



Town of Bruce Mines
Property Standards By-law

2008-16

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THE CORPORATION OF THE TOWN OF BRUCE MINES

BY-LAW NO. 2008-16

Being a by-law to provide standards for
the Maintenance and Occupancy of Property
in the Town of Bruce Mines

WHEREAS Section 15.1 (3) of the *Building Code Act* and amendments thereto, provides that a Council may pass By-laws for:

- (1) Prescribing standards for the 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 to the standards;
- (2) Requiring property that does not conform to 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 a graded and leveled condition.

AND WHEREAS Section 2.25 of the Official Plan for the Bruce Mines-Plummer Additional Planning Area includes provisions relating to property conditions, and such Official Plan applies to the Town of Bruce Mines;

AND WHEREAS Council's intent in the enforcement of this by-law is to focus on public health and safety related concerns;

NOW THEREFORE the municipal council of the Corporation of the Town of Bruce Mines hereby enacts as follows.

SECTION 1 - GENERAL

1.1_ Short Title

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

SECTION 2 - DEFINITIONS

2.A

Accessory Building

Shall mean a building naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

2.B

Balustrade

Shall mean a protective barrier that acts as a guard 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; such barrier may or may not have openings through it.

Basement

Shall mean a storey or storeys of a building located below the first storey. The first storey is the storey with its floor closest to grade and having its ceiling more than one half above the established above grade.

Bathroom

Shall mean a room containing at least a washbasin and toilet and bathtub or shower, or two rooms which contain in total at least one washbasin and one toilet and one bathtub or shower.

Boarding House or Rooming House

Shall mean a dwelling within which a proprietor supplies for a fee, sleeping

accommodation with or without meals, for five (5) or more persons but does not include a bed and breakfast establishment, a hotel, a hostel, a children's home, Home for the Aged, a rooming house or other establishments otherwise classified or defined in this by-law.

Building

Shall mean any structure used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.

2.C

Cellar

Shall mean any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

Commercial Property

Shall mean a property used for the sale of goods and/or services for the purposes of this By-law shall include office buildings, public halls, licensed premises and private clubs, and any building that is used in conjunction with these.

Committee

Shall mean the Property Standards Committee as established under this By-law.

Corporation

Shall mean the Corporation of the Town of Bruce Mines.

2.D

Dwelling

Shall mean a building or part of a building occupied or capable of being occupied as the home or residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a hotel or motel.

Dwelling Unit

Shall mean one or more habitable room or suites of two or more rooms, designed or intended for use by and occupied by one or more individuals as a household in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and with a private entrance from outside the building or from a common hallway or stairway inside the building.

2.F

Fence

Shall mean any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines. A fence may include a solid or continuous hedge as a component.

Fire Resistance Rating

Shall mean the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria as stated in the *Ontario Building Code*.

2.G

Graffiti

Shall mean one or more letters, symbols or marks, howsoever made, that disfigure or deface a property or object, but does not include an authorized sign.

2.H

Habitable Room

Shall mean a room commonly used for living purposes, including a bedroom and a kitchen but not including any space in a dwelling used as a lobby, hallway, closet, or bathroom or any room having floor space of less than 4.6 m² [49.5 ft.²].

2.I

Industrial Property

Shall mean a property used for the manufacturing and/or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.

2.M

Maintenance

Shall mean the preservation and keeping in repair of a property.

Means of Egress

Shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, window, 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 and includes exits or access to exists.

Multiple Unit Dwelling

Shall mean a separate building designed exclusively to contain three (3) or more dwelling units.

Multiple Use Building

Shall mean a building containing both a dwelling unit and a non-residential use.

2.N

Non-Habitable Space

Shall mean any space in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance or common use, and for access to and vertical travel between storeys; and any unfinished basement.

2.O

Occupant

Shall mean any person or persons over the age of eighteen years in possession of the property.

Occupancy

Shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

Officer

Shall mean a property standards officer as may from time to time by Council be assigned the responsibility of administering and enforcing this By-law.

Owner

Shall mean the person for the time being paying the municipal taxes or managing or receiving the rent of 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 so 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 the property.

2.P

Property

Shall mean 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, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.

Public Building

Shall mean a building which is staffed by government personnel for the purpose of servicing the public.

2.R

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 this By-law. All repairs shall be made in conformity to the *Ontario Building Code*, the *Ontario Water Resources Act*, the Electrical Safety Code, the Fire Code the *Environmental Protection Act*, the *Elevating Devices Act* and similar legislation.

Residential Property

Shall mean 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 appurtenant to such an establishment.

Roomer or Lodger

Shall mean a person harboured, received or lodged, in a lodging house or boarding house in return for compensation.

2.S

Sewage

Shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm runoff.

Sewage System

Shall mean the Town's sanitary sewage disposal system approved by the Medical Officer's of Health and/or the Ministry of the Environment or an individual on-site sewage system approved under the *Building Code Act* or the *Environmental Protection Act*.

Standards

Shall mean the standards of physical conditions and occupancy set out in this By-law.

2.T

Toilet Room

Shall mean a room containing a water closet and washbasin.

2.W

Wall

Shall mean the solid vertical structure forming any one of the sides of a building and/or a partition forming the side of a room.

