

**Township of North Grenville**

**Property Standards By-law No. 33 - 00**

**TOWNSHIP OF NORTH GRENVILLE  
PROPERTY STANDARDS BY-LAW NO. 33-00**

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# THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE

## BY-LAW NO. 33-00

### *Being a By-Law to Prescribe Standards for Maintenance And Occupancy of Property within the Township*

**WHEREAS** the *Building Code Act* S. O. 1992, Chapter 23, Section 15.1(3)1., as amended, empowers Councils of local municipalities to pass by-laws prescribing standards for maintenance and occupancy of property within the municipality or within any defined area or areas, and for prohibiting the occupancy or use of such property that does not conform with the standards;

**AND WHEREAS** the *Building Code Act* S. O. 1992, Chapter 23, Section 15.1(3)2., as amended, empowers Councils of local municipalities to pass by-laws requiring property that does not conform with the standards to be repaired and maintained to conform with the standards, or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition;

**AND WHEREAS** the *Municipal Act* R. S. O. 1990, Chapter M.45, Section 210, Paragraph 80, as amended, empowers councils of local municipalities to pass by-laws requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yards and vacant lots and the altering, re-laying or repairing of private drains;

**AND WHEREAS** there is an Official Plan in effect in the Township of North Grenville, which includes provisions relating to maintenance and occupancy standards

**NOW THEREFORE** the Council of the Corporation of the Township of North Grenville enacts as follows:

### **SECTION 1 - GENERAL**

#### **1.1 Short Title**

This by-law may be cited as the “Township of North Grenville Property Standards By-Law”.

### **SECTION 2 - DEFINITIONS**

In this by-law, except where a contrary intention appears,

- 2.1 “Accessory Building” means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 2.2 “Appliances” include refrigerators, stoves, clothes washers, clothes dryers, dishwashers and hot water tanks.
- 2.3 “Basement” means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 2.4 “Building” means a structure having a roof supported by columns, walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods.
- 2.5 “Building Code” means the building code under the *Building Code Act*, S.O. 1992, as amended.
- 2.6 “Cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.

- 2.7 “Committee” means a Property Standards Committee established by the Township of North Grenville.
- 2.8 “Derelict Vehicle” means any type of vehicle, including a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power; including motorized snow vehicles, recreational vehicles, off-road vehicles and boats which do not have the current year’s plate and registration, and which have been continuously parked in the same location for more than thirty (30) days; but does not include classic or antique vehicles properly stored in accordance with the provisions of this by-law.
- 2.9 “Dwelling” means a building occupied or capable of being occupied for the purpose of human habitation, in which all usual domestic functions may be carried on, and includes a dwelling unit as defined herein.
- 2.10 “Dwelling Unit” means one or more habitable rooms, occupied or capable of being occupied in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants, and with a separate entrance from outside the building or from a common hallway inside the building.
- 2.11 “Exterior Common Areas” includes roads, pathways, parking areas and garbage storage areas.
- 2.12 “Exterior Yard” means the open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, extending from the exterior walls of the main building to the property boundaries.
- 2.13 “Fire Code” means the fire code under the *Fire Protection and Prevention Act, 1997*.
- 2.14 “Guard” means a barrier, that may or may not have openings through it, to prevent people from accidental falls.
- 2.15 “Habitable Space” means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom.
- 2.16 “His” or other words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and vice versa.
- 2.17 “Interior Common Areas” includes laundry rooms, garbage rooms, corridors, boiler rooms, parking garages, storage areas and recreation rooms.
- 2.18 “Land Lease Community” means a residential complex containing rental units that are sites on which there are single dwelling units that are permanent structures.
- 2.19 “Maintenance” shall mean the preservation and keeping in repair of a property.
- 2.20 “Multiple Dwelling” means a building containing three or more dwelling units.
- 2.21 “Municipality” means the Corporation of the Township of North Grenville.
- 2.22 “Occupant” shall mean any person or persons in possession of the property.
- 2.23 “Officer” means the Property Standards Officer for the Corporation of the Township of North Grenville, or those persons appointed to act in that capacity.
- 2.24 “Owner” means a person or persons who is in legal possession of a property, and also includes a person who for the time being manages the property or receives the rent for it or who pays municipal taxes on the property whether on his own account or as an agent or

trustee of any other person, who would carry out the aforementioned duties if the property were let, and shall also include a lessee or occupant of the property who under the terms of the lease is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.

- 2.25 “Person” includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.
- 2.26 “Repair” shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in the by-law. All repairs shall be made in conformity to the Ontario Building Code, the Regulations of Hydro Electric Power Commission of Ontario and Regulations made under the *Public Health Act* of Ontario.
- 2.27 “Rooming House” means a habitable room or rooms occupied or capable of being occupied which do not have both bathroom and kitchen facilities for the exclusive use of the individual room occupants.
- 2.28 “Sewage System” means a municipal sanitary system or a private sewage disposal system and includes a sewage system as defined in the *Ontario Building Code*, and a sewage works as defined in the *Ontario Water Resources Act*.
- 2.29 “Toilet Room” shall mean a room containing a water closet and a wash basin.
- 2.30 “Washroom” means an area containing a toilet, a washbasin and a bathtub or shower.
- 2.31 “Yard” shall mean land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property and includes vacant land.

