<sup>2</sup> (75 ft<sup>2</sup>). A room used for sleeping purposes by two or more persons shall have a floor area of at least 4.2 m<sup>2</sup> per person (45 ft<sup>2</sup>).
- (3) Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
  - (a) each habitable room shall comply with all the requirements set out in this By-law;
  - (b) 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 the fuel fired heating unit or other similarly hazardous equipment 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 furnace room, boiler room or storage room.

**37. VACANT LANDS AND BUILDINGS**

- (1) All repairs and maintenance for property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned and all new construction or repairs shall conform to the Ontario Building Code where applicable.
- (2) Vacant Lands
  - (a) Vacant land shall be maintained to the standards as described in Section 3 of this By-law
  - (b) Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.
- (3) Vacant Buildings
  - (a) 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.
  - (b) Every vacant building shall be boarded up to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (1/2 inch) weatherproof sheet plywood in a colour compatible with the surrounding walls and securely fastened.

**PART IV - NON-RESIDENTIAL PROPERTY STANDARDS**

**38.**

- (1) 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.
- (2) The yards of non-residential property shall be maintained to the standards as described in Section 3.1 of this By-law.
- (3) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles.
- (4) 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 (6ft.) in height and maintained in good repair.

**39. PARKING AREAS AND DRIVEWAYS**

- (1) 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, all areas used for

vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface.

- (2) 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.

#### **40. STRUCTURAL SOUNDNESS**

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

#### **41. EXTERIOR WALLS**

- (1) Exterior walls of 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 and trim and 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.
- (2) Exterior walls of a building or a structure, and their components, shall be free of inappropriate signs, painting slogans, graffiti and similar defacements.

#### **42. GUARDRAILS AND BALUSTRADES**

- (1) A balustrade 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).
- (2) 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, mezzanines and similar areas and, guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

#### **43. LIGHTING**

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 Occupational 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 V – ADMINISTRATION AND ENFORCEMENT**

The imperial measurements contained in this By-law are given for reference only.

### **44. OFFICER**

- (1) The council of the municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this By-law.
- (2) An officer or any person acting under his/her instructions may, at reasonable times and on producing proper identification, enter and inspect any property.
- (3) An officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a Search Warrant issued under section 21 of the Building Code Act.

### **45. ENFORCEMENT**

Except as provided herein, the administration and enforcement of this by-law shall be pursuant to the provisions of the Building Code Act.

### **46. NOTICE OF NON-COMPLIANCE**

- (1) If, after an initial inspection, the officer is satisfied that in some respect the property does not conform to the standards prescribed in the By-law, he or she shall serve or cause to be served by personal service upon or sent by prepaid registered mail to the owner of the property and all who have interest therein, a Notice of Non-Compliance containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.
- (2) The Notice shall state that the property does not comply with the standard prescribed by the By-law and shall specify the standards with which the property does not comply.
- (3) The Notice shall state that after a certain date to be specified in the Notice of Non-Compliance by the officer, the property will be subject to a re-inspection, at which time the officer may issue an Order under Section 47 of this By-law.
- (4) The Notice shall state that the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the By-law.

### **47. ORDER TO COMPLY**

- (1) At any reasonable time, on or after the date specified in the Notice of Non-Compliance given under Section 46 where an Officer finds that the property does not conform with any of the standards prescribed in this By-law, the Officer may issue an Order:
  - (a) stating the municipal address or the legal description of such 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 at the owner's expense; and
  - (d) indicating the final date for giving notice of appeal from the order.
- (2) An order issued in accordance with article 1 shall be served on the owner of the property and such other persons affected by it as the officer determines and it shall be served personally or by registered mail, sent to the last known address of the person to whom the order is being given.
  - (3) If the Officer is unable to effect service under article 2 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 notice or order on the owner or other persons.

**48. SERVICE**

Service of a notice or order required by the Act or this By-Law shall be served in accordance with section 27 of the Building Code Act.

**49. REGISTRATION OR ORDER**

- (1) An order made under Section 47 article 1 may be registered in the proper Land Registry Office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of Order shall be deemed to have been served under Section 47 article 1 and, when the requirements of the Order have been satisfied, the Clerk of the Municipality 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.

**50. CERTIFICATE OF COMPLIANCE CHARGES**

- (1) The Corporation may charge a fee of \$50.00 for inspection and administration services and a Certificate of Compliance issued under Section 15.5(2) of the Building Code Act.

**51. PROPERTY STANDARDS COMMITTEE**

- (1) A Property Standards Committee shall be established by the Town of Mattawa consisting or residents in the municipality.
- (2) Three (3) persons, being members of Council or employees of the municipality shall constitute and thereby be appointed as members of the Property Standards Committee.

- (3) The term of office for any member shall not exceed a three-year term and appointment to hold office should be staggered so that as nearly as possibly, one third of such members' terms shall expire each year.
- (4) This Committee shall be established under a separate By-law.
- (5) The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair and shall make provisions for the Committee, and any member of the Committee may administer.
- (6) The members of the Committee shall be paid such compensation as the Council may provide.
- (7) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other business of the Committee.

## **52. APPEAL OF ORDER**

- (1) When the owner or occupant upon whom an Order has been served in accordance with Section 47 article 1 is not satisfied with the terms and conditions of the order, he/she 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.
- (2) Where an appeal has been taken, the Committee shall hear the appeal and shall have all the authority functions of the Officer and may confirm, modify or quash the Order or may extend the time period for compliance provided that in the opinion of the Committee, the general intent of the By-law and the Official Plan or policy statement are maintained.
- (3) If any party is dissatisfied with the decision of the Property Standards Committee, an appeal can be made to the Court of Appeal for Ontario by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent as per Section 15.3(4),(5),(6) and (7) of the Building Code Act.

## **53. OFFENCES & PENALTIES**

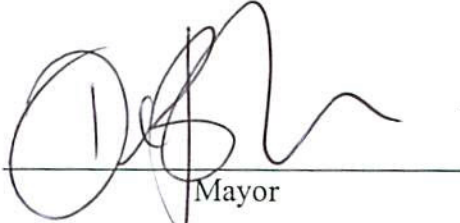
- (1) A person who fails to comply with an Order that is final and binding under this By-law is guilty of an offence under Section 36 of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of the Act.
- (2) Should a person fail to demolish or repair the property in accordance with an Order as confirmed or modified, the municipality, in addition to other remedies:
  - (a) without further notice to the owner or other affected parties, shall have the right to demolish or repair the property accordingly as per section 15.4(1) of the Building Code Act and for this purpose of section (4) employees or agents of the Municipality

- may enter the property at any reasonable time without a warrant in order to repair or demolish the property as per section 15.4(2) of the Building Code Act; and
- (b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the municipality under the provisions of this article as per section 15.4(3); and
  - (c) **TAKE FURTHER NOTICE** that if remedial work is performed by the officer or an authorized agent, pursuant to this Order, the cost of such remedial work may be recovered by way of lien on the real property and may be collected in the same manner and with the same priorities as municipal property taxes, and, if applicable, may have priority lien status as described in Section 1 of the *Municipal Act*, 2001.

54. VALIDITY

- (1) If an article of this By-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- (2) Where a provision of this By-law conflicts with the provisions of another By-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- (3) This By-law may be referred to as "The Property Maintenance & Occupancy Standards By-law".
- (4) By-law Numbers 91-12 and 92-38 are hereby repealed in their entirety.
- (5) This By-law shall come into force and take effect immediately on the date of passing

READ, PASSED AND ADOPTED this 27<sup>th</sup> day of October 2008.

  
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Mayor

  
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Clerk

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The President  
The Executive Order