2.Y

Yard

Shall mean an open, uncovered space 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.

SECTION 3 - MAINTENANCE OF ACCESSORY BUILDINGS AND YARDS

3.1 Accessory Buildings, Fences and Other Structures

- 3.1.1** Accessory buildings, fences and other structures, including retaining walls appurtenant to the property shall be maintained in a structurally sound condition and in good repair and free from health, fire and accident hazards.
- 3.1.2** Accessory buildings, fences and other structures shall be protected from deterioration by the application and maintenance of weather resistant materials (i.e. paint or other suitable preservative) or through the use of maintenance free construction materials.
- 3.1.3** Despite **Section 3.1.2**, preservatives may be exempted where the aesthetic characteristics of the building are specifically designed to be enhanced by the lack of such materials and the standards in **Section 3.1.1** are upheld.
- 3.1.4** Fences, approved enclosures and retaining walls around or on a property shall be kept free from posters, signs, notices, advertising materials or defacement or disfigurement. Fences and gates around swimming pools shall also be maintained in accordance with By-law 2007-26.
- 3.1.5** Accessory buildings, fences or structures shall be repaired or removed or demolished in part or in whole where the offending part of the building is not in accordance with the prescribed standards.
- 3.1.6** Temporary shelters for the seasonal (winter) shelter or protection of vehicles or recreational equipment that are constructed using a fabric cover (e.g. plastic, vinyl, canvas) shall only be permitted to be erected and maintained between November 1 and April 30. All components of the temporary shelter (except for permanent anchors embedded in the ground or concrete) shall be dismantled, removed and stored between April 30 and November 1 of any calendar year.

3.2 Drainage

- 3.2.1** No person shall maintain or change the grade, swales, open ditches or other drainage features on a property so as to cause recurrent or excessive ponding or the entrance of water into a basement or cellar.

- 3.2.2** All stormwater facilities on a property or serving a property shall be maintained in working order and free of blockages that might impede drainage as per water/waste water by-law(s)
- 3.2.3** No natural soil, topsoil, road gravel, salt or other fill material shall be permitted to erode by the action of wind or stormwater runoff if such material is being carried onto adjacent property or into a lake, stream, ditch or water course.
- 3.2.4** No roof drainage or sump pump shall be discharged on sidewalks, stairs of the premises or onto neighbouring property.

3.3 Garbage Disposal

- 3.3.1** Garbage, rubbish and other debris from a property shall be promptly stored in receptacles and made available for removal.
- 3.3.2** Every garbage and refuse receptacle shall be constructed of watertight material, provided with a tight fitting cover and shall be maintained in a clean and odour free condition at all times. Where an exterior bulk or roll-off container refuse system is used, it shall be equipped with covers or similar devices which shall be readily openable, but not left open when actively being loaded or emptied, shall be large enough for the containment of all refuse generated between collections by the occupants served and shall not be loaded beyond the top of the container. Despite this provision, the temporary storage of waste materials from the demolition, repair or alteration of a building or part thereof may be placed on the property or in a designated dumpster, provided it is removed frequently and in its entirety from the property and provided it does not cause a risk to public health or safety.
- 3.3.3** Where private containerized garbage pickup is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.
- 3.3.4** Garbage of an inflammable, toxic or hazardous nature shall be stored safely or removed immediately from the property unless otherwise authorized under a valid Certificate of Approval issued by the Ministry of the Environment.

3.3.5 Every residential property shall be maintained in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.

3.3.6 The occupant of a residential property may provide for a compost pile, provided that the compost pile is no larger than 1 m² [10.76 ft.²] in area and no higher than 1.8 m [5.9 ft.] in height and is enclosed on all sides by concrete block or lumber or other suitable materials or stored within a commercially manufactured plastic container designed for composting, either of which is maintained in a condition to prevent undue odours or vermin.

3.4 Safe Passage for Parking Areas, Walks and Driveways

3.4.1 Steps, walks, walkways and driveways shall be maintained so as to afford safe passage under normal use and weather conditions be it in any season or during the day or night

3.4.2 All areas used for vehicular traffic and parking shall have a surface that shall be kept in a safe condition for vehicular or pedestrian traffic.

3.5 Sewage

3.5.1 Sewage or organic waste shall only be discharged into a sewage system approved under the *Building Code Act* or the *Environmental Protection Act*.

3.5.2 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

3.5.3 All septic tanks shall be maintained in proper working order and shall be pumped out on a regular basis in accordance with the occupancy of the building or dwelling.

3.6 Yards Vehicles and Vegetation

3.6.1 All yards, including vacant lots, shall be kept clean and free from:

1. Garbage, rubble, litter, waste, construction materials or other debris that constitutes an unsafe condition or public health concern.
2. Noxious plants as defined in the *Weed Control Act* such as

ragweed, poison ivy, poison oak, poison sumac or similar noxious vegetation.

