

By-law No. 26-XXX

of the

THE CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law to prescribe the standards for maintenance and occupancy for all properties within the City of Cambridge and to repeal By-laws 181-04, 44-17 and 184-04

**WHEREAS** Section 15.1 (3) of the *Building Code Act*, 1992, S.O. 1992, c.23, (“the Act”) authorizes the municipality to pass a By-law for prescribing standards for maintenance and occupancy of property;

**AND WHEREAS** Council of The Corporation of the City of Cambridge deems it desirable to pass a by-law for prescribing standards for the maintenance and occupancy of property within the City of Cambridge and for prohibiting the occupancy for use of such property that does not conform to the standards and for requiring property below the standards prescribed in the by-law to be repaired and maintained to comply with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

**AND WHEREAS** the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, authorizes the municipality to prescribe minimum standards for the maintenance of the heritage attributes of a Part IV property or a Part V property, and require a Part IV or a Part V property that does not comply with the standards to be repaired and maintained to conform with the standards;

**AND WHEREAS** Council of The Corporation of the City of Cambridge deems it desirable to enact a by-law for prescribing minimum standards for the maintenance of the heritage attributes of any protected heritage property within the City of Cambridge;

**AND WHEREAS** The Corporation of the City of Cambridge has an official plan enacted pursuant to the Planning Act R.S.O 1990, c.P.13 as amended, which includes policies and provisions relating to the maintenance and occupancy of property within the City of Cambridge;

**AND WHEREAS** the Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Act;

**AND WHEREAS** the Act provides that a municipality may add an administrative penalty to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes;

**AND WHEREAS** the Act provides that if an order is not complied with, the municipality may cause the property to be repaired or demolished accordingly and the municipality shall have a lien on the land for the amount spent on the repair or demolition and the amount shall have priority lien status as described in the *Municipal Act, 2001 S.O. 2001, c. 25*;

**NOW THEREFORE**, Council of The Corporation of the City of Cambridge hereby enacts as follows:

## 1.0 SCOPE

1.1 This By-law applies to all properties in the City of Cambridge.

## 2.0 SHORT TITLE

2.1 This By-law may be referred to as the “Property Standards By-law”.

## 3.0 DEFINITIONS

3.1 As used in this by-law, the following terms have the meanings indicated:

“**Administrative Penalty By-law**” means the Administrative Penalty By-law of the City, as amended from time to time, or any by-law that replaces it;

“**Barrier-Free Access**” means a physical feature, installation, or set of installations within a building or space that is designed to ensure the independent, safe and equitable access for persons with disabilities by eliminating physical or sensory obstacles that would otherwise impede use of environment;

“**Basement**” means a storey or storeys of a building located below the first storey;

“**Building Code**” means the *Building Code Act, 1992, c.23*, as amended, and includes regulations made thereunder, and any Act that replaces it;

“**Character-Defining Element**” means any **Heritage Attribute** (principal features, characteristics, materials, forms, location, spatial configurations, uses and cultural associations or meanings, context and appearance) that contribute to the cultural heritage significance of a **Protected Heritage Property** and which are identified in a

designation by-law and/or within a heritage conservation easement agreement, or within a heritage conservation district plan and guidelines;

“**Chief Building Official**” means the person **Council** has appointed as such pursuant to the *Building Code Act, 1992, c.23*, as amended;

“**Committee**” means a Property Standards Committee or General Appeals Committee established under this by-law;

“**Corporation**” means The Corporation of the City of Cambridge;

“**Council**” means the Council of The Corporation of the City of Cambridge;

“**Designated Provision**” means any section of this by-law designated in accordance with section 11.6;

“**Dwelling Unit**” means a room or suite of rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment capable of supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

“**Fire Code**” means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, and includes regulations made thereunder and any Act that replaces it;

“**Good Repair**” means:

- (a) free from any **Unsafe Condition**;
- (b) free from electrical shock hazards;
- (c) structurally sound;
- (d) free from defects;
- (e) free from holes, loose, broken, torn, cracked or damaged materials;
- (f) in good working order; and
- (g) not unsightly by reason of deterioration, damage or defacement;

“**Habitable Room**” means any room in a **Dwelling Unit** that meets the requirements of the **Building Code** and is used or designated to be used for living, sleeping, cooking or eating purposes;

“**Heritage Attribute**” means, in relation to real **Property**, and to buildings on the real **Property**, an attribute of the **Property**, building or structure that contributes to its cultural heritage value or interest and that is defined or described, or that can be reasonably inferred:

- (a) in a by-law designating a **Property** passed under the **Ontario Heritage Act** and identified as a heritage attribute, reason for designation, or otherwise;
- (b) in a Minister’s order made under the **Ontario Heritage Act** and identified as a heritage attribute, reason for designation or otherwise;

- (c) in a by-law designating a heritage conservation district passed under the **Ontario Heritage Act** and identified as a heritage attribute, value, reason for designation or otherwise;
- (d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to, a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reason for designation or otherwise; or
- (e) in a heritage conservation easement agreement and any supporting documentation;

**“Maintenance (Heritage)”** means the ongoing care and preservation and keeping in repair of **Protected Heritage Property** and considers routine, cyclical, non-destructive actions, necessary to slow the deterioration of **Protected Heritage Property**.

