

THIRD READING

No. 6-83

COUNCIL OF Wollaston SESSION, February 16 1983

Moved by [Signature] Seconded by Lee Delaney

That a By-law to prescribe standards for the maintance and occupancy of property within the Hamlet of Coe Hill with amendments as recommended by RoseMary Ford, Senior Advisor, Property Standards.

as reported by the Committee of the Whole be read a third time, passed and numbered and that the said by-law be signed by the and clerk, sealed with the seal of the Corporation, and be engrossed in the By-law Book.

Carried.

[Signature]

SECOND READING

No. 6-83

COUNCIL OF Wollaston SESSION, February 16 1983

Moved by Norris Danford Seconded by Lee Delaney

That a By-law to prescribe standards for the maintance and occupancy of property with in Hamlet of Coe Hill with amendments as recommended by RoseMary Ford, Senior Advisor, Property Standards.

be read a second time and be referred to a committee of the whole council.

Carried.

[Signature]

FIRST READING

No. 6-83

COUNCIL OF SESSION, FEB 16 1983

Moved by Lee Delaney Seconded by [Signature]

That a By-law to PRESCRIBE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE HAMLET OF COE HILL WITH AMENDMENTS AS RECOMMENDED BY ROSEMARY FORD, SENIOR ADVISOR, PROPERTY STANDARDS.

be received and read a first time.

Carried.

[Signature]

No. 426— MUNICIPAL WORLD LIMITED, ST. THOMAS, ONT.

THE CORPORATION OF THE TOWNSHIP WOLLASTON

By-Law No. 6-83

Being a By-Law to prescribe standards for the maintenance and occupancy of property within Hamlet of Coe Hill with amendments as recommended by Rose Mary Ford, Senior Advisor, Property Standards.

Read a first, second and third time this 16th. day of February 1983. Passed, sealed and entered in the By-Law Book.

C. H. Gunter
C.H. Gunter, Reeve

Betty Wilson
Betty Wilson, Clerk-Treas.

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 6-83.

BEING a By-Law for prescribing standards for the maintenance and occupancy of property within the Hamlet of Coe Hill, for prohibiting the occupancy or use of such property that does not conform to the standards, and for requiring property below the standards prescribed herein to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition.

WHEREAS the Corporation of the Township of Wollaston desires to enact a by-law pursuant to the provisions of Section 43 of the Planning Act, R.S.O. 1980, C 379

AND WHEREAS there is in effect in the County of Hastings an Official Plan which includes provisions relating to Property conditions.

NOW THEREFORE the Council of the Corporation of the Township of Wollaston HEREBY ENACTS as follows:

1. SHORT TITLE

This By-Law may be cited as the "Property Maintenance and Occupancy Standards By-Law."

2. DEFINITIONS

- (1) Accessory Building - a detached, subordinate building not used for human habitation, located on the same lot as the main building.
- (2) Building - any structure used or intended for supporting or sheltering any use or occupancy.
- (3) Committee - Property Standards Committee.
- (4) Dwelling - a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- (5) Dwelling Unit - one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
- (6) Maintenance - the preservation and keeping in repair of a property.
- (7) Means of Egress - a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.
- (8) Multiple Dwelling - a building containing three or more dwelling units.

- (9) Multiple Use Building - a building containing both a dwelling unit and a non-residential property.
- (10) Non-habitable Room - any room in a dwelling or dwelling unit other than habitable room, and includes a bathroom, toilet room, laundry room, pantry, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- (11) Non-residential Property - a building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes that lands and premises appurtenant thereto.
- (12) Occupancy - the use if intended of a building or part thereof from the shelter or support of persons, animals or property.
- (13) Officer - a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law.
- (14) Owner - the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would also receive the rent if such land and premises were let, and shall also include 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.
- (15) Property - a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (16) Repair - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standard established in this By-Law. All repairs shall be made in conformity to the Ontario Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Hydro Electric Power Commission of Ontario and Regulations made under the Public Health Act of Ontario.
- (17) Residential Property - any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenants to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.
- (18) Sewage - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.
- (19) Sewerage System - the municipal sanitary sewerage system or private sewerage disposal system approved by the Medical Officer of Health.

- (20) Standards - the standards of physical condition and of occupancy prescribed for property by this By-Law.

3. MAINTENANCE AND OCCUPANCY STANDARDS

(1) Yards

- a. Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard.
- b. Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.
- c. Any vehicle including a trailer, which is in a wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left in a yard, unless it is necessary for the operating of a business enterprise lawfully situated on the property.
- d. All reasonable means shall be employed to prevent the erosion of soil in the yard.

(2) Sewage and Drainage (if and when applicable)

- a. Sewage or organic waste shall be discharged into a sewerage system where such a system exists; where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the local health authorities.