3. Heavy growth or undergrowth and excessive growth of grass or weeds shall not be permitted. Grass on lawns or boulevards or landscaped areas on any lot including a vacant lot shall be maintained in a trimmed, mowed or cut condition with a height not to exceed of 20.2 cm [8 inches] and shall be kept free of weeds and noxious plants. Hedges and bushes shall be kept trimmed to a suitable height and shall not be overgrown or unsightly. A yard which is cultivated to permit natural uncut grasses (i.e. vetch) and alternative gardening or landscaping methods may be permitted at the discretion of the Chief Property Standards Officer.
4. Dead, decaying or damaged trees or other natural growth which create an unsafe condition, fire hazard or public health concern.
5. Holes, pits or trenches, ditches which create an unsafe condition. Holes and excavations which are necessary for or part of a use lawfully situated on private property shall be kept in a safe condition and where necessary for safety reasons, shall be barricaded or fenced.
6. Any vehicle, including a trailer, boat, snowmobile, recreational vehicle, machinery or part thereof or junk which is in a wrecked, discarded, dismantled, inoperative or abandoned condition, except:
 - A. in an establishment licensed or authorized to conduct and operate such a repair or restoration or resale business;
 - B. for an occupant of any premises who is repairing or restoring a vehicle or equipment for personal use provided such repair or restoration is actively carried on; or
 - C. for historic vehicles or other vehicles or equipment which are stored inside an enclosed building and are being repaired, restored or conserved for personal use.
7. Any transport trailer, bus, truck or other vehicle used for long term storage of any goods except as authorized by the zoning by-law, By-law No. 2007-26, as amended.
8. Dilapidated, collapsed or partially constructed structures where not covered by a currently valid building or demolition permit.

3.6.2 Section 3.6.1.3 shall not apply to any property in the Open Space (OS) Zone, Open Space Wetland (OSW) or Mine Hazard (MH) Zone as provided for in By-law 2007-26, the Zoning By-law, unless the property is used or occupied by a residential use or non-residential use and buildings exist on the property.

SECTION 4 - MAINTENANCE OF BUILDINGS AND STRUCTURES

4.1 Structurally Sound

- 4.1.1** Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight load and any load to which it may be subject i.e. snow load.
- 4.1.2** Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

4.2 Pest Prevention

- 4.2.1** All property shall be kept free of rodents, vermin, and insects at all times and methods used for exterminating rodents, vermin, or insects shall be in accordance with the provisions of the Pesticides Act, as amended from time to time and all regulations passed pursuant thereto.
- 4.2.2** Basement and cellar windows or ventilators used or required for ventilation, and any other openings in a basement or cellar including a floor drain, that might permit the entry of rodents, insects or vermin, shall be screened with wire mesh, metal grill or other durable material to prevent entry.

4.3 Foundations

The foundations and foundation walls of every building or structure or part thereof shall be structurally sound and maintained to adequately support the loads imposed and to provide a dry basement or crawl space. Foundations shall be maintained free of leaks and defective mortar joints or masonry and jacking, underpinning or shoring shall be provided where necessary for structural support. Foundation walls and exposed beams, joists or other wood members shall be waterproofed and dampproofed to prevent the entry of moisture or water into the basement cellar or crawl space. Floor drains, building drains and foundation or subsoil drains shall be maintained in proper working order.

All buildings, except for slab-on-grade construction, shall be supported by foundation walls or piers which extend below the frost line or to solid rock or which are designed and constructed in accordance with the *Building Code Act*.

4.4 Basement and Cellar Floors

- 4.4.1 Every basement and cellar shall have a floor of concrete, masonry or other impervious material and where a floor drain is necessary it shall be located at the lowest part of the said floor and not connected to the storm sewer system.
- 4.4.2 Basements, cellars or crawl spaces which are not served by a stairway leading from the building or from outside the building may have a dirt floor provided it is covered with a moisture proof covering.

4.5 Dampness

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

4.6 Insulation

The insulation requirements of the Ontario Building Code as amended from time to time, shall be complied with where necessary and practical.

4.7 Exterior Walls

- 4.7.1 The exterior walls, and other components of a building, including soffits, and fascia shall be kept in good repair and free from loose, cracked, rotted, warped and broken materials or loose masonry units, stucco and other defective cladding or trim. Any defective materials shall be removed, repaired or replaced.
- 4.7.2 All exterior surfaces shall be of materials which provide adequate protection from the weather and shall be maintained with paint or other suitable preservative or coating to prevent deterioration due to weather conditions, insects or other damage.
- 4.7.3 The exterior walls and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing and by the waterproofing of joints and of the walls themselves.

4.7.4 Exterior walls and their components shall be maintained free of inappropriate signs, painted slogans, graffiti and similar defacements.

4.8 Roof

4.8.1 All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering. The roof including shingles or other roof covering, the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building, and where necessary shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.

4.8.2 Accumulations of excessive or dangerous ice or snow or both shall be promptly removed from the roofs of any building or structure.

4.8.3 Where eavestroughing and roof gutters are provided, they shall be kept in good repair and working order, free from obstructions and shall be properly secured to the building.

4.8.4 Transmitting and receiving devices, chimneys, waste pipes, vents, rooftop air conditioning and heating equipment or structures, solar heating equipment and other roof structures shall be maintained in a safe and operable condition.

4.9 Doors, Windows and Security Systems

4.9.1 All exterior openings shall be fitted with doors and windows.

4.9.2 Windows, exterior doors, skylights, basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free, so as to prevent heat loss and the infiltration of wind or rain or other elements.