Maintenance includes the following actions: periodic inspection; **Property** cleanup; gardening and repair of landscape features; replacement of glass and/or framing in broken windows; minor exterior repairs (including replacement of individual asphalt shingles where there is little or no change in colour or design); repointing areas of wall space; and/or any work defined as maintenance within a designated by-law or in a heritage conservation district plan;

**“Multiple Dwelling”** means a building lawfully containing more than one **Dwelling Unit**;

**“Municipal Heritage Advisory Committee”** means a Committee of Council formed under the provisions of the **Ontario Heritage Act**;

**“Municipal Sanitary Sewer”** means the **Region’s** and the **City’s** sanitary sewer system or a private **Sewage** disposal system approved by the relevant approval authority;

**“Non-Habitable Room”** means a room or space which does not meet the requirements of the **Building Code** to function as a **Habitable Room**;

**“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of a **Person**;

**“Officer”** shall mean a Municipal By-law Compliance Officer of the **City** and a Police Officer of the Waterloo Regional Police Service;

**“Ontario Heritage Act”** means the *Ontario Heritage Act, R.S.O. 1990, c. O.18*, as amended, and includes regulations made thereunder, or any act that replaces it;

**“Owner”** includes a **Person** who is the registered **Owner** of **Property**, a mortgagee in possession of **Property**, and the **Person** for the time being who is managing or receiving rent from a tenant on the **Property**;

“**Person**” includes an **Owner**, individual, association, firm, corporation (with the exception of The Corporation of the City of Cambridge), partnership, bureau, sole proprietorship, trust, organization, trustee or agent;

“**Property**” means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes every **Vacant Building, Vacant Heritage Property and Protected Heritage Property**;

“**Protected Heritage Property**” shall include any buildings and structures, and includes **Property** and premises appurtenant thereto and all mobile structures, outbuildings, fences and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes **Vacant Property or Vacant Heritage Property**, that are protected under the **Ontario Heritage Act**, situated within a heritage conservation district protected under the **Ontario Heritage Act**, or protected under a heritage conservation easement agreement;

“**Rental Unit**” includes a mobile home, a **Dwelling Unit**, or any portion of a building that is used or intended for use as residential rental accommodation and may include common areas;

“**Service or Utility**” means heat, electricity, gas, refrigeration and hot or cold water;

“**Sewage**” means liquid or water borne waste of industrial, commercial or domestic origin, including human body waste, toilet or bathroom waste, shower, tub, culinary, sink or laundry waste, but does not include **Storm Water**;

“**Storm Water**” means water that is discharged from a device or surface as a result of rainfall, snowmelt or snowfall;

“**Supplier**” means a **Person** who carries on a business of or whose business includes supplying a **Service or Utility** to an end user;

“**Technical Standards and Safety Act**” means the *Technical Standards and Safety Act 2000, S.O. 2000, c.16*, as amended, and includes regulations made thereunder, or any Act that replaces it;

“**Unsafe Condition**” means a condition that poses or constitutes a safety, fire or accident hazard, or a hazard or risk to life, limb or health of any **Person**;

“**Vacant Building**” means any building or structure that appears to be vacant, partially vacant, or unoccupied, or by reason of its unfinished or dilapidated condition, but does not include a building occupied by the **Owner** on a seasonal basis but otherwise maintained throughout the year; or a building owned by the **City**;

**“Vacant Heritage Property”** shall include any buildings and structures located on the **Property** protected under the **Ontario Heritage Act**, situated within a heritage conservation district protected under the **Ontario Heritage Act**, or protected under a heritage conservation easement agreement, that appear to be vacant, partially vacant, or unoccupied, or by reason of its unfinished or dilapidated condition, but does not include a building occupied by the **Owner** on a seasonal basis but otherwise maintained throughout the year; or a building owned by the **City**;

**“Weathertight”** means to be adequately sealed and protected so as to prevent the entry of rain, wind, snow, and other moisture into the interior.