(3) Safe Passage

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

(4) Accessory Buildings and Fences

- a. Accessory buildings and fences shall be kept in good repair and free from health, fire and accident hazards.

(5) Garbage Disposal

- a. Garbage, refuse and ashes shall be promptly stored in receptacles and made available for removal.

(6) Pest Prevention

- a. A building shall be kept free of rodents, vermin and insects at all times, and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the current provincial Pesticides Act and all regulations passed pursuant thereto.

(7) Foundations

- a. Every basement, cellar and crawl space in a building shall be adequately drained and ventilated.

(8) Overall Structure

- a. Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use; materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

b. The exterior walls, roofs and other parts of a building shall be free from loose, rotten, warped and broken materials and objects; such materials and objects shall be removed, repaired or replaced.

(9) Thermal Insulation

Thermal insulation of buildings to minimize heat losses shall be done in accordance with the provisions of the Ontario Building Code where necessary and practicable.

(10) Doors and Windows

a. Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the building.

(11) Egress

a. There shall be provided and maintained a secondary means of egress from the building for every dwelling unit located on each floor above the first floor and for two or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.

b. The means of egress and fire warning devices shall be to the satisfaction of the local Fire Department.

(12) Floors

a. Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards or material that might cause an accident, and all defective floor boards or materials shall be repaired.

(13) Cleanliness

Building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.

(14) Water (Piped Water System NA.)

a. Adequate running water shall be supplied to every water closet.

b. Every sink, wash basin, bathtub or shower shall have an adequate supply of hot and cold running water.

(15) Kitchens

a. Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.

b. There shall be at least thirty inches (30") clear space above any exposed cooking surface.

(16) Heating Systems

a. Every dwelling shall be provided with suitable heating facilities capable of maintaining an indoor temperature of 20 degrees C (70 degrees F) for all dwelling units contained therein.

b. The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.

c. No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movement of persons within the room where the heater is located.

d. Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located safely enclosed or separated from the remainder of the building in conformance with the Ontario Building Code.

(17) Chimneys

a. Any heating or cooking apparatus or equipment used in the process of burning fuel or combustible material shall be properly vented to the outside air by means of a smokepipe, vent pipe or similar adequate chimney.

b. Such heating or cooking apparatus or cooking equipment shall be properly connected to the chimney or flue by a permanently sealed connection.

c. All connections between gaseous and liquid fuel burning appliances and equipment shall be maintained in good repair.

d. All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial and/or municipal regulations.

(18) Electrical Services

a. Existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by the Ontario Hydro.

(19) Light

a. All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

(20) Ventilation

a. Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation or a system of mechanical ventilation which operates continuously or whenever the light is turned on in the bathroom or toilet room.

(21) Stairs, Porches

a. Every inside or outside stair, and every porch or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards, and all treads or risers that are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.

(22) Walls and Ceilings

a. Every wall and ceiling finish shall be maintained so as to be free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.

b. Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

(23) Water

a. Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of drinkable running water from a source approved by the Medical Officer of Health.

(24) Plumbing

- a. Sewage shall be discharged into the sewerage system or a system approved by the Medical Officer of Health.
- b. All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order and be protected from freezing.
- c. The plumbing system shall provide satisfactory hot and cold water supply, drainage, venting and operation of fixtures.
- d. Every water heater shall have sufficient capacity to provide an adequate supply of hot water at all times in all parts of every building, dwelling unit, or shared facility.
- e. All plumbing fixtures and piping shall conform to all Federal and Provincial legislation and regulations and to Municipal by-laws.

(25) Light

- a. Every habitable room, except for a kitchen, shall have a window or windows, skylights or translucent panels that face directly outside at least 15 centimetres above the adjoining finished grade with an unobstructed light transmitting area of not less than ten per cent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.

(26) Ventilation

- a. Every habitable room shall have an opening or openings for natural ventilation from the outside. Such opening or openings shall have a minimum aggregate unobstructed area of .28 square metres and shall be located in the exterior walls or through openable parts of skylights.

(27) Occupancy Standards

- a. No person shall use, or permit the use of, a non-habitable room in a building for a habitable room purpose.
- b. The maximum number of occupants in a dwelling unit shall not exceed one person per 100 square feet of habitable room floor area; any child under one year of age shall not be counted when computing the number of occupants; any child over one year, but less than twelve years shall be deemed one-half person in the computation of the number of occupants.
- c. The floor area under a ceiling which is less than 7 feet high shall not be counted for the purpose of computing habitable room space.

