

## **The Corporation of the City of Richmond Hill**

### **By-Law xx-24**

A By-Law to prescribe standards for the maintenance and occupancy of property within the City of Richmond Hill.

Whereas under s. 15.1(3) of the Building Code Act, 1992, S.O. 1992, c. 23 (the “Building Code Act”) council of a municipality may pass a by-law prescribing standards for the maintenance and occupancy of property within a municipality; prohibiting the occupancy or use of such property that does not conform with the standards; requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition, if the official plan in effect for the municipality includes provisions relating to the property conditions;

And Whereas the Official Plan of The Corporation of the City of Richmond Hill (the “Corporation”) includes provisions relating to property conditions;

And Whereas pursuant to section 15.6(1) of the Building Code Act, a Property Standards By-law shall provide for the establishment of a committee composed of not fewer than three persons to hold office (“Property Standards Committee”) for such terms and on such conditions that the Property Standards By-law may establish;

And Whereas the Council of the Corporation (“Council”) deems it desirable to enact a Property Standards By-law within the City of Richmond Hill and to appoint a Property Standards Committee;

And Whereas under subsections 35.3 and 45.1 of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended, if a Property Standards By-law is in effect in the municipality, its council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of a property that has been designated by the municipality or the Minister to be of cultural heritage value, or that is situated in a heritage conservation district (collectively “Heritage Property”), and require such Heritage Property that does not comply with the standards to be repaired and maintained to conform with the standards;

And Whereas Council deems it desirable to enact a Property Standards By-law, including minimum standards for the maintenance of the heritage attributes of Heritage Property within the City of Richmond Hill;

And Whereas Council seeks to conserve cultural heritage resources on protected heritage properties by prescribing minimum standards for the maintenance of the cultural heritage value or interest of such properties;

**Now Therefore The Council Of The Corporation Of The City Of Richmond Hill  
Enacts As Follows:**

1. That this By-law No. XX-24 be effective upon enactment.

Passed this xx day of xxx, 2024.

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David West  
Mayor

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Stephen M.A. Huycke  
City Clerk

## **ARTICLE 1 – Interpretation**

### **1.1 Short Title**

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

### **1.2 Definitions**

In this By-law, the following words shall have the following meanings:

**“Accessory Building”** means a Building or Structure, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or Building located on the same lot and shall not include a detached garage or outdoor swimming pool.

**“Administrative Penalty By-law”** means the Corporation’s By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties;

**“Airborne Contaminants”** means any matter of material carried through the air and may include but is not limited to gases such as carbon monoxide and carbon dioxide, vapours such as petrol, acetone, ethanol and chloroform, or mist from solutions being sprayed such as paint.

**“Building”** means a building as defined in the Building Code Act.

**“Building Code”** means the Ontario Regulation 332/12, as amended, or other regulations made under Section 34 of the Building Code Act;

**“Building Code Act”** means the Building Code Act, 1992, S.O. 1992, c. 23 as amended or superseded;

**“Building Materials”** means bricks, timber, blocks, stone, cement, concrete, roofing materials, plaster, insulation, siding, drywall, and similar materials. As well as any tools or machinery used in the affixing, mixing, prepping, or completing of work.

**“Certificate of Compliance”** means a certificate issued by a Municipal By-law Enforcement Officer if they are of the opinion that the property, for which the certificate has been requested, complies with the standards established by this by-law;

**“Chief Building Official”** means the Chief Building Official as appointed under by-law by Council;

**“Commissioner”** means the Commissioner of Community Services of the Corporation or a successor office as the case may be;

**“Corporation”** means the Corporation of the City of Richmond Hill;

**“Council”** means the Council of the Corporation;

**“Demolish” or “Demolition”** means to do anything in the removal of a Building or any material part thereof;

**“Directive”** means an Order issued instructing the Owner of a Property to supply tests, samples, documents, or expert reports.