#### 4.0 GENERAL STANDARDS

- 4.1 No **Person** shall use or occupy, or permit the use or **Occupancy**, or consent to the use or occupation of any **Property** that does not conform to the standards prescribed in this by-law.
- 4.2 No **Owner** shall fail to maintain their **Property** in conformity with the standards prescribed in this by-law.
- 4.3 Where applicable, every **Owner** shall obtain a building permit prior to making repairs or carrying out demolition.
- 4.4 All repairs and maintenance shall be carried out in good and workerlike manner. Without limiting the foregoing, this shall include:
- (a) Using materials that are suitable for the purpose and free from defects;
  - (b) ensuring the component repaired can perform its intended function;
  - (c) finishing the repair in a manner that is reasonably compatible in design and colour with the adjoining finishing materials;
  - (d) maintaining an appearance that is consistent with the surrounding environment;
  - (e) being carried out with a degree of efficiency and knowledge possessed by those with a skill set, competency and standing in a particular trade and in accordance with recognized industry best practices;
  - (f) conforming to the requirements of the **Building Code** and **Fire Code** where required; and

(g) where required by law, carried out by a duly qualified and/or licensed person.

- 4.5 Every **Owner** or designate shall attend to their **Property** on a regular basis to ensure the **Property** conforms with the standards prescribed in the by-law. Every **Owner** or designate shall provide a written report on the condition of the **Property** when requested to do so by an **Officer**.
- 4.6 An **Officer** may issue an order requiring the **Property**, or any portion thereof, be examined by a **Person** having special or expert knowledge in relation to the **Property** or portion thereof. The **Officer** may also take steps to request information, tests, samples and examinations. The **Owner** shall submit to the **Officer** a written report prepared by a **Person** having special or expert knowledge.
- 4.7 Every **Owner**, occupant, tenant or lessee of **Property** shall:
- (a) maintain their **Property** and every portion thereof, in a clean, sanitary and safe condition;
  - (b) maintain every floor, wall, ceiling and fixture, including hallway, entrance, laundry room, utility room, and other common area in a clean, sanitary and safe condition; and
  - (c) not allow accumulation or storage of combustible materials, garbage, refuse, appliances, or furniture in a means of egress.

#### Discharging Water and Drainage

- 4.8 No roof drainage, sump pump or any other device designed and intended to direct or discharge water shall be discharged on an entranceway, walkway, stair, sidewalk, or discharged directly onto neighbouring **Property**.
- 4.9 Every downspout, sump pump or any other device designed and intended to direct or discharge water or **Storm Water** shall be maintained so as to direct or discharge water away from buildings and structures.
- 4.10 Every yard shall be graded and maintained so as to prevent the excessive or recurrent ponding of **Storm Water** thereon or upon adjacent premises.

## Parking Areas, Walks and Driveways

- 4.11 Every area used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, concrete pavers or compacted stone or gravel and shall be graded appropriately and kept in **Good Repair**.
- 4.12 Every step, walkway, driveway, ramp, parking space and other similar areas shall be maintained in **Good Repair** so as to afford safe passage under normal use and weather conditions.

## Fences and Retaining Walls

- 4.13 Every fence, screen or wall, other than a retaining wall under section 4.14, on a **Property** or separating adjoining properties shall be:
- (a) maintained in **Good Repair**;
  - (b) constructed using suitable materials and maintained so as to not appear in an unsightly condition;
  - (c) free of any condition that would render the fence to be dangerous; and
  - (d) reasonably plumb.
- 4.14 Every retaining wall as applied under the **Building Code** shall be maintained in **Good Repair**.

## Exterior Property Areas

- 4.15 Exterior **Property** areas shall be maintained free of:
- (a) any tree, bush and hedge, including any branch or limb, which is dead, decayed, damaged or hazardous;
  - (b) any dilapidated or collapsed building, structure, and building appendages;
  - (c) any unprotected well, unless filled in or securely covered; and
  - (d) any **Unsafe Condition**.

## Signs

4.16 A sign and its supporting structure shall be maintained in **Good Repair**.

#### Site Development Requirements

4.17 Every **Property** shall be maintained in accordance with the approved site plan and/or agreement, including but not limited to all maintenance, landscaping, grading, servicing, signage, lighting and other surface works.

### 5.0 BUILDING STANDARDS

#### Structural Soundness

5.1 Every building, structure, or any portion thereof, shall be capable of sustaining its own weight together with the loads that may be applied by reason of its use and **Occupancy**, as set out in the **Building Code**.

5.2 No structural element may be added, removed, repaired or modified in any manner until a required permit has been obtained from the **Chief Building Official**.

5.3 An **Officer** may issue an order requiring the **Property**, or any portion thereof, be examined by a Professional Engineer licensed to practice in the Province of Ontario. The **Owner** shall submit to the **Officer** a stamped written report prepared by the Engineer, which may identify one or more deficiencies and include drawings or specifications pertaining to recommended remedial measures.