### **SECTION 3 - OCCUPANCY STANDARDS**

- 3.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 3.2 The maximum number of occupants in a dwelling or dwelling unit shall not exceed one person per 9.4 square metres of habitable room floor area, with any child under twelve years of age deemed a one-half person when calculating the maximum permitted number of occupants.
- 3.3 For the purpose of computing habitable room space in Section 3, the floor area under a ceiling less than 2.1 metres high shall not be included and if a finished ceiling is not applied to the underside of the joists the area shall not be deemed to be habitable room space.
- 3.4 No room in any dwelling shall be used for sleeping purpose unless it has a minimum width of 2 metres and a minimum floor area of 7 square metres, with at least one-half of the required minimum floor area having a ceiling height of 2.1 metres or more and no floor area having a ceiling height of less than 1.40 metres being included in the minimum floor area calculation.

### **SECTION 4 - STRUCTURAL STANDARDS**

- 4.1 The structural elements of buildings and structures shall be maintained in a sound condition so as to be capable of safely sustaining their own weight and any load or force that may normally be imposed.

- 4.2 Every foundation wall, basement, cellar or crawl space, floor, slab at ground level, exterior wall and roof shall be structurally sound, weather-tight and damp-proofed and shall be maintained in a good state of repair so as to reasonably protect against deterioration, including that due to weather, fungus, dry rot, rodents, vermin or insects.
- 4.3 The foundation walls shall be maintained in good repair and structurally sound and when required shall be so maintained by shoring of the walls, installing of sub-soil drains at the footing, grouting masonry cracks, parging and waterproofing the walls.
  - 4.3.1 Every dwelling unless of the slab-on-grade type shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
  - 4.3.2 All footing, foundation walls, piers, slabs-on-grade shall be of a masonry or other suitable material.
  - 4.3.3 Subsections 4.3.1 and 4.3.2 do not apply to accessory buildings.
- 4.4 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.5 Buildings which are intended for human occupancy shall have their roofs maintained so as to prevent the entry of the elements.
- 4.6. All roofs and any cornice flashing, fascia, soffit, coping, gutter, rainwater leader, vents or other roof structure shall:
  - 4.6.1 be maintained to properly perform their intended function; and
  - 4.6.2 be kept clear of obstructions, hazards and dangerous accumulations of snow and ice.
- 4.7 Retaining walls, guards and fences in exterior common areas shall be maintained in a structurally sound condition, free from hazards.
- 4.8 Every floor, stair, veranda, porch, deck, balcony and loading dock, every structure similar to any of them, and any covering, guard or surface finishing shall be maintained in a safe and serviceable condition.
- 4.9 Every cabinet, cupboard, shelf and counter top shall be maintained in a structurally sound condition, free from cracks and deterioration.

## **SECTION 5 - PLUMBING & SEWAGE**

- 5.1 All buildings intended for human habitation or occupancy shall be provided with an adequate supply of potable running water.
- 5.2 Plumbing and drainage systems and appurtenances shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.
- 5.3 All buildings intended for human habitation or occupancy shall be provided with an approved means of sewage disposal, in accordance with the requirements of the *Ontario Building Code* or Regulations of the Ministry of Environment.
- 5.4 The means of sewage disposal shall be maintained in a good state of repair.

## **SECTION 6 - DRAINAGE**

- 6.1 Roof drainage or surface water shall;

- 6.1.1 be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar; and
  - 6.1.2 not be channeled to discharge on sidewalks, stairs, or neighboring property.
  - 6.1.3 Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- 6.2 Where eaves-trough and down-spouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 metres from the building where it is physically possible.
- 6.3 Storm water run off shall be drained from the grounds and from any area below exterior grade so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.
- 6.4 Storm water from a roof area of 46.5 square metres or more shall be conveyed to a storm sewer or storm drainage ditch, where available.

## **SECTION 7 - TOILETS, BATHROOMS AND KITCHENS**

- 7.1 Every dwelling shall contain the following fixtures:
- 7.1.1 A toilet;
  - 7.1.2 A kitchen sink;
  - 7.1.3 A washbasin; and
  - 7.1.4 A bathtub or shower
- 7.2 Section 7.1 does not apply with respect to a dwelling which shares a fixture described in Section 7.1 as long as not more than two dwelling units share the fixture and access to the fixture from each unit is possible without passing through:
- 7.2.1 another dwelling unit;
  - 7.2.2 along an unheated corridor; or
  - 7.2.3 outside the building containing the dwelling units.
- 7.3 Subsection 7.1 does not apply with respect to a rooming, boarding or lodging house as long as there is at least one toilet, one washbasin and one bathtub or shower for every five residents and all tenants shall have access to a kitchen sink.
- 7.4 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin and a bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have a adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 7.5 Where toilet or bathroom facilities are shared by occupants or residential accommodation other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.
- 7.6 The fixtures required by this section shall be maintained and shall be supplied with a supply of potable water sufficient for normal household use at a flow and pressure for the intended use of the fixtures.
- 7.7 Every kitchen sink, washbasin, bathtub and shower shall be provided, by safe equipment, with hot and cold running water.
- 7.8 The ordinary temperature of the hot water provided must be at least 43 degrees celsius.
- 7.9 Every washroom shall be enclosed and shall have,