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

**“Dwelling Unit”** means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit;

**“Good Working Order”** means,

- a) In conformity with the Building Code Act and the Building Code, an Order, or by-law;
- b) Structurally sound, and finished in a reasonably uniform manner;
- c) Not broken, rusted, rotten, leaky, defective or in a hazardous condition;
- d) Not in an unorganized condition that lacks general maintenance and upkeep, or an unreasonable accumulation of items or materials;
- e) Capable of completing the task it was designed to do as per the manufactures specifications;
- f) Adequately protected by uniform weather-resistant material, if applicable;
- g) Adequately protected from the entrance of water, Pests, or similar condition.

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

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

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

**“Heritage Attributes”** means, in relation to Property, and to the Buildings and Structures on the Property, the attributes of the Property, Buildings and Structures that contribute to their cultural heritage value or interest, and shall have the same meaning as defined in the Ontario Heritage Act;

**“Heritage Property”** means a Property that has been designated under section 29 or section 34.5 of the Ontario Heritage Act or Property that is located within an area that has been designated under section 41 of the Ontario Heritage Act as a heritage conservation district.

**“Injurious Insects”** means any insect that has or that is likely to have an adverse effect on the health of any person, or any insect that is capable of causing

structural damage to a Building or Structure, including termites and carpenter ants;

**“Municipal By-law Enforcement Officer”** means an individual appointed for the purpose of enforcing the provisions of this By-law;

**“Occupant”** means any person or persons over the age of eighteen (18) years occupying a property, and shall include a lessee;

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

**“Order”** means an order issued by a Municipal By-law Enforcement Officer to a Person under this By-law requiring such Person to perform work to correct a contravention of this By-law;

**“Owner”** means

- a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person’s own account or as agent or trustee of any other Person, or who would receive the rent if the land and premises were let, and
- b) a lessee or Occupant of the Property who, under the terms of a lease, is required to Repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property;

**“Penalty Notice”** means a notice given to a Person pursuant to Part 4 of the City’s Administrative Penalty Bylaw, as amended;

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

**“Pests”** means rodents, vermin or Injurious Insects;

**“Property”** means a Building, and includes the lands and premises appurtenant thereto and all mobile homes, mobile Buildings, mobile Structures, outbuildings, fences and erections thereon; whether heretofore or hereafter erected, and includes vacant property;

**“Property Standards Committee”** means a property committee established pursuant to section 15.6 of the Building Code Act;

**“Repair”** includes the provision of facilities, the making of additions or alterations or the taking of such action as may be required to ensure that a Property conforms with the Standards;

**“Standards”** means the standards of physical condition and of occupancy prescribed for Property in this By-law.

**“Structure”** means anything that is erected, built or constructed of parts joined together and attached or fixed to the ground or any other Structure, including a Building;

“Yard” means any hard or softscaped open, uncovered, unoccupied space, of a Property;

## **ARTICLE 2 – Application**

### **2.1 Application of Standards**

1. This By-law applies to all Properties within the City of Richmond Hill.
2. Where a provision of this By-law conflicts with a provision of any other By-law in force in by the Corporation, the provision that establishes the higher standard to protect the health, safety and welfare of the public prevails.

## **ARTICLE 3 - Prohibitions**

### **3.1 General Prohibitions**

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.
2. No Owner shall fail to maintain their Property in conformity with the Standards.
3. Where a Municipal By-law Enforcement Officer has reasonable grounds to believe that an offence has been committed by a Person, the Municipal By-law Enforcement Officer may require the name, address and proof of identity of that Person, and the Person shall supply the required information.
4. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law.
5. Where applicable, and when complying with an Order issued pursuant to this By-law every Owner shall obtain a building permit prior to making Repairs or undertaking Demolition.
6. No Owner of a Heritage Property designated under section 29 of the Ontario Heritage Act shall alter the Heritage Property or permit the alteration of the Heritage Property if the alteration is likely to affect a Heritage Attribute, unless the Owner applies to Council and receives consent in writing to the alteration.