5.4 An **Officer** may issue an order requiring that any deficiency identified in an Engineer's report be appropriately remediated. Upon completion of all the work required by the Engineer's report, the **Owner** shall submit to the **Officer** an additional stamped written report prepared by the Engineer certifying that all the work proposed in the initial report has been completed and is in accordance with all applicable legislation.

#### Pest Prevention

5.5 Every building and/or structure shall be kept free from any rodent, vermin, and insect at all times.

5.6 Every opening, including a window, that might permit the entry of a rodent, vermin, insect, and other pest shall be appropriately screened or sealed.

Foundations, Walls, Exterior Surfaces, Roofs, Etc.

- 5.7 Every foundation, exterior wall, **Basement**, cellar or crawl space floor, column, beam, roof, floor and roof slab, ancillary structure such as a parking garage, and other exterior parts of a building and/or structure shall be maintained:
- (a) in **Good Repair**;
  - (b) free from decayed, damaged or weakened sills, beams, piers, posts or other supports;
  - (c) in a **Weathertight** condition; and
  - (d) in a manner so as to prevent the settling of the building.
- 5.8 Every means of egress, including doors, in a parking garage shall be maintained in **Good Repair** and free from all obstructions.
- 5.9 Every floor drain in a parking garage shall be maintained in **Good Repair** and free from obstructions.
- 5.10 Every roof shall be kept clean and free from:
- (a) waste or other debris; and
  - (b) objects or conditions that may create an **Unsafe Condition**.
- 5.11 Every eavestrough, roof gutter and downspout, whether installed individually or as part of a system, shall be maintained in **Good Repair** and **Weathertight**.
- 5.12 All cladding on an exterior wall of every building and/or structure shall consist of masonry, stucco, treated wood, metal or other materials of equivalent strength and durability and maintained in **Good Repair** and **Weathertight**.
- 5.13 Every exterior metal duct shall be maintained in **Good Repair**, **Weathertight**, and free from rust.
- 5.14 Every balcony, porch, landing, deck, canopy, marquee, awning, screen, mezzanine, gallery, raised walkway, stair, stairway, tread, riser, fire escape, pipe,

duct, air conditioner and other similar attachments and their supporting members shall be:

- (a) maintained in **Good Repair**;
- (b) free from refuse and undesirable material; and
- (c) properly anchored.

#### Guards and Handrails

- 5.15 Every guard, handrail, banister, balustrade and any associated component shall comply with the requirements of the **Building Code** and be maintained in **Good Repair**.
- 5.16 A handrail and balustrades shall be installed in every building, stairwell, and open stairway with three or more risers. Where the stair exceeds 1100 mm in width, a handrail shall be installed on both sides.
- 5.17 A guard shall be installed on the open side of every stairwell, stairway and/or ramp, as required by the **Building Code**.
- 5.18 A guard shall be installed around every balcony, porch, landing, deck, mezzanine, gallery, raised walkway, stair, and stairway where there is a difference in elevation to adjacent surfaces of more than 600 mm.
- 5.19 Every guard, handrail and banister shall be constructed and maintained rigid in nature to withstand the loads to which they are subject to, due to intense use.
- 5.20 Every outside guard, handrail and banister shall be protected from deterioration by use of suitable material or use of rot resistant material, and if metal, protected by the use of paint or other suitable protective material.

#### Walls, Ceilings and Floors

- 5.21 Every interior wall, ceiling, floor and appurtenances shall be maintained in **Good Repair**.
- 5.22 Every interior floor shall be maintained so as to be reasonably level.
- 5.23 Every interior floor in a bathroom, kitchen, and laundry room shall be maintained impervious to water.

- 5.24 Every floor shall be kept from excessive dampness arising from the entrance of moisture through a **Basement** or crawl space floor.
- 5.25 Where **Dwelling Units** are separated vertically, there shall be a dividing wall to provide continuous protection through all storeys and every dividing wall shall comply with the requirements of the **Fire Code** and the **Building Code**.
- 5.26 Where **Dwelling Units** are separated horizontally, there shall be a finished ceiling separating these occupancies and such ceilings shall comply with the requirements of the **Fire Code** and the **Building Code**.
- 5.27 The integrity of every fire separation shall be maintained at all times so that they will effectively perform their intended functions in the event of fire.

#### Doors and Windows

- 5.28 Every door, door frame, window, window frame, sash, casing, window and door hardware, window and door locking device, weather stripping, skylight, **Basement** hatchway, screen door and storm door shall be maintained in **Good Repair**.
- 5.29 Every window intended to open and every exterior door in a **Rental Unit** shall have suitable hardware so as to allow locking or otherwise securing from inside.
- 5.30 When required by the **Building Code**, every window located above the first storey of every building shall be equipped with a safety device that would prevent any part of the window from opening greater than would be permitted by the **Building Code**.
- 5.31 Every exterior window, door and appurtenances shall be maintained in a **Weathertight** condition.