- 7.9.1 a water-resistant floor; and
- 7.9.2 a door that can be, secured from the inside, and opened from the outside in an emergency.
- 7.10 Any walls and the ceiling around a bathtub or shower shall be water resistant.
- 7.11 Every floor in the bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.
- 7.12 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.
- 7.13 Buildings where people work shall have a minimum of one (1) water closet and one (1) wash basin supplied with an adequate supply of hot and cold running water located in an enclosed room and accessible from within the building.
- 7.14 All toilet rooms and toilet facilities in non-residential buildings shall:
  - 7.14.1 be fully enclosed and have a door capable of being locked so as to provide privacy for the user;
  - 7.14.2 be kept clean and neat at all times;
  - 7.14.3 be provided with toilet paper, soap and individual towels or other means of drying; and
  - 7.14.4 be provided with an opening or openings for natural ventilation located in an exterior wall or skylight and all such openings shall have a minimum aggregate unobstructed free flow area of 0.09 square metres.
- 7.15 An opening for natural ventilation may be omitted from a toilet room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.
- 7.16 Every kitchen provided with gas or electrical supply for cooking purposes, shall have the said supply approved by the appropriate authority.
- 7.17. There shall be at least 600 mm. clear space above any exposed cooking surface of a cooking appliance.
- 7.18 The splash back and counter top around the kitchen sink shall have an impervious surface.

## **SECTION 8 - ELECTRICAL & APPLIANCES**

- 8.1 An adequate supply of electric power shall be available at all times in all habitable parts of every occupied dwelling unit except where the lease makes the tenant responsible for the supply of electricity and where the supplier has discontinued the service because of arrears in payment.
- 8.2 The wiring and receptacles necessary to provide electrical power shall be properly maintained and shall comply with the Electrical Safety Code under the *Power Corporation Act*.
- 8.3 If a dwelling unit has a meter for electricity for the purpose of billing the tenants of that unit, then the meter shall be properly maintained and kept accessible to the tenants.
- 8.4 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 8.5 Lighting equipment shall be installed throughout the dwelling unit to provide illumination, unless otherwise permitted pursuant to the applicable legislation.

- 8.6 Extension cords which are not part of a fixture shall not be permitted where they present a hazardous condition in the opinion of the Property Standards Officer.
- 8.7 Every kitchen shall have outlets suitable for a refrigerator and cooking appliance.
- 8.8 Appliances supplied by the landlord as part of a residential tenancy lease shall be maintained in working order in a safe and efficient operating condition at all times.

## **SECTION 9 - HEATING**

- 9.1 Every dwelling shall have heating equipment capable of maintaining the temperature levels required by Subsection 9.1.1.
  - 9.1.1 Heat shall be provided and maintained so that the room temperature at 1.5 metres above floor level and 1.0 metres from exterior walls in all habitable space and in any area intended for normal use, including recreation rooms and laundry rooms in multiple residential buildings, but excluding locker rooms and garages, is at least 20 degrees celsius.
  - 9.1.2 Subsection 9.1.1 does not apply to private dwellings and dwelling units in which the owner or the tenant, respectively, can regulate the temperature as long as a maximum temperature of 20 degrees celsius can be maintained.
- 9.2 No dwelling shall be equipped with portable heating equipment as the primary source of heat.
- 9.3 Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for the use for sleeping purposes.
- 9.4 Fuel supplied to a dwelling shall be supplied continuously in adequate quantities.
- 9.5 Utilities supplied to a dwelling shall be supplied continuously.
- 9.6 Subsections 9.4 and 9.5 do not apply if a residential tenancy agreement makes the tenant responsible for the supply of fuel or utilities and the supply has been discontinued because of arrears in payment.
- 9.7 The supply of fuel and utilities may be interrupted for such reasonable period of time as may be required for the purpose of repair or replacement.
- 9.8 Heating systems, including stoves, heating appliances, fireplaces intended for use, chimneys, fans, pumps, filtration and other equipment provided to supply heat, shall be properly maintained.
  - 9.8.1 A space that contains heating equipment that burns fuel shall have natural or mechanical means of supplying the air required for combustion.
  - 9.8.2 If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- 9.9 Every chimney, smoke pipe, flue and vent shall be maintained so as to:
  - 9.9.1 prevent gases from leaking into the dwelling;
  - 9.9.2 be free of any defects; and
  - 9.9.3 prevent combustible material adjacent thereto from igniting.
- 9.10 Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be;

- 9.10.1 connected to chimneys; and
  - 9.10.2 installed so as to not to create a fire hazard to nearby or adjacent combustible material and structural members.
- 9.11. Those portions of a multiple residential building used for human habitation, including common areas, shall be maintained to minimize heat loss through air infiltration.
- 9.12. Locker and storage rooms shall be kept reasonably free of dampness and mildew.