## **ARTICLE 4 - Maintenance of Buildings**

### **4.1 General Maintenance**

1. All Guards and handrails shall be installed and maintained in accordance with the Building Code so as to afford reasonable protection against accident or injury to any Person in or on a Property.
2. All stairs, porches, decks, landings, treads, risers or other similar Structures shall have Guards or handrails, which shall be maintained in Good Working Order.

3. Elevating devices, including all parts, finishes, buttons, indicators and fans shall be maintained in Good Working Order.
4. All elevators shall be inspected and licensed pursuant to the Elevating Devices Act, R.S.O. 1990, c. E.8, as amended.
5. Where a heating system, heating equipment or any auxiliary heating unit burn solid or liquid fuel, a place for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
6. All electrical hook ups, wiring, fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition, and in Good Working Order.
7. Plumbing systems shall be installed and maintained in Good Working Order and shall be free from defective or dripping taps and other defects.
8. Accessory Buildings shall be maintained in Good Working Order.

#### **4.2 Security and Property Safety**

1. Outdoor lighting shall be placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a Dwelling or Dwelling Unit on adjoining Property;
2. Sensor activated lighting shall not be triggered by activity off the Property of where it has been installed.
3. Lighting fixtures, lamps and their supports and connections shall be maintained in Good Working Order.
4. Lighting as required by the Building Code shall provide and be maintained to allow for an adequate level of lighting so that the use normally carried out in such areas can be undertaken safely.

#### **4.3 Air Quality**

1. The interior of all Buildings, or portions thereof, shall be kept free from accumulations of Airborne Contaminants that may cause an adverse effect to any Person.
2. No Person shall occupy, or permit the occupancy of a Building or portion thereof, where a high concentration of airborne contaminants exist which may cause an adverse effect to any Person who occupies the Building, or portion thereof.

3. Notwithstanding, section 4.3.1 of this By-law shall not apply if in the opinion of a Municipal By-law Enforcement Officer, the presence of airborne contaminants is minor in nature and relates to general maintenance.

#### **4.4 Rental Properties**

1. Every Owner shall provide adequate and suitable vital services to each of the Owner's rental Dwelling Units;
2. No supplier shall cease to provide a vital service until a notice has been given in writing to the clerk of the Corporation at least 30 days before the supplier ceases to provide the vital service.
3. A supplier shall promptly restore the vital service when directed to do so by the Commissioner.

#### **4.5 Mold**

1. Any extensive accumulation of mold shall be immediately cleaned and removed by the Owner of a Building.
2. No Person shall occupy, or permit the occupancy of a Building, or portion thereof, where an extensive accumulation of mold exists which could pose a health concern to any Person who occupies the Building, or portion thereof.
3. Any condition in a Building, including but not limited to water penetration, humidity or inadequate ventilation, which relate to the creation and growth of mold, shall be Repaired or removed by the Owner of the Building.
4. Notwithstanding sections 4.5.1 and 4.5.3 of this By-law, the above shall not apply if, in the opinion of a Municipal By-law Enforcement Officer, the presence of mold is minor in nature and relates to general cleanliness and/or lifestyle.

#### **4.6 Pests**

1. Every Dwelling Unit shall be kept free of Pests at all times, and methods used for exterminating Pests shall be in accordance with any applicable legislation.
2. Openings and holes in a Building containing Dwelling Units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains, that might permit the entry of Pest, birds or other animals, shall be screened or sealed appropriately.



#### **4.7 Doors, Windows, and Skylights**

1. An opening in the exterior surface of a Building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function and the Owner shall:
  - a) ensure that the doors, windows and skylights are weather tight;
  - b) refit, replace, renew, caulk and weather-strip any damaged, decaying defective or missing doors, windows, frames, sashes, casings, hatchways or screens;
  - c) fit the door, window or skylight with locking devices;
  - d) replace any broken or missing glass; and,
  - e) replace any defective missing hardware.
  
2. Exterior doors, windows, skylights, basement hatchways, including storm and screen doors and storm windows, shall be:
  - a) maintained in Good Working Order by the Owner and weather tight;
  - b) free from defective or missing hardware;
  - c) free from torn, damaged or, where supplied, missing screens;
  - d) free from defective or missing weather-stripping or caulking;
  - e) free from defective storm or screen doors; and,
  - f) free from broken or missing glass.
  