#### Bedrooms

- 5.32 No **Person** shall use or permit the use of a **Non-Habitable Room** for a **Habitable Room** purpose.
- 5.33 The maximum number of occupants in a **Dwelling Unit** shall be based upon two **Persons** per bedroom.

- 5.34 For the purpose of computing the maximum number of occupants in subsection 5.33 above, any child under twelve years of age shall be deemed one-half **Person**.

#### Kitchens

- 5.35 Every **Rental Unit** shall contain a kitchen area equipped with a sink, served with hot and cold water, storage facilities, countertop work area and space for a stove and refrigerator, and each component shall be kept in **Good Repair**.
- 5.36 Every kitchen in a **Rental Unit** shall contain adequate gas, electrical or other fuel supply for cooking purposes. Every gas, electrical or other fuel supply shall be installed to the standards provided by the **Technical Standards and Safety Act**, Electrical Safety Authority, or other applicable legislation.
- 5.37 There shall be at least 76 cm (30 in.) clear space above any exposed cooking surface.

#### Bathroom and Toilet Facilities

- 5.38 Every **Rental Unit** shall contain a bathroom consisting of at least one fully operational toilet, washbasin, and bathtub or suitable shower unit.
- 5.39 Every required bathroom in a **Rental Unit** shall be provided with a door capable of being locked from the inside.
- 5.40 Every wall surrounding a shower and bathtub shall be maintained impervious to water.

#### Plumbing

- 5.41 Every lavatory, bathtub and shower and one kitchen sink shall be equipped with an adequate supply of hot and cold running water.
- 5.42 Every **Dwelling Unit** shall be provided with hot water supplied at a temperature of not less than 45 degrees Celsius (113 degrees Fahrenheit) and not more than 60 degrees Celsius (140 degrees Fahrenheit).
- 5.43 Every **Dwelling Unit** shall be provided with an adequate supply of potable running water.

- 5.44 Every plumbing system and every drain, water supply pipe, toilet and other plumbing fixtures shall be maintained in **Good Repair**. Every water pipe and their parts shall be kept from freezing.
- 5.45 Sanitary **Sewage** from a fixture shall be discharged to the **Municipal Sanitary Sewer** or an approved **Sewage** system.

#### Electrical Service

- 5.46 Every **Dwelling Unit** shall be wired for electricity and shall be connected to an approved electrical supply system.
- 5.47 Every electrical system and appurtenance including but not limited to every wire, fixture, switch, and receptacle shall be maintained in **Good Repair**.
- 5.48 Every electrical system and appurtenance including but not limited to every wire, fixture, switch, and receptacle shall conform to the regulations established by, and be installed to the standards provided by the Electrical Safety Authority.

#### Heating, Chimneys and Vents

- 5.49 Every residential building shall be provided with heating facilities capable of maintaining a minimum indoor air temperature of 21 degrees Celsius (70 degrees Fahrenheit) at the outside winter design temperature of -18 degrees Celsius, in all occupied areas.
- 5.50 Every **Owner** of a **Multiple Dwelling** shall ensure heat is continuously supplied so as to maintain a minimum indoor air temperature of 21 degrees Celsius (70 degrees Fahrenheit) in all occupied areas from October 1 in each year, to May 15 the following year.
- 5.51 Heating facilities shall be maintained in **Good Repair**.
- 5.52 No **Rental Unit** shall be equipped with portable heating equipment as the primary source of heat.
- 5.53 Every fuel burning appliance and their parts shall be installed and maintained in **Good Repair** and comply with the requirements of the **Technical Standards and Safety Act**.

- 5.54 Every fuel burning appliance shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 5.55 Every building shall be maintained so that smoke, fumes, and gases cannot travel from a **Non-Habitable Room** into a **Habitable Room**.
- 5.56 Every chimney, smoke-pipe, flue and vent shall be maintained in **Good Repair**.
- 5.57 Every chimney, smoke-pipe, flue and vent shall be maintained so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 5.58 Every fireplace shall be connected to an approved chimney. Every fireplace shall be maintained in **Good Repair**.

#### Egress

- 5.59 Every building and **Dwelling Unit** shall have a means of egress that is not less than 1100 mm or 1.1 meters in width. Such means of egress shall be maintained free of obstructions.
- 5.60 Every **Dwelling Unit** shall have a sufficient number of exits or egress doors so that it shall not be necessary to travel up or down more than one storey to reach a level services by an exit or egress door to a public corridor or exterior passageway.