4.9.3 Rotted or damaged doors, door frames, window frames, sashes and casings, or weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

4.9.4 All windows intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside

the building. Every window in a leased dwelling that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter [3.9 inches] sphere and such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

4.9.5 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.

4.9.6 Solid core doors shall be provided for all entrances for reasons of security, fire separation, noise barriers and heat loss.

4.9.7 In buildings where there is a voice communication system, a security or alarm system or fire alarm system, all systems shall be maintained in good working order at all times.

4.10 Stairs, Porches, Balconies, Handrails, Balustrades and Decks

4.10.1 Every inside and outside stair, and every porch, balcony 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, or show excessive wear and all supporting structural members that are rotted or deteriorated, shall be repaired or replaced.

4.10.2 Every stairwell or open stairway with five or more risers leading to a higher storey or to a basement, and every balcony or landing shall be equipped with handrails or balustrades, maintained in good repair so as to provide adequate protection against accident or injury.

4.10.3 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm [24 inches]. The latter shall apply to an exterior deck.

4.10.4 A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

4.11 Walls and Ceilings

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

4.11.2 Where dwelling units are separated vertically, the dividing walls from the top of the footings to the underside of the roof deck, and any space between the top of the wall and the roof deck shall be tightly sealed by caulking, mineral wool or similar non-combustible material, and such walls shall conform to the fire resistance ratings contained in the *Ontario Building Code*.

4.12 Floors

4.12.1 Every floor shall be smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards or other floor covering that might cause an accident and all defective floor boards shall be repaired or replaced.

4.12.2 Every floor in a bathroom, toilet room, kitchen, shower room, laundry room shall be maintained so as to be impervious to water and which can be readily cleaned.

4.13 Egress

4.13.1 Every residential building shall have a safe, continuous and unobstructed passage from the interior of the dwelling to the outside at a street, outer court or at grade level. In the case of a one family dwelling, there shall be at least two exits suitably remote from each other, from the first storey.

4.13.2 Every dwelling which contains dwelling units located other than on the ground floor shall be provided with a second means of egress.

4.13.3 In the case of a multiple dwelling, wherever there are not two means of egress from each apartment, suitably remote from each other, there shall be ready access to at least two means of egress leading to separate and independent exits.

4.13.4 A required exit shall not pass through an attached garage, or built-in garage or an enclosed part of another dwelling unit.

4.13.5 All Commercial, Institutional and Industrial buildings shall be provided with exits of size and number so as to be in compliance with the requirements of the *Ontario Building Code*, as amended from time to time for the appropriate group and division.

4.14 Air Conditioners

All air conditioners shall be maintained in a safe mechanical and electrical condition and shall not adversely affect areas beyond the limits of the property by reason of noise or condensation drainage.

4.15 Elevating Devices

Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication systems shall be operational and maintained in good condition and inspected as required by the *Elevating Devices Act*.

4.16 Natural Light

Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly to an outside space which is at least 15 cm [6 inches] above the adjoining finished grade and provides unobstructed light transmitting area which is not less than ten (10) percent of the floor area for the living and dining rooms and five (5) percent for bedrooms or other finished rooms. The glass area of a sash door may be considered as a portion of the required window area.

SECTION 5 - STANDARDS FOR USE AND OCCUPANCY OF BUILDINGS

5.1 Cleanliness

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

5.2 Water

- 5.2.1** Every dwelling, dwelling unit, commercial, institutional or industrial building shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health.
- 5.2.2** Every sink, washbasin, bathtub, or shower required by this by-law shall have an adequate supply of hot and cold running water.
- 5.2.3** Adequate running water shall be supplied to every water closet.
- 5.2.4** Where a water supply system is provided to a building intended or used on a year-round basis, such system shall be maintained so as to prevent it from freezing.

5.3 Plumbing

- 5.3.1** Sewage shall be discharged into a sewage system approved under the *Building Code Act* or the *Environmental Protection Act*, whichever is applicable.
- 5.3.2** 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.
- 5.3.3** The plumbing system shall provide a satisfactory potable hot and cold water supply and an appropriate drainage or waste pipe system including venting.
- 5.3.4** 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.
- 5.3.5** All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 5.3.6** Every fixture shall be of such material, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleaning and free from blemishes, cracks, stains or other defects that may harbour germs or

impede thorough cleansing.

5.3.6 All wells and well casings shall be maintained in accordance with Ontario Regulation 903, as amended, and any casings which are cracked, shall be repaired.

5.4 Toilet and Bathroom Facilities

5.4.1 Every dwelling unit except as provided in subsection 5.4.2 hereof, shall contain fully operational plumbing fixtures consisting of at least:

1. One water closet, and
2. One kitchen sink, and
3. One washbasin, and
4. One bathtub or shower

5.4.2 The occupants of not more than two dwelling units may share a water closet, washbasin and bathtub or shower, provided:

1. Not more than a total of eight persons occupy both dwelling units,
2. Access to the fixtures can be gained without going through rooms of another dwelling unit or outside the dwelling.

5.4.3 In a rooming house there shall be a water closet, washbasin and bathtub or shower for not more than eight persons and these facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.

5.4.4 Every Commercial, Institutional and Industrial building shall contain plumbing fixtures in accordance with the appropriate Provincial legislation.