3. At the request of an Occupant, the Owner shall ensure each window in a Dwelling Unit that is located above the storey that has its floor closest to grade and that has its ceiling more than 1.8 metres above grade, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult Occupant in an emergency without the use of tools.

#### **4.8 Interior Walls, Floors and Ceilings**

1. Interior walls, floors and ceilings of a Building shall be maintained:
  - a) in Good Working Order and free from holes, large cracks, broken plaster and loose or broken masonry;
  - b) in a clean and sanitary condition which is reasonable considering the use or operation; and
  - c) free from cracked and broken boards, drywall, panels, or the like.
  
2. Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained by the Owner in a safe condition, in Good Working Order free from all defects, deterioration or missing materials.

3. Floors and floor coverings in all Buildings shall be maintained in Good Working Order, free from all defects, deterioration or missing materials.
4. The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

#### **4.9 Habitable space**

1. Every Dwelling Unit shall contain at least the following:
  - a) a toilet;
  - b) a kitchen sink;
  - c) a washbasin; and,
  - d) a bathtub or shower or a combination thereof.
2. A washroom in a Dwelling Unit shall be an enclosed space and shall have:
  - a) water resistant walls in a tub surround and a shower;
  - b) a door which can be secured from the inside and can be opened from the outside in an emergency; and,
  - c) an artificial light fixture which is maintained.
3. No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing or consuming or storing food.
4. Hot water shall be provided to a sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43 degrees Celsius and not more than 49 degrees Celsius.
5. An adequate and safe supply of potable water shall be provided at all times.
6. A Dwelling Unit shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces of the walls, ceilings and floors.

#### **4.10 Heating and Ventilation**

1. Every Owner of a Dwelling shall ensure heating and ventilation systems are constructed, installed and maintained in Good Working Order.
2. Every Dwelling and every Dwelling Unit shall be provided with a heating system capable of maintaining a room at a minimum temperature of 20° C (68° F) at 1.2 metres (4 feet) above the floor level in all habitable rooms, bathrooms and toilet rooms.

3. Every Dwelling, or Dwelling Unit including a Rental Unit shall not be equipped with a portable heating appliance as a primary source of heat.
4. Only heating appliances approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

#### **4.11 Facilities**

1. All appliances such as refrigerators or cooking stoves supplied by the Owner shall be maintained in Good Working Order by the Owner.
2. Locker and storage rooms shall be kept free of dampness, mold or mildew by the Owner.
3. Piped plumbing and drainage systems and appurtenances in a residential Property shall be maintained free from leaks, drips, defects or obstructions and adequately protected from freezing.
4. Elevators intended for use by an Occupant shall be properly maintained by the Owner in accordance with the regulations under Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as amended, and kept in operation except for such reasonable time as may be required to repair or replace them as enforced by the Technical Standards and Safety Authority.
5. A supply of electrical power, wiring and receptacles acceptable to the Electrical Safety Authority shall be provided and properly maintained by the Owner to all habitable space and interior common areas in a Property.
6. All electrical fixtures, switches, receptacles and connections thereto shall be maintained in safe and complete condition, and in a Good Working Order.
7. If the Owner supplies a meter for electricity for the purpose of billing the Occupant individually, it shall be properly maintained by the Owner and kept accessible to Occupant.
8. A kitchen shall be supplied with electrical power and shall have outlets suitable for a refrigerator and cooking appliances.
9. Every residential Property shall have one or more suitable containers or compactors provided by the Owner for waste and recyclable material and shall

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

10. The container shall be maintained by the Owner in a clean and sanitary condition, accessible to Occupant and shall not obstruct an emergency route, driveway or walkway.
11. Where waste or recyclable material is stored for disposal outside of the enclosed walls of a Building, the waste or recyclable material shall be blocked from view if it is stored less than 60m (196 ft) from a public highway, street, walkway, park or residential property so as not to be reasonably visible from such locations or as required under an approved site plan.

