

THE CORPORATION OF THE
TOWNSHIP OF WESTMEATH
BY-LAW NO. 85-14

Being a By-law for prescribing standards for the maintenance and occupancy of property within the Township of Westmeath.

WHEREAS the Corporation of the Township of Westmeath desires to enact a by-law pursuant to the provisions of Section 31 of the Planning Act, S.O. 1983, Chapter 1:

AND WHEREAS there is in effect in the Township of Westmeath an Official Plan which includes provisions relating to Property Maintenance Standards:

NOW THEREFORE the Council of the Corporation of the Township of Westmeath HEREBY ENACTS AS follows:

SHORT TITLE

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

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DEFINITIONS

(1) ACCESSORY BUILDING:

"Accessory building" means a detached building which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.

- (2) Balustrade - means 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.

- (3) Bathroom - means a room containing a bathtub or shower with or without a water closet and basin.
- (4) Building - means any structure used or intended for supporting or sheltering any use or occupancy.
- (5) Committee - means the Property Standards Committee.
- (6) Corporation - means the Corporation of the Township of Westmeath.
- (7) Dwelling - means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all out-buildings, fences or erections thereon or therein.

"Dwelling Unit"

"Dwelling Unit" means a suite of 2 or more habitable rooms, in which sanitary conveniences are provided and in which no more than one kitchen is provided, such suite having an independent entrance either directly from outside the building or through a common corridor or vestibule inside the building. This definition shall not include any part of any vehicle as defined herein.

ACCESSORY DWELLING UNIT:

"Accessory dwelling unit" means a dwelling unit which is part of and accessory to a permitted Non-Residential building other than an automobile service station or a commercial garage. Such dwelling unit shall be occupied either by the owner of such Non-Residential building or by a person employed in the operation of the Non-Residential use to which it is related.

- (8) Fire Resistance Rating - means the time in hours or parts thereof that a material, construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.

- (9) Floor Area - means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls or partitions, but not including exits and vertical service spaces that pierce the storey.
- (10) Habitable Room - means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes
- (11) Maintenance - means the preservation and keeping in repair of a property.
- (12) Means of Egress - means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space.
- (13) Medical Officer of Health - means the Medical Officer of Health of the Eastern Ontario Health Unit.
- (14) Multiple Dwelling - means a building containing two or more dwelling units.
- (15) Multiple Use Building - means a building containing both a dwelling unit and a non-residential property.
- (16) Non-habitable Room - means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- (17) Non-residential Property - means a building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the lands and premises appurtenant thereto.
- (18) Occupancy - means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

- (19) Occupant - means any person(s) over the age of eighteen years in possession of the property.
- (20) Officer - means a Property Standards Officer, duly appointed by by-law and, who has been assigned the responsibility of administering and enforcing this by-law.
- (21) Owner - means the person for the time being managing or receiving the rent or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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 property.
- (22) Property - means 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, out-buildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (23) Repair - means the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law established under this section.
- (24) Residential Property - means 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 establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
- (25) Sewage - means any liquid waste containing human, animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.
- (26) Sewerage System - means a sewage disposal system approved by the Medical Officer of Health.

- (27) Standards - means the standards of physical condition and of occupancy prescribed for property by this by-law.
- (28) Toilet Room - means a room containing a water closet and wash basin.
- (29) Vehicle - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power.
- (30) Yard - means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling and used or intended to be used, or capable of being used in connection with the building.
2. This by-law prescribes the standards for every building and dwelling unit situated in the Township of Westmeath.

PART I - MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS

3. YARDS

- (1) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions such as holes or excavations that might create a health, fire or accident hazard.
- (2) Heavy undergrowth and noxious plants shall be eliminated from the yard.
- (3) Any vehicle including a trailer, which is in an inoperable wrecked, discarded, dismantled or abandoned condition shall not be parked, stored or left in a yard, unless it is necessary for the operating of a business enterprise lawfully situated on private property.

- (4) All permanent signs and billboards shall be maintained in good repair and any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed or put into a good state of repair.