5.4.5 All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.

5.4.6 All bathrooms and toilet rooms shall be fully enclosed and have a door capable of being locked so as to provide privacy for the occupant.

5.4.7 Where practical a washbasin shall be located in the same room as the water closet.

5.4.8 No facilities for the preparation, cooking, storage or consumption of food or for sleeping shall be within a room that contains a toilet.

5.5 Kitchens

5.5.1 Every kitchen area shall be equipped with a sink served with hot and cold running water, storage facilities and counter top work area and space shall be provided for a stove and a refrigerator.

5.5.2 The splash back and counter top around the kitchen sink shall have an impervious surface.

5.5.3 Every kitchen shall have provided an adequate and approved gas or electrical supply for cooking purposes and there shall be at least 76 cm [30 inches] clear space above any exposed cooking surface.

5.6 Garbage, Refuse Storage Rooms and Chutes

Where garbage, refuse storage rooms and chutes are provided they shall be in conformity with the *Ontario Building Code* as amended from time to time, and maintained in a clean and sanitary condition.

5.7 Heating System

5.7.1 Every dwelling and/or dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21° C [70° F] at -20.5° C [-5° F] outside, at 1.5 m [4.92 ft.] above floor level and 0.9 m [2.95 ft.] from the exterior walls in all habitable rooms, bathroom and toilet rooms and not less than 16° C [61° F] in an unfinished basement or cellar. Crawl spaces need not be heated.

5.7.2 The heating system required by Section 5.7.1 shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.

5.7.3 No heating appliance or device shall be located closer than 60 cm [24 inches] to any combustible material unless protected, nor placed so as to impede the free movement of persons within the room where it is located.

- 5.7.4** A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- 5.7.5** Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 5.7.6** Fuel-burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or a vent or flue.
- 5.7.7** Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the dwelling.
- 5.7.8** All flues shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 5.7.9** Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- 5.7.10** In multiple dwellings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance rating as required by the *Ontario Building Code*.
- 5.7.11** In all commercial, institutional or industrial buildings provided with a central heating system, the heating unit shall be located in a separate room, having walls, ceilings and doors, all of which have the appropriate fire resistance rating as required by the *Ontario Building Code*.
- 5.7.12** Outdoor furnaces are not allowed.

5.8 Electrical Service

- 5.8.1** Electrical installations, including the service capacity of the installation and the number and distribution of circuits, shall conform to the *Ontario Electrical Safety Code*.

- 5.8.2 Every habitable room, except for a kitchen, shall contain at least one electrical duplex convenience outlet. There shall be an additional duplex convenience outlet for each 9.4 m² [101.2 ft.²] of floor area in excess of 11.2 m² [120.5 ft.²].
- 5.8.3 Every kitchen shall have at least two electrical duplex convenience outlets, which shall be on separate circuits. One such outlet shall be provided over the counter top work surface and one shall be provided at the refrigerator space. In addition, an outlet shall be provided in a dining area forming part of a kitchen.
- 5.8.4 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 5.8.5 A permanent electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, basement, cellar and non-habitable work or storage area.
- 5.8.6 Extension cords shall not be permitted on a permanent basis.
- 5.8.7 The electrical wiring and all electrical fixtures, switches, receptacles and appliances located or used in any building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards.
- 5.8.8 Lighting, fixtures and appliances installed throughout a building including stairways, corridors, passageways, garages and basements shall provide sufficient illumination so as to avoid public health or accident hazards under normal use.

5.9 Lighting

- 5.9.1 Every public hall and stairway and stairwell in all buildings shall be illuminated at all times so as to provide safe passage.
- 5.9.2 All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of the use of

enjoyment of neighbouring properties.

5.10 Ventilation

5.10.1 Every habitable room including a kitchen shall have an opening or openings for natural ventilation from the outside. Such opening or openings shall have a minimum aggregate unobstructed free flow of air of at least 0.28 m² [3 ft.²] and shall be located in the exterior walls or through openable parts of skylights.

5.10.2 Openings for natural ventilation may be omitted from a kitchen, living or living-dining room, basement, cellar and crawl space if mechanical ventilation is provided which changes the air once every hour.

5.10.3 Every bathroom or room containing a water closet, shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of .093 m² [1 ft.²] except said opening may be omitted where a system of mechanical ventilation has been provided, such as an electrical fan with a duct leading to outside the dwelling.

5.10.4 All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

5.10.5 Every basement, cellar, and unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings.

5.11 Fire Safety

5.11.1 Every dwelling shall be equipped with at least one smoke alarm per storey which shall be maintained in a good and operable condition at all times.

5.11.2 The warehousing or storage of material or operative equipment that is required for the continuing operation of an industrial or commercial aspect of a property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles.

5.11.3 Emergency lighting that is installed or required in any building or on any

property shall be maintained in a good an operable condition at all times.

5.11.4 The surface area and width of any designated fire routes shall be maintained in a condition suitable for the bearing and maneuvering of emergency vehicles and shall remain unobstructed at all times and all seasons.