#### **4.12 Building Security**

1. Every residential Property shall have a safe, continuous and unobstructed passage from every part of the interior to an exterior open space at street or grade level.
2. All windows and exterior doors which are intended to be opened and which are accessible from outside a Dwelling Unit or a residential Property shall have hardware that makes them capable of being secured.
3. At least one entrance door in a Dwelling Unit shall be capable of being both secured from inside and locked from the outside of the Dwelling Unit.
4. Where provided, a lobby door locking release and the Dwelling Unit-lobby communications system shall be properly maintained by the Owner.
5. Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with a door equipped with a security device, which prevents access to Persons other than the Owner and Occupant.
6. A mail delivery slot and other openings for deliveries that directly enter into a Dwelling Unit shall:
  - a) be located and maintained to prevent access to the lock on the entry door or any adjacent window; or,
  - b) be sealed if other facilities for delivery have been made.
7. Mail boxes provided by the Owner shall be properly maintained and be capable of being secured.

8. Mail Slots shall be maintained to prevent access to locks on doors and windows.
9. Mail Slots shall be maintained to be secured to protect deliveries.

## **ARTICLE 5 - Damaged Properties**

### **5.1 Repair or Demolish**

1. A Building damaged by fire, storm or by other causes shall be Demolished or Repaired.
2. Where a Building is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger Persons on or near the Property and the Building or Structure shall be properly supported and barricaded until the necessary Demolition or Repair can be carried out.
3. Defacement by smoke or by other causes on the exterior wall and surface of the Building or Structure or of the remaining parts of the Building or Structure shall be removed and the defaced areas refinished in a workmanlike manner.
4. Where a Building referred to in section 5.1.2 is a Heritage Property, the Owner shall take all steps required under the Ontario Heritage Act before undertaking any Demolition or Repair.

## **ARTICLE 6 - Heritage Properties**

### **6.1 Maintain Heritage Attribute**

1. In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this By-law, the Owner of a Heritage Property shall:
  - a) maintain the Heritage Property so as to retain its heritage value or interest and Heritage Attributes; and
  - b) obtain approval under the Ontario Heritage Act prior to performing any action or causing any action to be performed that alters the Heritage Property and/or is likely to affect its Heritage Attributes
  - c) take all actions required under the Ontario Heritage Act before performing any Repair or Demolition.

### **6.2 Repair or Replacement**

1. Where the Owner of a Heritage Property seeks to Repair a part of or a feature of a Heritage Property that is likely to affect its Heritage Attributes, the Repair shall, to the extent practicable, be carried out in a manner that: :

- a) maintains the original design, colour, texture, grain or other distinctive features;
  - b) uses the same types of materials as the original in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
  - c) where the same types of materials as the original are no longer available, uses alternative types of materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.
2. Notwithstanding section 6.2.1, where the Owner of a Heritage Property seeks to Repair the Heritage Property and its Heritage Attributes, but a part or feature of the Property cannot be Repaired, and requires replacement, the replacement shall be carried out in such a manner so as to:
- a) Replicate the design, colour, texture, grain and other distinctive features and appearance of the thing to be replaced, using the same types of material as the original; and,
  - b) Where the same types of material as the original are no longer available, use alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original may be used.

### **6.3 Vacant Heritage Property**

1. Where a Heritage Property contains one or more Buildings that remain vacant for a period of ninety (90) days, the Owner shall ensure that:
  - a) Appropriate utilities serving the Building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent moisture and damage to the Heritage Attributes;
  - b) Steps are taken to effectively prevent the entrance of the elements, unauthorized Persons or Pests by boarding up and securing any openings of the Building in a manner required by a Municipal By-law Enforcement Officer which may include:
    - i. all boards shall be installed from the exterior and shall be fitted in a watertight manner and so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
    - ii. all boards shall be fastened securely in a manner that minimizes damage to the Heritage Attributes and is reversible;
    - iii. all boards used shall be painted in a manner to reflect the panes of glass, and frames that were or are found on the

opening that is being boarded over or the panes of glass shall be painted in matte black and the window frames shall be painted in a colour which matches that of the original opening; and,

- iv. all boards not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the Building or Structure.
2. Subject to any applicable provisions of the Ontario Heritage Act, where the standards imposed by this By-law have, more than once, failed to exclude unauthorized entry, and further where the Owner's control, attendance or lack of security measures to protect the Heritage Property suggests that a more secure option be used, then the Owner shall supply such measures, including improved security of openings, as may be required by a Municipal By-law Enforcement Officer.