+. BUILDING OFFICIAL TO ENFORCE BY-LAW

- (1) The Building Official of the Township of Wollaston shall act as Property Standards Officer and shall enforce the provisions of this By-law.
- (2) If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed herein, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

- (3) After affording any person served with notice provided for by subsection 2 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing:
 - a. the municipal address or the legal description of such property.
 - b. reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner, and
 - c. the final date for giving notice of appeal from the order.
- (4) A notice or order under subsection 2 or 3, when sent by registered mail shall be sent to the last known address of the person to whom it is sent.
- (5) If the officer is unable to effect service under subsection 2 or 3, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

5. PROPERTY STANDARDS COMMITTEE

- (1) A Property Standards Committee is hereby established to review the orders issued by an officer under Section 4 (3).
- (2) The Committee shall be composed of three (3) ratepayers of the Township of Wollaston to be appointed by the Council.
- (3) The terms of office for the members of the Committee shall be for three (3) years with one term expiring annually so that the first appointments shall be for one, two and three years.
- (4) All members shall serve beyond their terms of office as required until reappointed or replaced by Township Council.
- (5) The Committee shall:
 - a. elect a chairman from its members, and
 - b. make provisions for a secretary of the Committee, said secretary being an employee of the Corporation other than an officer.
- (6) When the Chairman is absent through illness or otherwise, the Committee may appoint another member to act as Chairman pro tempore.
- (7) In the event of a vacancy in the membership of the Committee, the Council of the Corporation shall forthwith fill the vacancy.

- (8) Two (2) members of the Committee shall constitute a quorum.
- (9) Any member of the Committee may administer oaths.
- (10) A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- (11) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 18 of the Municipal Act, R.S.O. 1980, C. 302 as amended, applies mutatis mutandis to such documents.
- (12) When an owner or occupant upon whom an order has been served in accordance with this By-Law is not satisfied with the terms or conditions of the order, he may appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.
- (13) The Secretary of the Committee, in receipt of the notice of appeal referred to in Subsection 12, shall:
 - a. determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and
 - b. give notice in writing of the date, place and time of the hearing referred to in paragraph a to:
 - (i) the appellant,
 - (ii) the officer who issued the order, and
 - (iii) any other interested persons who appeared at the appearance held pursuant to Section 4 (3), said notice to be served personally or by registered mail.
- (14) The Committee shall:
 - a. hold the hearing referred to in Subsection 13 at the date, place and time set out in the notice, and
 - b. have all the powers and functions of an officer.
- (15) The Committee may adopt its own rules of procedure.
- (16) The applicant may appear with or without Counsel at the hearing, to present his appeal.
- (17) The Corporation may be represented at the hearing by the Town Solicitor, or his duly authorized subordinate or assistant, who is entitled to reply to the appeal presented on behalf of the applicant.
- (18) The Committee may:
 - a. confirm the order,
 - b. modify or quash the order, or
 - c. extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of this By-Law and of the official plan of the Corporation are maintained.

- (19) The Committee shall give its decision in writing.
- (20) The Secretary of the Committee shall notify:
 - a. the appellant,
 - b. the officer who issued the order, and
 - c. any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.
- (21) Honoraria shall be paid to members of the Committee set by Council for each meeting attended.

6. CERTIFICATE OF COMPLIANCE

- (1) Following the inspection of a property, the officer may, or on the request of an owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-Law.
- (2) Where a certificate of compliance referred to in subsection 1 is issued at the request of the owner, the owner shall be required to pay a fee of \$10.00 to the Corporation of the Township of Wollaston.

SECTION 43 CHAPTER 379

- (4) When a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.
- (5) An officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 142 of the Provincial Offences Act.
- (10) An order under subsection (7) 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 date on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- (19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (18) may appeal to a judge of the county or district court of the judicial district in which the property is situate by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,
 - a. the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
 - b. the appointment shall be served in the manner prescribed; and
 - c. the judge on such appeal has the same powers and functions as the committee.

(20) The order, as deemed to have been confirmed under subsection (17), or as confirmed or modified by the committee under subsection (18), or, in the event of an appeal to the judge under subsection (19) as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

(21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified the corporation in addition to all other remedies,

(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property; and

(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

PENALTIES:

(1) A Penalty of not more than \$500.00 may be levied upon an owner for each day that he is in contravention of an order that is final and binding, such penalty to be recoverable under the Summary Conviction Act.

(2) Every person who removes a placard referred to in Section (4) (5) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not less than \$5.00 and not more than \$50.00, exclusive of cost and every such fine is recoverable under the Summary Convictions Act.

That By-Law No. 6-83 be and the same is hereby repealed.

READ A FIRST AND SECOND TIME THIS 16 DAY OF FEBRUARY 1983.

RC Hender

Deputy - REEVE

Betty Wilson

CLERK-TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 16 DAY OF FEBRUARY 1983.

RC Hender

Deputy- REEVE

Betty Wilson

CLERK-TREASURER.