SEWAGE AND DRAINAGE

- (1) Sewage or organic waste shall be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the Medical Officer of Health.
- (2) Sewage, except animal wastes, where spread or stored for Agricultural purposes, shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise and which is in conformance with local by-laws or the Medical Officer of Health.
- (3) Roof drainage or surface water shall;
- (a) be drained from the lands so as to prevent recurrent ponding or entrance of water into a basement or cellar, and
 - (b) not be channelled to discharge on sidewalks, stairs or neighbouring property.

5.

SAFE PASSAGE

Steps, walks, driveways, parking areas, and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

6.

ACCESSORY BUILDINGS AND FENCES

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

- (2) Where an accessory building or a condition on the property may harbour noxious insects, rodents, or vermin, all necessary steps shall be taken to eliminate the insects, rodents or vermin and to eliminate the condition so as to prevent its recurrence.
- (3) Exteriors of accessory buildings shall be kept weather resistant through the use of paint, preservative or other weather resistant material.

7. GARBAGE DISPOSAL

- (1) Every dwelling, dwelling unit and building except accessory buildings shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes.
- (2) Receptacles shall be acceptable plastic bags or other containers that are;
- (a) made of water-tight construction,
 - (b) provided with a tight-fitting cover, and
 - (c) maintained in a clean state.

PART II - MAINTENANCE OF DWELLINGS, AND BUILDINGS

8. Pest Prevention

- (1) A dwelling or building shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1980, Chapter 376 and all regulations and amendments passed pursuant thereto.
- (2) Basement or cellar windows used or required for ventilation, and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

9. Foundations

- (1) The foundation walls, and basement, cellar or crawl space floors shall be maintained in good repair free from major cracks, breaks or other defects and shall be structurally sound, and where necessary shall be so maintained by shoring of the walls and joists grouting masonry cracks, parging and waterproofing the walls or floors, and installing subsoil drains at footing levels.
- (2) Every basement, cellar and crawl space in a dwelling or building shall be adequately drained, and adequately ventilated to the outside air.
- (3) A foundation wall of a dwelling or building shall be adequately waterproofed so as to prevent the infiltration of moisture.

10. Structural Standard

- (1) Every part of a dwelling or building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject. Materials which have been damaged or show evidence of rot or dryrot or other deterioration shall be removed or repaired or replaced.
- (2) All exterior surfaces shall be of materials which provide adequate protection from the weather.

11. Exterior Walls

- (1) The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather and insects, 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.
- (2) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

12. Roofs

- (1) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the

dwelling or building.

- (2) All roof construction components shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- (3) Dangerous accumulations of snow or ice or both shall be removed from the roof of a dwelling or building.
- (4) All roof drains which are installed or located directly over a public sidewalk shall be maintained so as to prevent the flow of drainage onto the public sidewalks.

13. Dampness

The interior floors, ceilings and walls shall be kept reasonably 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.

14. Doors and Windows

- (1) Windows and exterior doors and frames and basement or cellar hatchways shall be maintained in good repair and properly fitted so as to minimize heat losses and to prevent the entrance of wind or rain into the dwelling.
- (2) Rotted or damaged doors, door frames, window frames, sashes and ~~casings~~, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

15. Insulation

Thermal insulation of dwellings or buildings shall be done in accordance with the provisions of the Ontario Building Code or to provisions or requirements designed to meet seasonal or local winter conditions.

16. Stairs and Porches

Inside or outside stairs and porches shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

17. Balustrades and Handrails

- (1) A handrail shall be installed and maintained in good repair on;
 - (a) every open side of a balcony, porch, landing and stairwell, with a rise of between 76cm and 152cm, and
 - (b) a stairway with a rise of over 76cm.
- (2) 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 76cm or more.
- (3) Subsection (2) does not apply to a stairway leading to a basement that does not contain a dwelling unit.

18. Egress

- (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.
- (2) There shall be a secondary means of egress for every dwelling unit located on each floor above the second floor, and for two (2) or more dwelling units located in the basement, so as to provide a safe and convenient means of egress in case of an emergency.
- (3) A secondary means of egress may be required for a dwelling unit, if in the opinion of an officer, there exists a hazardous condition.
- (4) Where there is only (1) means of egress from a basement containing (1) dwelling unit, there shall be a one (1) hour fire separation between it and any adjacent dwelling units.