#### **6.4 Conflict with Heritage Provisions**

1. In the event of a conflict between the provisions of this Part and any other provision of this By-law, the provision that ensures that the Heritage Property and Heritage Attributes are conserved shall prevail.
2. Despite any other provision of this By-law or the Building Code Act, no Building or Structure located on a Part IV or Part V Heritage Property may be altered, Demolished, removed, or relocated except in accordance with the Ontario Heritage Act.

### **ARTICLE 7 - Maintenance of Yards**

#### **7.1 Yards**

1. All Yards shall be kept free from any damaged, dead or decayed trees, which may be hazardous.

#### **7.2 Walkways, Driveways, Pathways, Parking and Storage Areas**

1. Driveways, ramps, parking and storage areas, paths, outside stairs and landings shall:
  - a) provide a uniform surface for pedestrian or vehicular use;
  - b) be surface treated with asphalt, concrete, interlocking brick, similar hardscaped surface, gravel or other material sufficient to provide stability, prevent erosion, be usable in all seasons;

- c) in industrial or commercial zones all required parking areas, loading areas and driveways shall be surfaced and maintained with asphalt, concrete or interlocking stone.
- d) all storage areas on an industrial or commercial zoned property which abuts any residentially zoned property, shall be surfaced and maintained with asphalt, concrete or interlocking stone.
- e) be maintained in Good Working Order, adequately lit, free from ponding, holes or other conditions that might cause an accident or injury.

### **7.3 Sewage**

1. Sewage shall be discharged into a sanitary sewer system under the jurisdiction of the Regional Municipality of York, or a private sewage disposal system approved by the Chief Building Official.

### **7.3 Structures including Retaining Walls**

1. All Structures other than farm out-buildings, shall be:
  - a) protected by paint, preservative or other weather-resistant material;
  - b) structurally sound and plumb, unless specifically designed to be other than vertical;
  - c) maintained in Good Working Order and free of accident hazards; and
  - d) where applicable, maintained with a roof in Good Working Order, water tight and free from excessive accumulation snow or ice.

## **ARTICLE 8 - Enforcement**

### **8.1 Inspection**

1. A Municipal By-law Enforcement Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine;
  - a) Whether the Property conforms to the standards prescribed in this By-law;
  - b) Whether an Order made under this By-law has been complied with;
  - c) To complete work required in an Order, accompanied by any Persons necessary to complete the work.
2. For the purposes of an inspection under section 8.1.1 a) and b), a Municipal By-law Enforcement Officer may;



- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the Property or any part thereof;
  - b) inspect and remove documents or things relevant to the Property or part thereof for the purpose of making copies or extracts;
  - c) require information from any Person concerning a matter related to a Property or part thereof;
  - d) be accompanied by a Person who has special or expert knowledge in relation to a Property or part thereof;
  - e) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
  - f) issue a Directive to the Owner of the Property to take and supply at the Owner's expense such tests, reports and samples as are specified in the Directive.
3. Where a Municipal By-law Enforcement Officer has reasonable grounds to believe that an offence has been committed by a Person, the Municipal By-law Enforcement Officer may require the name, address and proof of identity of that Person, and the Person shall supply the required information.
  4. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law.
  5. No Owner shall fail to comply with a Directive issued by a Municipal By-law Enforcement Officer under this By-law.
  6. The Corporation may charge the Owner of a Property a fee or charge pursuant to the Tariff of Fees By-law to conduct an inspection, including additional fees for multiple inspections.
  7. A Municipal By-law Enforcement Officer shall issue a Certificate of Compliance to an Owner, upon request, and upon payment of the fee set out in the Tariff of Fees By-law, as amended.