#### Lighting

- 5.61 Every bedroom, living room, dining room, bathroom, kitchen, utility room, laundry room, furnace room, **Basement** and **Non-Habitable Room** or storage area shall be provided with permanent light fixtures. Bedrooms or living rooms may have a receptacle controlled by a wall switch.
- 5.62 An exterior lighting fixture controlled by a wall switch located within the building shall be provided at every entrance to every building of residential **Occupancy**.
- 5.63 Every lighting fixture shall be maintained in **Good Repair**.
- 5.64 Every lighting fixture shall provide sufficient illumination so as to avoid an **Unsafe Condition** in normal use.

5.65 Every public hallway and stair in a **Multiple Dwelling** shall be illuminated at all times so as to provide safe passage.

#### Nuisance Lighting

5.66 No **Person** shall create, cause or permit the excessive intrusion of light onto adjacent **Property** so as to be or cause a nuisance to the public generally or to the occupants of the adjacent **Property**.

5.67 For the purposes of section 5.66, a nuisance means anything that is injurious to health, offensive to the senses, or an obstruction to the free use of **Property**, so as to interfere with the comfortable enjoyment of life or **Property**.

5.68 Section 5.66 shall not apply to lighting that is:

(a) approved by the **City** as a condition of development or redevelopment;

(b) installed and required by emergency services;

(c) used in theatrical, film or television production approved by the **City**; and

(d) used in special events approved by the **City**.

#### Ventilation

5.69 Every bathroom shall have openings for natural ventilation providing an unobstructed free flow of air as required by the **Building Code**. An opening for natural ventilation is not required in a bathroom where a system for automatic mechanical ventilation has been provided with a duct leading to outside the building.

5.70 Every system for mechanical ventilation shall be maintained in **Good Repair**.

5.71 Every enclosed area including a **Basement**, crawl space, parking garage, and attic or roof space shall be adequately vented.

#### Mould

5.72 Any accumulation of mould shall be cleaned and removed.

- 5.73 An **Officer** may issue an order requiring that the **Property**, or any part of it, be inspected by a Certified Air Quality Assessment professional. The **Owner** shall provide the **Officer** with a written report prepared by a Certified Air Quality Assessment professional. The report shall detail the extent of mould contamination and remediation of mould, details about the air quality levels and any other items as the **Officer** deems necessary.

#### Voice Communication System

- 5.74 Every existing voice communication system shall be maintained in **Good Repair**.

#### Elevating Devices

- 5.75 Every elevator, dumb-waiter, hoist, escalator, incline lift, and other elevating device that is existing or otherwise required by law shall be maintained in **Good Repair**.

#### Barrier Free Access

- 5.76 Every feature or installation of **Barrier-Free Access** that is existing or otherwise required by law or as a condition of development or redevelopment, shall be maintained in a **Good Repair**, operationally suitable and available for use.
- 5.77 Every accessible door mechanism, including every power door operator, lever handle, push plate, and related hardware, shall be maintained in **Good Repair**.
- 5.78 Tactile attention indicators shall be installed where required by the **Building Code**.

#### Disconnected Utilities

- 5.79 No **Owner** or any **Person** acting on behalf of such **Owner** shall disconnect or cause or permit the disconnection of any **Service or Utility** at any **Rental Unit** except for such reasonable period of time as may be necessary for the purpose of repairing, replacing or otherwise altering said **Service or Utility**.
- 5.80 Every **Owner** shall be deemed to have caused the disconnection of a **Service or Utility** if they are obliged to pay the **Supplier** and fails to do so and as a result of the non-payment, the **Service or Utility** is no longer provided.

- 5.81 Every **Supplier** shall give 30 days notice to the Municipal By-law Compliance Division when planning to discontinue a **Service or Utility** at a building containing one or more **Rental Units**.
- 5.82 Every notice required under section 5.81 shall be made in writing and contain the following:
- (a) name, address, and telephone number of the **Supplier**;
  - (b) type of **Service or Utility**;
  - (c) name, address, and telephone number of the **Person** with whom the **Supplier** has a contract for the supply of the **Service or Utility**;
  - (d) the municipal address, and if applicable the unit number(s), at which the **Service or Utility** is being supplied;
  - (e) confirmation that at least one **Rental Unit** is occupied at the **Property**;
  - (f) the nature of the **Owner's** breach of contract with the **Supplier**;
  - (g) if the breach in clause (f) is for nonpayment of charges for the supply of the **Service or Utility**, the amount of unpaid charges, any interest and administration charges and the amount of any disconnection and reconnection charges;
  - (h) the date and time when the **Supplier** will discontinue to provide the **Service or Utility**; and
  - (i) the name, municipal address and telephone number of an individual authorized by the **Supplier** to receive a direction made under this by-law.
- 5.83 Every **Supplier** shall restore any **Service or Utility** when directed to do so by an **Officer**.