## **SECTION 10 - LIGHTING AND VENTILATION**

- 10.1 All exterior and interior common areas in multiple residential buildings shall have artificial lighting sufficient so that those areas can be used or passed through safely and this artificial lighting shall be provided in accordance with the requirements of the *Ontario Building Code* and shall be maintained in a good state of repair;
- 10.1.1 Artificial lighting in interior common areas in multiple residential buildings that meet the level required by the *Ontario Building Code* shall be deemed to be sufficient for the purpose of Subsection 10.1.
- 10.2 All habitable space shall have natural or mechanical means of ventilation in accordance with the *Ontario Building Code*, in order to keep the space reasonably free from dampness and mildew;
- 10.3 Every bedroom, living room and dining room shall have a window (which may be part of a door) to the outside.
- 10.3.1 A window is not required in a dining room if electrical lighting is provided.
  - 10.3.2 A window is not required in a living room or dining room if:
    - (a) there is an opening in a dividing wall to an adjoining room;
    - (b) the adjoining room has a window to the outside; and
    - (c) the total window area of the room is at least 5 per cent of the combined floor areas.
- 10.4 Section 10.3 applies with respect to every window in a dwelling unit that is in a storey above that has:
- 10.4.1 its floor closest to ground level; and
  - 10.4.2 its ceiling more than 1.8 metres above average ground level.
- 10.5 At the request of the tenant, each window referred to in Section 10.4 shall be equipped with a safety device to prevent any part of the window from opening so as not to admit a sphere greater than 100 mm in diameter.
- 10.6 No window referred to in Subsection 10.4 shall be equipped with a safety device that makes it incapable of being opened by an adult in an emergency without the use of tools.
- 10.7 Every existing 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.
- 10.8 Doors, windows and skylights shall be maintained so that:
- 10.10.1. they are weather-tight; and
  - 10.10.2. any damaged or missing parts are repaired or replaced.
- 10.9 Chimneys, smoke pipes, flues and gas vents shall be kept clear of obstruction and maintained so as to prevent the escape of smoke or gases into the building.

## **SECTION 11 - DOORS AND WINDOWS**

- 11.1 All exterior openings for doors or windows shall be fitted with doors or window.
- 11.2 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to minimize heat loss and prevent the entrance of wind, rain or snow into the dwelling.
- 11.3 Doors, door frames, window frames, sashes, casings and weatherstripping that have been damaged or show evidence of rot or other deterioration shall be painted, repaired or replaced.
- 11.4 Every window and exterior door, including a balcony door, that is capable of being opened and that is accessible from the outside of the unit shall be equipped so that it can be secured from the inside.
- 11.5 At least one entrance door in a dwelling shall be equipped with a latch that has a locking mechanism, that is capable of securing the premises from entry without a key.
- 11.6 If a vestibule door locking release and a unit-to-vestibule communication system is provided, it shall be maintained in an operational condition.
- 11.7 Parking areas that are intended to be secured, shared locker rooms and shared storage rooms in multiple residential buildings shall be provided with doors equipped with security devices that prevent access to persons other than a landlord and tenants.
- 11.8 Every existing interior door shall be maintained so that it is capable of performing its intended function and any damaged or missing parts shall be repaired or replaced.

## **SECTION 12 - GUARDS, BALUSTRADES AND HANDRAILS**

- 12.1 If a guard is required by the *Ontario Building Code* for a newly constructed or renovated area, a guard shall be provided and maintained even though new construction or renovation is not undertaken.
- 12.2 A guard shall be provided and maintained in good repair along the open sides of stairs, stairwells, ramps, balconies, porches, mezzanines, landings or other areas where the vertical drop from the open side exceeds 600 mm.
- 12.3 A guard provided under Subsection 12.2 shall provide reasonable protection from accidents for any person on the premises.
- 12.4 A barrier, such as a balustrade shall be installed and maintained in good repair on every open side of a balcony, porch, landing, stairwell and stairway with a rise of 1.5 metres or more.
- 12.5 Subsection 12.2 does not apply to a stairway leading to a basement that does not contain a dwelling unit.

## **SECTION 13 - WALLS AND CEILINGS**

- 13.1 Interior cladding of walls and ceilings shall be maintained free from holes, leaks, deteriorating materials, mold, mildew or other fungi.
- 13.2 A protective finish shall be applied to all repairs made to walls and ceilings.

- 13.3. Sufficient thermal insulation to prevent condensation shall be provided between heated spaces and unheated attic spaces.
- 13.4 Where occupancies are separated vertically, the dividing walls shall:
  - 13.4.1 be continued in the basement from the top of the footings or the floor to the underside of the finished floor surface;
  - 13.4.2 be continued in the attic from the top of the finished ceiling surface to the underside of the finished roof surface;
  - 13.4.3 consist of two (2) layers of half-inch (½") gypsum wallboard or material of equivalent fire resistance rating; and
  - 13.4.4 be tightly sealed with caulking or mineral wool or similar fire stopping material.
- 13.5 Where the dwelling unit and non-residential occupancy are separated horizontally, there shall be a finished ceiling separating these occupancies, which shall:
  - 13.5.1 consist of two (2) layers of half-inch (½") gypsum wallboard or material of equivalent fire resistance rating; and
  - 13.5.2 be tightly sealed with caulking or mineral wool or similar fire stopping material.