19. Fire Protection

A high degree of safety to life and the protection of property shall be provided by the separation of dwelling units and the use of materials which retard the spread of fire and prevent the passage of flame, smoke and hot gasses through open or concealed spaces within the building, and by providing exits which will permit persons to leave the building with safety. The provisions for Residential Standards will be observed except that minor variations to these Standards may be permitted where such variations are acceptable to the municipal or provincial authority.

20. Walls and Ceilings

- (1) Every wall and ceiling finish shall be maintained in a clean condition and free from holes, loose coverings or other defects which would permit flame, excessive heat or water to enter the concealed space.
- (2) Where fire resistant walls exist between separate dwelling units, they shall be maintained in a condition which maintains their fire resistant quality.

21. Floors

- (1) Every floor shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident, and all defective floor boards shall be repaired.
- (2) The floor of every bathroom, shower-room and toilet room shall have a floor of water repellent material.

PART III - STANDARDS OF FITNESS FOR OCCUPANCY

22. Cleanliness

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

23. Water

- (1) Every dwelling and all other buildings to which water is required shall be provided with an adequate supply of potable water approved by the Medical Officer of Health.
- (2) Every sink, wash basin, bathtub or shower required by this by-law shall have an adequate supply of hot and cold running water.
- (3) All hot water shall be supplied at a minimum temperature of 50°C.

- (4) Adequate running water shall be supplied to every water closet.

24. Plumbing

All plumbing, pipes and plumbing fixtures shall be kept in good working condition and free from leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.

25. Toilet, Kitchen and Bathroom Facilities

- (1) Every self-contained dwelling unit shall be equipped with at least one kitchen sink, water closet, wash basin, and bathtub or shower, and an acceptable means of sewage disposal.

- (2) The occupants of not more than two (2) dwelling units may share a water closet, wash basin and bathtub or shower provided;

(a) that not more than a total of eight (8) persons occupy both dwellings units, and

(b) access to the fixtures can be gained without passing through rooms of another dwelling unit or outside the dwelling.

- (3) An additional water closet, wash basin and bathtub or shower shall be provided for every additional eight persons or part thereof where the total number of occupants of one or two dwelling units exceeds eight persons.

26. Bathrooms and Toilet Rooms

- (1) All bathrooms and toilet rooms shall be located within and accessible from within the dwelling or building unless otherwise approved by the Medical Officer of Health.

- (2) All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant.

- (3) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

- (4) No toilet or urinal shall be located within a room that is used for;

(1) the preparation, storing or consumption of food, or

(2) sleeping purposes.

27. Kitchens

- (1) Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold water where available, storage facilities, a counter top work area, and space for a stove and refrigerator.
- (2) Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.
- (3) There shall be at least 60cm clear space above any exposed cooking surface.

28. Heating System

- (1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of 21°C at 152cm above floor level and 91cm from exterior walls in every habitable room, bathroom and toilet room.
- (2) The heating system required by subsection (1) shall be maintained in good working condition so as to be capable of heating the dwelling safely to the required standard.
- (3) Auxiliary heaters shall not be used as a primary source of heat.
- (4) A room heater shall not be placed so as to;
 - (a) cause a fire hazard to walls, curtains or furniture, or
 - (b) impede the free movement of persons within the room where the heater is located.
- (5) A furnace that services two (2) or more dwelling units and is located adjacent to habitable spaces shall be enclosed with walls, ceiling and door having a fire resistance rating of not less than one (1) hour.
- (6) The enclosure referred to in subsection (5) shall be provided with sufficient combustion air directly from the outside by ventilation duct.
- (7) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be;
 - (a) provided and maintained in a convenient location, and
 - (b) properly constructed so as to be free from fire or accident hazards.

- (8) An adequate supply of fuel shall be available at all times.
- (9) Fuel burning equipment shall be vented to a duct by means of rigid connections leading to a chimney or a vent flue.
- (10) Every chimney, smoke pipe, flue and vent shall be maintained so as to;
 - (a) prevent gases from leaking into the dwelling, and
 - (b) be free of any defects.
- (11) Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be;
 - (a) connected to chimneys, and
 - (b) installed so as not to create a fire hazard to nearby or adjacent combustible material and structural members.
- (12) Solid fuel burning appliances or fireplaces shall be separately vented to the exterior and shall not be integrated or connected to a chimney, flue or vent designed or used for a fossil fuel or electrical heating system or appliance.