## 6.0 VACANT BUILDINGS & DEMOLITION

6.1 Every **Owner** of a **Vacant Building** shall:

- (a) ensure the **Vacant Building** is secured against unauthorized entry;

- (b) maintain liability insurance on the **Vacant Building**;
  - (c) maintain the **Vacant Building** in accordance with the provisions of this by-law; and
  - (d) protect the **Vacant Building** against damage, accident, storm, fire or neglect.
- 6.2 Every **Owner** of a building or structure that is damaged by accident, storm, fire, neglect or otherwise shall:
- (a) take immediate steps to prevent or remove every **Unsafe Condition**;
  - (b) erect a fence that is at least 182 centimeters (72 inches) in height and sufficient to reasonably prevent a **Person** from entering the **Property**. The fence shall also conform to section 4.13 of this By-law; and
  - (c) demolish or restore the building or structure in accordance with this By-law and the **Building Code**.
- 6.3 If any exterior door, window, trim, or other opening of a **Vacant Building**, or partially **Vacant Building** or structure is broken, improperly fitted, or otherwise in disrepair, the **Owner** shall secure the building with boarding, sheathing or protective coverings to the satisfaction of the **Officer**.
- 6.4 If an **Owner** uses plywood sheathing to secure an opening on a building, such plywood sheathing shall be at least 12.7 mm (0.5 in.) thick, firmly fastened to the building, and painted a colour that blends with the surrounding walls.
- 6.5 Every board, sheathing or protective covering that is used on a building to secure a window, door or other opening shall be maintained in **Good Repair**.

#### Demolition

- 6.6 Where a building or structure is being demolished, every reasonable precaution shall be taken to protect adjoining **Property** and members of the public.
- 6.7 Where a building or structure on a **Property** is demolished, the site shall be cleared of all undesirable material, brush, recyclable material and unsightly storage.

6.8 Where a building or structure on a **Property** is demolished, the site shall be left in a graded and levelled condition.

6.9 Demolition work shall be carried out in accordance with the **Building Code**.

6.10 Demolition work shall be carried out in accordance with the Demolition Control By-law or any by-law that replaces it.

## 7.0 HERITAGE PROPERTIES

7.1 In addition to the minimum standards for the **Maintenance (Heritage)** of a **Property** in the Municipality as set out in this by-law, the **Owner** or occupant of a **Protected Heritage Property** shall:

(a) maintain, preserve and protect every **Character-Defining Element** as identified with the designation by-law and/or identified within a heritage conservation district plan, and/or identified within a heritage conservation easement agreement to maintain the heritage character, visual, and structural integrity of every building, structure, or construction located on the real **Property**; and

(b) maintain **Protected Heritage Property** in a manner that will ensure the protection and preservation of every heritage value and attribute.

### Repair of Character-Defining Elements

7.2 Despite any other provisions in this by-law, where a **Character-Defining Element** of a **Protected Heritage Property** can be repaired, the **Character-Defining Element** shall not be replaced and shall be repaired as follows:

(a) in a manner that minimizes damage to the **Character-Defining Element**;

(b) in a manner that maintains the design, colour, texture, grain, materials or other distinctive feature of the **Character-Defining Element**;

(c) using the same material as the original and in keeping with the design, colour, texture, grain, and any other distinctive features of the original; and

(d) where the same types of materials as the original are no longer available, using approved alternative materials that replicate the design, colour, texture, grain or other distinctive feature, and appearance of the original material.

## Replacement of Character-Defining Elements

- 7.3 Despite any other provisions in this by-law, where a **Character-Defining Element** of a **Protected Heritage Property** cannot be repaired (as determined by a built heritage specialist), the **Character-Defining Element** shall be replaced as follows:
- (a) using the same types of material as the original;
  - (b) where the same types of material as the original are no longer available, using approved alternative materials that replicate the design, colour, texture, grain, materials or other distinctive feature, and appearance of the original material; and
  - (c) in such a manner so as to replicate the design, colour, texture, grain, and other distinctive features and appearance of the **Character-Defining Element**.

## Altering Protected Heritage Properties

- 7.4 Despite any other provisions in this by-law or the **Building Code**, no **Protected Heritage Property** shall be altered, except for works classified as **Maintenance (Heritage)** and/or when approval is granted under the **Ontario Heritage Act**.