**SECTION 14 - BASEMENT, CELLAR OR UNHEATED CRAWL SPACE**

- 14.1 Every basement, cellar or unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall not be less than one per cent (1%) of the floor area for basements and 0.09 square metres per 46 square metres of crawl space area.
- 14.2 An opening for natural ventilation may be omitted from the basement or unheated crawl space where a system of mechanical ventilation has been provided which changes the air once each hour.

**SECTION 15 - EGRESS**

- 15.1 Every dwelling unit shall have a direct access so as to provide a safe continuous and unobstructed exit from the interior of the building to the street or grade level.

**SECTION 16 - BUILDING EXTERIOR**

- 16.1 The exterior walls of buildings and their components shall be maintained so as to prevent their deterioration due to weather or insects and shall be so maintained by:
  - 16.1.1 painting, restoring or repairing the walls; and
  - 16.1.2 waterproofing the joints and the walls.
- 16.2 All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust hoods and other similar overhang extensions shall be:
  - 16.2.1 maintained in good repair;
  - 16.2.2 properly anchored; and
  - 16.2.3 protected from the elements and against decay and rust by the periodic application of a weather coating, such as paint or other protective treatment.
- 16.3 Driveways, ramps, parking garages, parking areas, paths, walkways and outside stairs or landings and any similar area shall be maintained to provide a safe surface for normal use.

- 16.4 Attached storage and repair garages shall be maintained so as to prevent the accumulation of toxic fumes or the escape of toxic fumes into an attached dwelling or building intended for human occupancy.
- 16.5 All air conditioners which are installed and operated over an area to which the public has access, shall be:
- 16.5.1 properly secured in place to prevent them from falling out; and
  - 16.5.2 equipped with proper devices to prevent the condensation from dripping onto sidewalk and other public areas.
- 16.6 All air conditioners shall be maintained in a safe mechanical and electrical condition;

## **SECTION 17 - SAFETY AND SECURITY**

- 17.1 Every building containing a dwelling unit and every dwelling unit within it shall have a safe, continuous and unobstructed passage from every part of the interior to a safe exterior open space at street or ground level.
- 17.2 A secondary means of exit shall be provided if the *Ontario Building Code* so requires.
- 17.3 Every dwelling shall have an operable smoke alarm.
- 17.4 Every multiple residential building shall, if required by the *Ontario Building Code* or *Fire Code*, have operable smoke alarms installed in the locations required by the applicable Code.
- 17.5 The smoke alarms shall be installed with permanent connections to an electrical circuit with no disconnect switch or where permitted, shall be battery operated.
- 17.6 Finishes, materials, storage and separations between dwelling units shall be in accordance with the *Ontario Building Code* and the *Fire Code* and shall be properly maintained.
- 17.7 All habitable space in multiple residential buildings shall be separated by a fire-rated separation from any room containing a furnace or boiler.

## **SECTION 18 - MAINTENANCE OF YARDS AND COMMON AREAS**

- 18.1 A yard shall be kept clean and free from:
- 18.1.1 rubbish or other debris; and
  - 18.1.2 objects or conditions that may create a health, fire or accident hazard.
- 18.2 Residential yards shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.
- 18.3 Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards.
- 18.4 Exterior yards and common areas shall be maintained in a condition suitable for their intended use and free of hazards and, for these purposes, the following shall be removed:
- 18.4.1 Noxious weeds as defined in the regulations to the *Weed Control Act*, excessive grasses and heavy undergrowth;
  - 18.4.2 Any dead, decayed or damaged trees or parts of such trees, within 3 metres of any property line that create an unsafe condition;
  - 18.4.3 All rubbish or debris, including derelict vehicles;
  - 18.4.4 Any structures that create an unsafe condition; and

- 18.4.5 Any unsafe accumulation of ice and snow.
- 18.5 All lawns and grassed areas shall be cut and maintained regularly, so as to be in conformity with the locally accepted standard.
- 18.6 A derelict vehicle that has remained on the owner's property or in an exterior common area for more than the prescribed amount of time shall be removed, unless properly screened to the satisfaction of the Township.
- 18.7 Wells and holes in exterior yards and common areas shall be filled or safely covered or protected.
- 18.8 An abandoned or inoperable icebox, refrigerator, freezer or other major appliance shall not be left in an exterior yard or common area, unless it is awaiting removal.
- 18.9 An icebox, refrigerator, freezer or other major appliance that is awaiting removal shall have its doors removed.
- 18.10 Areas within the yard not covered by buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the abutting and adjoining properties.
- 18.11 Dilapidated or collapsed structures or partially constructed structures which are not currently under construction or erection and which present an unsafe condition, shall be demolished or removed from any yard, or otherwise safely secured.
- 18.12 Any excavated hole in any yard shall be filled up unless enclosed by a temporary barrier at least 1.2 metres in height, in such a manner as to prevent an unsafe condition.
- 18.13 Elevators intended for use by the residents of a building shall be properly maintained and kept in operation except for such reasonable time as may be required to repair or replace them.