5.12 Fire Damage and Demolition

5.12.1 In the event of a fire, measures shall be taken as soon as possible to make the damaged building safe and compatible with the surrounding environment through such measures as:

1. Cleaning any smoke or water damaged surfaces exposed to view
2. Refinishing such exposed surfaces so that they are in harmony with adjoining undamaged surfaces and the general environment.
3. Repairing of fire damaged surfaces.

In the event a building is destroyed beyond the point of repair or restoration, as a measure of public safety, the building shall be demolished and removed forthwith from the site and the site shall be graded and leveled. In the interim of any authorized repair or, restoration of a fire damage building or in the interim of the demolition and/or removal, the site and/or building shall be secured to prevent access by the general public.

5.12.2 Where a building or structure is being demolished, every precaution shall be taken to protect any adjoining property and members of the public from accident hazards. Such precautions shall include the erection of fences or barricades and all other means of protection necessary in respect thereto.

5.12.3 No building shall be reoccupied which is deemed to be unsafe for human occupancy.

SECTION 6 - OCCUPANCY STANDARDS FOR DWELLINGS

6.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.

6.2 The maximum number of occupants in a dwelling or dwelling unit shall not exceed one person per 9.4 m² [101.1 ft.²] of habitable room floor area.

- 6.3** For the purpose of computing the maximum number of occupants in subsection 6.2 any child under twelve years of age shall be deemed one-half person.
- 6.4** For the purpose of computing the habitable room floor area in subsection 6.2 the floor area under a ceiling which is less than 2.1 m [6.88 ft.] high shall not be counted. If a finished ceiling is not applied to the underside of the joists, then the area shall not be deemed as habitable room space.
- 6.5** No room in any dwelling shall be used for sleeping purposes unless there is a minimum width of 2 m [6.56 ft.] and a minimum floor area of 7 m² [75.3 ft.²]. At least one-half of the required minimum floor area shall have a ceiling height of 2.1 m [6.88 ft.] and no floor area with a ceiling height of less than 1.37 m [4.49 ft.] shall be counted.
- 6.6** Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
1. Each habitable room shall comply with all the requirements set out in this By-law.
 2. Floors and walls shall be constructed so as to be dampproofed and impervious to water leakage.
 3. Each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the *Ontario Building Code*.
 4. Access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room.

SECTION 7 - VACANT LANDS AND BUILDINGS

7.1 Vacant Lands

7.1.1 Vacant land shall be maintained to the standards as described in **Section 3.6** of this By-law.

7.1.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent or excessive ponding of water.

7.2 Vacant Buildings

- 7.2.1** Vacant buildings shall be kept cleared of garbage, rubble 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 building.
- 7.2.2** Every vacant building shall be boarded up to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm [0.5 inch] weatherproof sheet plywood in a color compatible with the surrounding walls and which is securely fastened.

SECTION 8 - ADMINISTRATION

8.1 Application of By-law

- 8.1.1** This By-law shall apply to all properties within the limits of the Town of Bruce Mines.
- 8.1.2** If a court of competent jurisdiction should declare any section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law, and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force
- 8.1.3** Where a provision of this By-law conflicts with a provision of another By-law in force in the Town, the provisions that establish the higher standard to protect the health, safety and welfare of the general public shall prevail.

8.2 Property Standards Officer and Property Standards Committee

- 8.2.1** For the purpose of this By-law, there is hereby established a Property Standards Committee.
- 8.2.2** The Committee shall comprise of Council of the Town of Bruce Mines.
- 8.2.3** The Committee shall elect a chair and a secretary from amongst themselves. When the Chair is absent through illness or otherwise, the Committee may appoint another member as “Acting Chair”.
- 8.2.4** A simple majority of the members constitutes a quorum for transacting the Committee’s business.
- 8.2.5** Members of the Committee shall remain in office at the pleasure of Council.

- 8.2.6** Council shall forthwith fill any vacancy that occurs in the members of the Committee.
- 8.2.7** The members of the Committee shall be paid such compensation as the Council may provide by resolution
- 8.2.8** The secretary shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and the *Municipal Act, 2001* applies with necessary modifications to the minutes and records
- 8.2.9** The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

8.3 Enforcement

- 8.3.1** **This By-law shall be administered and enforced by the Property Standards Officer.** The Property Standards Officer may assign duties to such persons as necessary to carry out the administration and enforcement of this By-law and the applicable provisions of the Building Code.

8.4 Right to Enter

- 8.4.1** An officer or any person acting under his or her instructions may, at any reasonable time and 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 with the standards described in this By-law; and/or
 - b. Whether a property standards order has been complied with.
- 8.4.2** Despite subsection 8.4.1, an officer shall not enter any room or place actually used as a dwelling unless:
- a. the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused, and entry made only under the authority of a warrant issued under the *Building Code Act*;
 - b. a warrant issued under the *Building Code Act* is obtained;

- c. the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;
- d. the entry is necessary to terminate a danger as determined under subsection 15.7(3) of the *Building Code Act*; or
- e. the entry is necessary to repair or demolish the property in accordance with an order issued under this By-law and the officer, within a reasonable time before entering the room or place, serves the occupier with the notice of the officer's intention to enter the room or place.