## **8.2 Orders**

1. The Owner of a Property which does not conform to the Standards shall Repair and maintain the Property to conform to the Standards or the Property shall be cleared of all Buildings, debris and Refuse and left in a graded and leveled condition.

2. Notwithstanding section 8.2.1, in the case of a Heritage Property, where the Heritage Property does not conform to the Standards, this By-law does not authorize the alteration, including clearing, of Property that is likely to affect the Heritage Attributes of the Property unless such alteration is in conformity with the requirements of, as applicable, Part IV or Part V, the Ontario Heritage Act.
3. All Repairs shall be made in a good and workmanlike manner, using only materials that are suitable for the purpose and free from defects. Without limiting the foregoing, this shall include:
  - a) ensuring the component repaired can perform its intended function;
  - b) finishing the repair in a manner that is reasonably compatible in design and colour with the adjoining finishing materials;
  - c) maintaining an appearance that is consistent with the surrounding environment;
  - d) 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; and
  - e) where required by law, carried out by a duly qualified and/or licensed person.
4. All Repairs and maintenance of Property required for it to conform to the Standards shall be carried out in a manner accepted as good craftsmanship in the trade concerned, with suitable and sufficient materials for the purpose, and finished in a uniform manner with the existing finishes.
5. A Municipal By-law Enforcement Officer who finds that a Property does not conform to any of the Standards may make an Order:
  - a) Stating the municipal address or the legal description of the Property;
  - b) Giving reasonable particulars of the Repairs to be made or stating that the site is to be cleared of all Buildings, Structures, debris or Refuse and left in a graded and levelled condition;
  - c) Indicating the time for complying with the terms and conditions of the Order and giving notice that, if the Repair or clearance is not carried out within that allotted time, the Corporation may carry out the Repair or clearance at the Owner's expense; and,
  - d) Indicating the final date for giving notice of appeal from the Order.
6. An Order shall be served on the Owner of the Property and such other Persons affected by it, as the Municipal By-law Enforcement Officer determines, and a copy of the Order may be posted on the Property.

7. An Order required by this By-law to be served in accordance with section 8.2.6 may be served:
  - a) in Person;
  - b) by email to the last known email address of the Person to whom service is required to be made; or
  - c) by registered mail sent to the last known address of the Person to whom notice is to be given or to that Person's agent for service.
  
8. An Order served in accordance with section 8.2.6 and 8.2.7 is considered to be served:
  - a) on the day of personal service;
  - b) on the fifth day after the day of mailing if served by registered mail;
  - c) on the day of sending if served by email, unless the document was sent after 5:00 p.m., in which case service shall be deemed to have been made on the following day.
  
9. An Order may be registered in the proper land registry office and upon such registration, any Person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served and, when the requirements of the Order have been satisfied, the Corporation 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.
  
10. If an Order under this By-law is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the Corporation, in addition to all other available remedies, may cause the Property to be Repaired or Demolished accordingly.
  
11. No Owner shall fail to comply with an Order issued by a Municipal By-law Enforcement Officer under this By-law.
  
12. The Corporation or Person acting on its behalf is not liable to compensate the Owner, Occupant or any other Person due to anything done by or on behalf of the Corporation in the reasonable exercise of its powers under section 8.2.10.
  
13. The Corporation shall have a lien on the land for the amount spent on the Repair or Demolition under section 8.2.10 and the amount shall have a priority lien status as described in subsection 1(3) of the Municipal Act and may be added to the tax roll and collected in the same manner as municipal taxes.