## **SECTION 19 - MAIL DELIVERY**

- 19.1 A mail delivery slot and other openings for deliveries that enter directly into a dwelling shall be located and maintained to prevent access to the mechanisms which lock or secure any door or window.
- 19.1.1 Subsection 19.1 does not apply with respect to a mail delivery slot or other opening that has been sealed.
- 19.2 Mail boxes shall be properly maintained and capable of being secured.

## **SECTION 20 - CLEANLINESS AND GARBAGE DISPOSAL**

- 20.1 Every floor, wall, ceiling, fixture, appliance and equipment shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.
- 20.2 The building shall be kept free from rubbish, debris, or any condition which constitutes a fire, health or accident hazard.
- 20.3 All common areas of a multiple residential building shall be kept clean.
- 20.4 In a building containing more than one dwelling unit, one or more suitable containers or compactors shall be provided for garbage.

- 20.4.1 Garbage in a container or compactor provided in accordance with Subsection 20.4 shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person.
- 20.4.2 A container or compactor provided in accordance with Subsection 20.4 shall be maintained in a clean and sanitary condition, shall be accessible to residents and shall not obstruct an emergency route, driveway or walkway.
- 20.5 Every dwelling and every dwelling unit within the dwelling shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.
- 20.6 Receptacles shall be acceptable plastic bags or other containers that are:
- 20.6.1 made of water-tight construction, and maintained in a clean state; and
- 20.6.2 Plastic bags shall not be stored outdoors unless protected from damage.

### **SECTION 21 - PEST PREVENTION**

- 21.1 All buildings and premises shall be kept reasonably free of rodents, vermin and insects at all times.
- 21.2 The methods used for exterminating rodents and insects shall be in accordance with applicable municipal or provincial law.
- 21.3 Openings and holes in a building containing dwelling units that might permit the entry of rodents, vermin, insects or other pests shall be screened or sealed as appropriate.

### **SECTION 22 - ACCESSORY BUILDING**

- 22.1 Every accessory building shall be kept in good repair and free from health, fire and accident hazards.

### **SECTION 23 - VACANT BUILDINGS AND LANDS**

- 23.1 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property and be in compliance with the other provisions of this By-law.
- 23.2 The owner of a vacant building shall secure the building from illegal entry, to the satisfaction of the Property Standards Officer
- 23.3 Vacant land shall be maintained to the standards as described in Section 18 of this by-law.

### **SECTION 24 - MOBILE HOMES & PARKS**

- 24.1 The following provisions shall apply to mobile home parks and/or land lease communities:
- 24.2 All fire hydrants owned by the landlord shall be regularly tested and maintained, and kept free from accumulations of snow and ice;
- 24.3 An adequate supply of potable water and adequate water pressure, sufficient for normal household use shall be available for each home, from approved systems;
- 24.4 An adequate supply of water and adequate water pressure shall be available for fire fighting;

- 24.5 All roads within the park or community shall be:
- 24.5.1 kept free of holes and cleared of snow and obstructions;
  - 24.5.2 maintained to control dust; and
  - 24.5.3 kept passable.
- 24.6 Any excavations made for repairs shall be filled in and the grounds returned to their previous condition;
- 24.7 Mailboxes and the approaches to them shall be kept free of snow and other obstructions;
- 24.8 If the space between homes was 3 metres or more on January 14, 1989, that space shall not be reduced to less than 3 metres;
- 24.9 Sewage holding tanks in mobile home parks or land lease communities shall be emptied whenever necessary;
- 24.10 Sewage connections and other components of a sewage system shall be provided in a mobile home park or land lease community and shall be permanently secured to prevent discharge of sewage;
- 24.11 Electrical supply and connections in a mobile home park or a land lease community supplied by a landlord of a park or community shall be maintained in a good state of repair and shall be sufficiently grounded.

## **SECTION 25 - PROCEDURE**

### **25.1 Investigation**

- 25.1.1 Investigation of infractions of standards set out in this by-law shall be initiated upon receipt of a written complaint from one of the parties involved or another government agency or upon investigation by the Property Standards Officer.

### **25.2 Inspection of Property**

- 25.2.1 A property inspection shall be initiated by written and duly signed complaint received by the Municipality outlining the nature of the contravention, and then acting on such complaint the Property Standards Officer shall, if deemed warranted, attend and inspect the property. Notwithstanding the foregoing, the Municipality may also initiate such action as it deems necessary where it otherwise becomes aware of a situation of non-compliance.
- 25.2.2 The Property Standards Officer or any person acting under his direction may, at all reasonable times during daylight hours, enter upon and inspect any property referred by written complaint, and if requested must produce proper identification, subject to Subsection 25.2.3.
- 25.2.3 The Property Standards Officer or any person acting under his authority shall not enter any room or place, actually used as a dwelling for persons or housing for animals, without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, and thus having been refused may only gain entry under the authority of a Search Warrant issued pursuant to the *Building Code Act*.

### **25.3 Notice of Violation**

25.3.1 When inspection by the Property Standards Officer reveals that a property does not conform with the standards prescribed by this by-law, the officer may issue a Notice of Violation.