## Vacant Heritage Properties

- 7.5 **Vacant Heritage Property** shall be protected against risk of fire, storm, neglect, intentional damage, or damage caused by animals and unauthorized **Persons**, and by closing and securing openings to any structures with boarding. This boarding must completely cover all openings, and be properly fitted in a watertight manner with the side jams, the head jams, and the exterior bottom sill of the opening so that any exterior trim and cladding remains uncovered and undamaged by the boarding. The boarding shall be installed in such a way that minimizes damage to every **Character-Defining Element**, including windows and doors, is reversible, and minimizes visual impact.
- 7.6 No opening on a **Vacant Heritage Property** shall be secured by brick or masonry held in place by mortar unless agreed to by **Municipal Heritage Advisory Committee**.

- 7.7 An exterior lighting fixture shall be installed at the front entrance of **Vacant Heritage Property**.
- 7.8 In the event of a conflict between policies relating to **Protected Heritage Property**, and any other provision of this by-law or the **Building Code**, the provision that establishes the highest standard for the protection of **Character-Defining Elements** shall prevail.
- 7.9 The **Owner** of a **Vacant Heritage Property** shall:
- (a) post a “No Trespassing” sign on every point of access to **Vacant Heritage Property**; and
  - (b) post a heritage notice on **Vacant Heritage Property** that complies with City planning application graphics and signage that states: “Heritage Notice: The structure on this **Property** is a designated heritage resource protected under the **Ontario Heritage Act**, and applicable municipal law”.

## 8.0 ADMINISTRATION & ENFORCEMENT

- 8.1 For the purposes of the administration and enforcement of this by-law the City may from time to time appoint **Officers**.
- 8.2 An **Officer** or any **Person** acting under his or her instructions; may, upon producing proper identification, enter upon any **Property** at any reasonable time without 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 has been complied with.
- 8.3 No **Person** shall obstruct or hinder or attempt to obstruct or hinder an **Officer** in the exercise of power or the performance of a duty under this by-law.
- 8.4 A **Person** shall not knowingly make a false or misleading statement to an **Officer** or any **Person** who is acting under the authority of this by-law.
- 8.5 Where a provision of this by-law conflicts with the provision of another by-law or Act in force in the **City**, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

## 9.0 ORDER TO COMPLY

- 9.1 An **Officer** who finds that a **Property** does not conform to any of the standards prescribed in the by-law may make an order pursuant to the **Building Code** and any regulations made thereunder.
- 9.2 The order shall be served personally or by registered mail to the **Owner** and any other **Person** affected by it as the **Officer** deems necessary, and a copy of the order may be posted at the **Property**.
- 9.3 An order served by registered mail to the last known address to whom notice is to be given is deemed served on the fifth (5<sup>th</sup>) day after the date of mailing.
- 9.4 An order may be registered on the **Property** 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 and when the requirements of the order have been satisfied, the municipality may forthwith register a certificate that the requirements have been satisfied, which shall operate as a discharge of the order.
- 9.5 No **Person** shall fail to comply with an order issued by an **Officer** under this By-law.

### Appeal

- 9.6 A **Person** served with an order made pursuant to this by-law and the **Building Code** may appeal to the **Committee** by the date stipulated in the order by sending a Notice of Appeal by registered mail with the fee set out in the Fees and Charges By-law, as amended, or any by-law that replaces it.
- 9.7 If an appeal is taken, the **Committee** shall hear the appeal and shall have all powers and functions of the **Officer** who made the order, and may:
- (a) confirm, modify or rescind the order; or
  - (b) extend the time for complying with the order.

## 10.0 POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

- 10.1 If a **Person** fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the **City** may do the matter or thing at the **Person's** expense. The **City** may recover the costs of doing a matter or thing from the **Person** directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- 10.2 The **City** shall have a lien on the land for the amount spent on the repair, demolition or other remedial work, and the amount shall be deemed to the municipal real **Property** taxes and may be added to the tax roll and collected in the same manner and with the same priorities as municipal real **Property** taxes.
- 10.3 The **City** or any **Person** acting on its behalf is not liable to compensate the **Owner**, occupant or any other **Person** by reason of anything done by or on behalf of the **City** in reasonable exercise of its powers.

## 11.0 PENALTIES

- 11.1 Every **Person** who fails to comply with an order issued pursuant to this by-law is guilty of an offence under subsection 36(1) of the *Building Code Act*, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in that Act.
- 11.2 Every **Person** who fails to comply with an order made under this by-law is guilty of an offence, and on conviction, in addition to administrative penalties, is liable to a fine of not more than \$10,000 per day for every day the offence continues after the time given for complying with the order has expired.
- 11.3 Every **Person** who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. Every corporation who is convicted of an offence is liable to a fine of not more than \$500,000 for the first offence and to a fine of not more than \$1,500,000 for a subsequent offence.
- 11.4 An offence is a subsequent offence if there has been a previous conviction under the **Building Code**.
- 11.5 If this by-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the by-law, the court, which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the **Person** convicted.



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CITY CLERK  
Jennifer Shaw