8.5 Inspection

8.5.1 For the purposes of an inspection under this By-law, an officer and any person acting under the officer's instructions may:

- a. require the production for inspection of documents or things, including drawings or specifications that may be relevant to the building or part thereof;
- b. inspect and remove documents or things relevant to the building or part thereof for the purpose of making copies or extracts;
- c. require information from any person concerning a matter related to a building or part thereof;
- d. be accompanied by a person who has special or expert knowledge in relation to building or part thereof;
- e. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs for the purposes of the inspection; and
- f. order any person to take and supply at that person's expense such tests and samples as are specified in the order.

8.5.2 Any cost incurred by the Town of Bruce Mines in exercising its authority to inspect under this By-law, including but not limited to the cost of any examination, test, sample, or photograph necessary for the purpose of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.

Order of Non-Conformity

8.6.1 If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards prescribed in this By-law, the officer may issue an order and such order shall be served on the owner of the property and may be served on such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

8.6.2 The order shall:

- a. contain the municipal address or a legal description of the property;
- b. give reasonable particulars of the repairs to be made or state that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
- c. indicate 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 time, the municipality may carry out the repair or clearance at the owner's expense;
- d. indicate the final date for giving notice of appeal from the order; and
- e. be served or cause to be served on the Owner of the property and such other persons affected by the order as the officer determines:
 - I. By personal service; or
 - II. By prepaid registered mail sent to the last known address of the person to whom notice is to be given or that person's agent for service.

8.6.3 The officer shall in addition to service, post a copy of the order in a conspicuous place on the property.

8.6.4 No person shall remove, pull down, obstruct the visibility of or deface the order placed in accordance with subsection 8.6.3 unless authorized by the officer.

8.7 Registration of an Order

8.7.1 An order of non-conformity 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.

8.7.2 Where the requirements of the order have been satisfied, the clerk of the

municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

8.7.3 Notwithstanding article 8.7.2, no discharge of an order shall be registered until such time as an owner has paid the Town of Bruce Mines the prescribed fee required in Schedule A to this By-law in the form of a certified cheque or money order.

8.8 Emergency Orders and Powers

8.8.1 Despite any other provision in this By-Law, if upon inspection of a property the officer is satisfied that there is non-conformity with the standards prescribed in this By-law to such extent as to pose an immediate danger to the health or safety of any person, the officer may make an emergency order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

8.8.2 After making an emergency order under section 8.8, the officer may, either before or after the order is served, take or cause to be taken any measures the officer considers necessary to terminate the danger, and for this purpose, the Town of Bruce Mines has the right, through its employees and agents at any time, to enter in and upon the property without a warrant.

8.8.3 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 Town in the reasonable exercise of its powers under section 8.8.

8.8.4 Where the emergency order made in accordance with section 8.8 was not served before measures were taken to terminate the danger, the officer shall as soon as is practical after the measures have been taken, serve copies of the order on the owner of the property and such other persons affected thereby as the officer determines and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the Town and providing details of the amount expended in taking the measures.

8.8.5 Where the emergency order was served before the measures were taken, the officer shall as soon as is practicable after the measures have been taken, serve a copy of the statement mentioned in section 8.8.4, in accordance with sentence 8.6.2 on, the owner of the property and all such other persons affected thereby as the officer determines.

8.8.6 As soon as practicable after the requirements of subsection 8.8.4 and 8.8.5 have been complied with, the officer shall apply to a judge of the Superior Court of

Justice for an order confirming the emergency order and the judge shall hold a hearing for that purpose.

- 8.8.7** The judge in disposing of an application under subsection 8.8.6 shall:
- a. confirm, modify or rescind the order; and
 - b. determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.
- 8.8.8** The judge's disposition of the application is final.
- 8.8.9** The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the *Municipal Act, 2001*.

Appeal of an Order

- 8.9.1** An owner or occupant who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal to the Committee by sending a notice of appeal, including grounds for the appeal, and the prescribed fee set out in Schedule A by registered mail to the secretary of the Committee within 14 days after being served the order.
- 8.9.2** An order that is not appealed within the 14-day period specified shall be deemed to be confirmed and binding.
- 8.9.3** If an appeal is taken, the Committee shall hear the appeal. The Committee shall have all the powers and functions of the officer who made the order and the committee may do any of the following things, if in the Committee's opinion, doing so would maintain the general intent and purpose of the By-law and official plan:
- a. confirm, modify or rescind the order to demolish or repair.
 - b. extend the time for complying with the order.
- 8.9.4** The Town or an owner or occupant or person affected by a decision of the Committee may appeal to a Judge of the Superior Court of Justice, who has the same powers and functions as the Committee, by notifying the Town's Clerk in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the send of a copy of the decision.
- 8.9.5** An order that is deemed to be confirmed or modified by the Committee or Judge shall be final and binding upon the owner and occupation who shall carry

out the repair or demolition within the time and in the manner specified in the order.

8.10 Compliance

8.10.1 An owner or occupant of a property shall:

- a. comply with all standards prescribed in this By-law;
- b. comply with all orders under this By-law;
- c. produce documents or things requested by the officer for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof, allow entry by the officer or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling, or photographs necessary for the purpose of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an Order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this By-law and the relevant portions of the *Building Code Act*; and
- d. ensure that compliance with this By-law is carried out in a manner that avoids conditions dangerous to the owner, occupants or visitors to the property or that adequate warning is given where such dangerous conditions are unavoidable.