25.3.2 The Notice shall be sent by prepaid registered mail to the last known address of the recipient or served by personal service upon the assessed owner, the occupant and all persons whom by the records of the most recent tax assessment roll, have an interest in the property.

#### **25.4 Contents of Notice of Violation**

25.4.1 The Notice of Violation shall contain the following information:

- (a) the municipal address or legal description of the property;
- (b) a statement that the property does not comply with the standards prescribed by the by-law;
- (c) specifications as to the particulars of the non-conformity;
- (d) action required to be taken to bring the property into conformity with the by-law with reasonable particulars of the action required;
- (e) a reasonable time to carry out the required work;
- (f) advise the owner or occupant that he has the right to a Hearing before the Property Standards Officer or to make representation to the officer in writing in respect of the Notice of Violation;
- (g) that any request for a Hearing is to be made in writing to the Property Standards Officer within thirty (30) days of the date of mailing of the Notice of Violation and that any written representation is to be submitted within the same time limit failing which an Order to Remedy the violation(s) may be issued; and
- (h) name and phone number of the officer who issued the Notice.

25.4.2 Any owner who disputes the need for structural repairs listed in a Notice of Violation may submit a written report signed by a professional engineer licensed to practice in the relevant discipline in Ontario on the matters referred to in the Notice of Violation.

25.4.3 If, in the opinion of the Property Standards Officer, the report demonstrates that one or more of the repairs required by the Notice of Violation are not necessary in order to comply with this by-law, the Property Standards Officer shall, where it is appropriate, accept the report as evidence that the owner will be deemed to have complied with one or more of the repairs required by the Notice of Violation.

25.4.4 If, in the opinion of the Property Standards Officer, the report demonstrates that compliance with this by-law may be obtained by a method other than that set out in the Notice of Violation, the officer may, where it is appropriate, amend the Notice of Violation.

#### **25.5 Hearing**

25.5.1 Any Hearing requested by an owner or occupant shall be held by the Property Standards Officer within twenty-one (21) days of receiving the request for the Hearing and the owner or occupant shall have the right to make relevant representations and present relevant evidence at the Hearing.

#### **25.6 Orders**

25.6.1 At any time after the date specified in the Notice of Violation or the Hearing held to consider representations by the owner or occupant regarding the intent of the Notice, the Property Standards Officer may issue an Order with regard to a property not in

compliance with the standards prescribed by this by-law and may serve the Order in the manner provided in Subsection 25.3.2.

25.6.2 Such Order may be registered against the property in the Land Registry Office and shall contain the following information:

- (a) the municipal address or legal description of the 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 leveled condition, and shall be in accordance with all applicable legislation;
- (c) the period in which compliance with the terms of the Order is to be carried out;
- (d) a notice that if such repair or clearance is not so carried out within the time specified in the Order, the Municipality may carry out the repairs or clearance at the expense of the owner;
- (e) the name and phone number of the officer who issued the Order; and
- (f) the final date for giving Notice of Appeal from the Order.

25.6.3 Notwithstanding the requirements of Subsection 25.6.2, the Property Standards Officer may also make an order or orders to the owner or occupant:

- (a) requiring the owner or occupant to make the property conform to the standards within a period of time not to exceed ninety (90) days;
- (b) prohibiting the use of the property, and requiring the person using or occupying the property to vacate the property within a period of time not to exceed ninety (90) days;
- (c) requiring the owner to demolish the property within a period of time not to exceed ninety (90) days; or
- (d) causing the registration of a caution on the title to the property.

25.6.4 When a Notice or Order has been served by a Property Standards Officer, the date of service shall be deemed to be three days from the date upon which the Notice or Order is sent by registered mail, or the date when a Notice or Order is personally served by the officer upon any person, or the date of placarding of a property.

## **25.7 Property Standards Committee**

25.7.1 The Council of the Township of North Grenville shall provide a by-law for the establishment of a Property Standards Committee for the purpose of hearing appeals against Orders served by the Property Standards Officer, in accordance with the relevant provisions of the *Building Code Act*, S.O. 1992, as amended.

## **25.8 Appeal to the Property Standards Committee**

25.8.1 When an owner or occupant upon whom an Order has been served by the Property Standards Officer is not satisfied with the terms of conditions of the Order, he may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days of service of the Order.

25.8.2 The application fee for appealing an Order of the Property Standards Officer to the Property Standards Committee shall be as listed in the tariff of fees by-law. Council reserves the right to amend the fee from time-to-time or authorize the refunding of fees.

25.8.3 An Order that is not appealed within the time referred to in Subsection 25.8.1 shall be deemed to have been confirmed.

### **25.9 Hearing of Appeal**

25.9.1 When an appeal has been submitted, the Committee shall hear it within thirty (30) days after receipt by the Secretary of the notice of appeal.

25.9.2 Upon hearing the appeal, the Committee shall have all of the powers and functions of the officer who made the Order and may:

- (a) confirm, modify or rescind the Order to repair or demolish; or
- (b) extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan are maintained.

### **25.10 Appeal of Decision of Committee**

25.10.1 The Municipality or any owner, occupant or person affected by a decision of the Property Standards Committee may appeal to the appropriate Provincial Court by notifying the Clerk of the Municipality in writing and by applying to the appropriate Provincial Court for an appointment within fourteen (14) days after sending a copy of the decision to the Corporation, owner/occupant, or complainant.