### **8.3 Emergency Orders**

1. If upon inspection of a Property the Municipal By-law Enforcement Officer is satisfied that there is non-conformity with the Standards to such extent as to pose an immediate danger to the health or safety of any Person, the Municipal By-law Enforcement Officer may make an Order containing particulars of the non-conformity and requiring remedial Repairs or other work to be carried out immediately to terminate the danger.
2. The Order referred to in section 8.3.1 shall be served on the Owner of the Property and such other Persons affected thereby as the Municipal By-law Enforcement Officer determines and a copy shall be posted on the Property.
3. After making an Order under section 8.3.1, the Municipal By-law Enforcement Officer may, either before or after the Order is served, take any measures necessary to terminate the danger and, for this purpose, the Corporation may, through its employees and agents, at any time enter upon the Property in respect of which the Order was made without a warrant.
4. The Corporation or a 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 Corporation in the reasonable exercise of its powers under section 8.3.3.
5. If the Order was not served before measures were taken to terminate the danger, the Municipal By-law Enforcement Officer shall serve copies of the Order in accordance with section 8.2.7 as soon as practicable after the measures have been taken, and each copy of the Order shall have attached to it a statement by the Municipal By-law Enforcement Officer describing the measures taken by the Corporation and providing details of the amount expended in taking the measures.
6. If the Order was served before the measures were taken, the Municipal By-law Enforcement Officer shall serve a copy of the statement mentioned in section 8.3.5 in accordance with section 8.2.7,7 as soon as practicable after the measures have been taken.
7. As soon as practicable after the requirements of section 8.3.5 or 8.3.6 have been complied with, the Municipal By-law Enforcement Officer shall apply to a judge of the Superior Court of Justice for an order confirming the Order made under section 8.3.1 and the judge shall hold a hearing for that purpose.

## **ARTICLE 9 - Property Standards Committee**

### **9.1 Authority of Committee**

1. A Property Standards Committee shall be established in accordance with terms of reference passed by Council from time to time, to hear appeals of Orders issued under this By-law.
2. When the Owner upon whom an Order has been served is not satisfied with the terms and conditions of the Order, they may appeal to the Property Standards Committee by sending a notice of appeal, in writing or electronically, to the Secretary of the Property Standards Committee, or as referenced in the Order within fourteen (14) days of the service of the Order.
3. The notice of appeal shall include:
  - a) name, address, telephone number and email address of the appellant;
  - b) the date and number of the Order issued by the Municipal By-law Enforcement Officer;
  - c) the reasons for the appeal, and
  - d) the appeal fee as set out in the Tariff of Fees By-law.
4. In the event that no appeal is made within such fourteen (14) days, the Order shall be deemed confirmed and shall be final and binding.
5. Where an appeal has been made, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Municipal By-law Enforcement Officer and may confirm, modify or rescind the Order, or may extend the time for complying with the Order provided that in the opinion of the Property Standards Committee, the general intent and purpose of this By-law is maintained.

## **ARTICLE 10 - Offences and Penalties**

### **10.1 Offence**

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

### **10.2 Penalties**

1. A 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.

2. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$500,000 for a first offence and \$1,500,000 for a subsequent offence.
3. An offence is a subsequent offence if there has been a previous conviction under the Building Code Act.
4. If the Building Code Act or regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the Building Code Act, the court in 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.

### **10.3 Administrative Monetary Penalties**

1. In lieu of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person who has contravened this By-law in accordance with the service requirements of the Corporation's Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge pursuant to under the Provincial Offences Act, if an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.
2. A Person served with a Penalty Notice shall be liable to pay to the Corporation an administrative penalty in the amount specified in Schedule "C" of the Administrative Penalty By-law. An administrative penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the Corporation and may be added to a municipal tax roll and collected in the same manner as municipal taxes for which all Owners are responsible to pay.
3. A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

## **ARTICLE 11 - General**

### **11.1 Conflict**

1. In the event that any particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the

particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

## **11.2 Repeal**

1. Except for the purpose set out in section 11.2.2, By-law No. 79-99, as amended, is hereby repealed.
2. After the date of passing of this By-law, By-law No. 79-99, as amended, applies only to properties in respect of which an Order has been given under By-law No. 79-99, as amended, prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition or repair by the Corporation, have been concluded.
3. Adequate Heat By-law No. 399-90, as amended is hereby repealed.