8.10.2 Certificate of Compliance. A person affected by an order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an officer, and shall be liable to pay any applicable fees, charged or expenses.

8.10.3 Where the proof submitted to comply with subsection 8.10.2 is insufficient for the officer to determine the compliance of the property with the order or part thereof, the person shall, subject to the *Building Code Act*, permit or arrange for a reasonable and timely inspection by the officer to determine compliance or that the proof submitted confirms the compliance.

8.10.4 A property owner may make an application to the Town for a certificate of compliance. The property owner is responsible for paying the applicable fee as set out in Schedule A.

8.11 Power of Town to Repair or Demolish

8.11.1 If the owner or occupant of a property fails to comply with a final and confirmed property standards order, the Town of Bruce Mines may:

- a. Repair or demolish the property;
- b. Clear the site of all buildings, structures, debris or refuse and leave the site in a graded and leveled condition;
- c. Make the site safe or impede entry by erecting fences, barricades or barriers; and
- d. May cause a prosecution to be brought against any person who is in breach of such an order and upon conviction, such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act*.

8.11.2 The Town 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 municipality in the reasonable exercise of its powers under section 8.11.

8.11.3 Upon completion of the work necessary for compliance with the property standards order, the Town shall have a lien on the property for the amount spent on the repair or demolition and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*, which, amongst other things, means the amount may be added to the tax roll for the property and collected in the same manner as property taxes.

8.12 Administrative Penalties

8.12.1 A person who fails who fails to comply with a property standards order which is final and confirmed or who fails to comply with this By-law may be required to pay an administrative penalty.

8.12.2 Each person who fails to comply with a provision of this By-Law or an order shall, when given a penalty notice, be liable to pay the Town an administrative penalty of \$xx.xx.

8.12.3 The penalty notice shall be given to the person as soon as is reasonably practicable and shall include the following information:

- a. the date of the penalty notice;

- b. particulars of the contravention;
- c. the amount of the administrative penalty;
- d. a statement advising that an administrative penalty will constitute a debt of the person to the Town.

8.12.4 If an administrative penalty is not paid within 15 days the day that it becomes due and payable, the treasurer of the Town shall add the administrative penalty to the tax roll for any property in the municipality for which all of the registered owners are responsible for paying an administrative penalty, and collect it in the same manner as municipal taxes.

8.12.5 Where the Town chooses to charge an administrative penalty in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention.

8.13 Offences

8.13.1 No owner or occupant of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.

8.13.2 No person, being the owner, tenant, or occupant of a property, shall fail to maintain the property in conformity with the standards prescribed in this By-law.

8.13.3 No person shall hinder, obstruct, molest, or interfere with or attempt to hinder obstruct, molest or interfere with an officer, or a person acting under their instructions in the exercise of a power in the performance of a duty under this Bylaw.

8.13.4 A refusal of consent to enter or remain in a place actually used as a dwelling is not hindering or obstructing within the meaning of section 8.13.3 unless the officer is acting under a warrant or an emergency order made pursuant to section 8.8.

8.13.5 Every person shall assist any entry, inspection, examination, testing or inquiry by an officer in the exercise of a power of performance of a duty under this By-law.

8.13.6 No person shall neglect or refuse:

- a. To produce any documents, drawings, specifications or things required by an officer; and

b. to provide any information required by an officer;

8.13.7 A person is guilty of an offence if the person:

a. Contravenes any section of this By-law; or

b. Fails to comply with an order that is final and binding under this By-law.

8.13.8 Every director or officer of a corporation who contravenes section 8.13.7 is guilty of an offence.

8.13.9 Where any property within the Town of Bruce Mines does not conform to the applicable standards set forth in this By-law, the owner of the property shall:

a. repair and thereafter maintain such property to conform to such standards;
or

b. where conformity to such standards cannot be affected by repair, clear the site of the buildings, structures, debris and refuse not in conformity, and leave such area of the site in a graded and leveled condition.

8.13.10 All repair and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All construction, repair, renovation or demolition shall conform to the requirements of the *Ontario Building Code* and is subject to the requirements of all applicable permits.

8.14 Offence Penalties

8.14.1 A person who fails to comply with a property standards order which is final and confirmed, any other order, a direction, or a requirement made under this By-law is guilty of an offence and upon conviction shall be 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 any subsequent offence.

8.14.2 If a corporation is convicted of failing to comply with a property standards order which is final and binding, any other order, a direction or a requirement made under this By-law, the maximum penalty that may be imposed on the corporation is \$100,000 for a first offence and \$200,000 for any subsequent offence.

SECTION 9 - AUTHORITY

- 9.1** This By-law shall be read subject to the *Building Code Act*; as amended from time to time, and whenever the provisions of this By-law conflict or are otherwise inconsistent with the provisions of the *Building Code Act*, the provisions of the *Building Code Act* shall be deemed to be incorporated into this By-law.
- 9.2** This By-law shall come into force on the date it is passed by the Council of the Corporation of the Town of Bruce Mines.

Read a first time this 7th day of April, 2008.

Read a Second and Third time and finally passed this 7th day of April, 2008.

**“Darren Foster”
Mayor Darren Foster**

**“Donna Brunke”
Clerk Donna Brunke**