25.10.2 The Judge or Justice of the Peace shall, in writing, appoint a day, time and place for the hearing of the appeal and the appointment may direct that it shall be served upon such persons and in such manner as he or she prescribes.

25.10.3 The Judge or Justice of the Peace on such appeal has the same powers and functions as the Committee.

### **25.11 Order to be Final and Binding**

25.11.1 The Order, as deemed to have been confirmed pursuant to Subsection 25.8.3 or as confirmed or modified by the Committee pursuant to Subsection 25.9.2 or as confirmed or modified by the Judge pursuant to Subsection 25.10.3, shall be final and binding upon the owner or occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.

### **25.12 Power of Corporation to Repair or Demolish**

25.12.1 If the owner or occupant of a property fails to repair or demolish the property in accordance with an order as confirmed or modified, the Municipality in addition to all other remedies:

- (a) shall have the right to repair or clear the property accordingly;
- (b) shall have the right for its servants and agents to enter in and upon the property to carry out the aforesaid repair or clearance;
- (c) shall have the right to carry out the repairs or clearance at the expense of the owner; and
- (d) 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 Municipality under the provisions of this section of the by-law.

### **25.13 Issue of Certificate of Compliance**

- 25.13.1 Following the inspection of a property, the Property Standards Officer may, on the request of the owner, issue to the owner a Certificate of Compliance if, in his opinion, the property is in compliance with the standards of this by-law.
- 25.13.2 If a Certificate of Compliance is issued at the request of the owner, the owner shall pay a fee as per the Schedule of Tariffs, as amended from time-to-time.

#### **25.14 Penalties**

- 25.14.1 Any person who contravenes an Order issued under the provisions of this by-law which is final and binding or who contravenes any other provision of this by-law shall, upon conviction thereof, be liable to a fine as is provided for in the provisions of the *Building Code Act* S.O. 1992, as amended and any other applicable law, exclusive of costs, for each offence.
- 25.14.2 When a person has been convicted of an offence under this by-law, the Provincial Court or any court of competent jurisdiction may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

#### **25.15 Emergency Powers**

- 25.15.1 Despite any other provisions of this by-law, if upon inspection of a property the Property Standards Officer is satisfied that a non-conformity with the standards prescribed in the by-law exists to such extent as to pose an immediate danger to the health or safety of any person the officer may make an Order containing particulars of the non-conformity which requires remedial repairs or other work to be carried out forthwith to terminate the danger.
- 25.15.2 The Order shall be served on the owner of the property and such other persons affected thereby as the officer determines, and a copy shall be posted on the property.
- 25.15.3 After making an Order under Subsection 25.15.1, the officer may, either before or after the Order is served, take or cause to be taken any measures he considers necessary to terminate the danger and for this purpose the Corporation servants and agents have the right to enter in and upon the property in respect of which the Order was made, without a warrant.
- 25.15.4 The officer, the Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its powers under Subsection 25.15.3.
- 25.15.5 Where the Order was not served before emergency measures were taken by the officer to terminate the danger, the officer shall forthwith after the measures have been taken, send or serve copies of the Order in accordance with the provisions of the *Building Code Act* S.O. 1992, as amended, to the owner of the property and all persons affected thereby as determined by the officer, and each copy of the Order shall have attached thereto a statement by the officer describing the measures taken by the Municipality and providing details of the amount expended in taking the measures.
- 25.15.6 Where the Order was served before the emergency measures were taken, the officer shall serve a copy of the statement mentioned in Subsection 25.15.5

in accordance with the *Building Code Act* S.O. 1992, as amended, to the owner(s) as soon as practical after the measures have been taken.

- 25.15.7 As soon as practical after the requirements of Subsections 25.15.5 and 25.15.6 have been complied with, the officer shall apply to a Judge of the appropriate Provincial Court for an Order confirming the Order made under Subsection 25.15.1.
- 25.15.8 The disposition of the application under Subsection 25.15.7 shall be final and binding.

#### **25.16 General Provisions**

- 25.16.1 This by-law shall apply to all property within the boundaries of the Township of North Grenville.
- 25.16.2 Where a provision of this by-law conflicts with a provision of another Corporation by-law or Provincial Statutes, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 25.16.3 If any section of this by-law is for any reason held to be invalid, the remaining sections shall remain in effect.
- 25.16.4 This by-law shall be administered by a person or persons appointed by the Council of the Township of North Grenville as Property Standards Officers.
- 25.16.5 By-Law No. 14-93, as amended, of the former Town of Kemptville and By-Law No. 41-91, as amended, of the former Township of South Gower, and all other by-laws contrary or inconsistent with this by-law are hereby repealed.
- 25.16.6 This by-law shall come into force and take effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME  
AND PASSED THIS 23<sup>RD</sup> DAY OF OCTOBER, 2000.

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DON CAMERON  
Mayor

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CAHL POMINVILLE  
Clerk

**TOWNSHIP OF NORTH GRENVILLE  
PROPERTY STANDARDS BY-LAW NO. 33-00**

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