29. Electrical Services

- (1) Where available, electrical facilities complying reasonably with the requirements of Ontario Hydro shall be provided for all residential accommodation.
- (2) Existing wiring and electrical equipment shall be in good, serviceable and safe condition, as required by Ontario Hydro.
- (3) All air conditioners shall be maintained in a safe mechanical and electrical condition.
- (4) The electrical wiring and all equipment and appliances shall be installed and maintained in good working order so as not to cause a fire or electrical shock or other hazard.

30. Light

- (1) Every habitable room, except for a kitchen, shall

have a window or windows, skylights or translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than 10 percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.

- (2) All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.
- (3) Every stairway, hall, cellar and basement, and every laundry, furnace and non-habitable work room in a dwelling or building shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

31. Ventilation

- (1) Every habitable room shall have an opening or openings for natural ventilation and such openings shall have a minimum unobstructed free flow area consistent with current Residential Standards.
- (2) An opening for natural ventilation may be omitted from a kitchen, living room or living - dining room if mechanical ventilation is provided, which changes the air once each hour.
- (3) Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation, or a system of mechanical ventilation.

32. Occupancy Standards

- (1) No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- (2) The maximum number of occupants in a dwelling unit shall not exceed one person per 10m^2 of habitable room floor area. When computing the number of occupants any child less than twelve years of age shall be deemed to be one-half person.
- (3) The floor area under a ceiling which is less than 210cm high shall not be counted for the purpose of computing habitable room space.
- (4) Every room used for sleeping purposes in a dwelling or dwelling unit shall provide a minimum width of 180cm and 11.8m^3 of air space for each occupant. The corresponding floor area shall not be less than 5.6m^2 for the first occupant and not less than 3.7m^2 for each additional occupant.

PART IV - ADMINISTRATION AND ENFORCEMENT

33. This part prescribes the procedure for the enforcement of standards and shall be carried out in accordance with the provisions of Section 31 of the Planning Act, S.O. 1983, Chapter 1.

34. Administration and Enforcement

The Corporation may from time to time appoint Property Standards Officers and such other clerks and staff as may be necessary to carry out the administrative functions of this by-law including the enforcement thereof.

35. Right to Enter and Inspect

Any officer or any person acting under his instructions;

(a) may, at all reasonable times and upon producing proper identification, enter and inspect any property, but

(b) shall not enter any room or place actually used as a dwelling unit without,

(i) the consent of the occupier, or

(ii) the authority of a search warrant issued pursuant to the provisions of Section 142 of the Provincial Offences Act, R.S.O. 1980, Chapter 400, as amended.

36. Notice of Violation

(1) When an officer has reasonable grounds to believe that any property does not conform with the standards, he shall issue a notice to the owner and all persons shown by the records of the Registry Office, the Land Titles Office and the Sheriff's Office to have any interest therein.

(2) The notice referred to in subsection (1) hereof shall;

(a) contain particulars of the non-conformity,

(b) set a date for him to appear before the officer, as prescribed by Section 37 of this by-law,

(c) state,

(i) that he or his representative may;

(A) appear,

(B) make any representations, and

(C) present any evidence,

(ii) that, in the event that he does not appear, an order may be made by an officer in his absence;

(iii) the action that may be taken to make the property conform to the standards, and

(iv) any other information that an officer deems necessary; and

(d) be served or caused to be served,

(i) by personal service, or

(ii) by prepaid registered mail.

(3) An officer may provide all occupants with a copy of the notice referred to in subsection (1) hereof.

37. Time of Appearance

The appearance referred to in paragraph (b) of subsection (2) of Section 36 shall take place not less than seven (7) days and not more than thirty (30) days after the service of said notice to the owner.

38. Orders

(1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 36, has taken place, the officer may 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) directing the placarding of the property as provided in Section 36,

- (d) requiring the owner to demolish the property within a period of time not to exceed ninety (90) days, or
 - (e) causing the registration of a caution on the title to the property as provided in Section 43.
- (2) The order referred to in subsection (1), shall;
- (a) contain, in addition to the requirements of subsection (1), the following requirements
 - (i) the municipal address or the legal description of the property,
 - (ii) reasonable particulars of the repairs or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition whichever is applicable,
 - (iii) the period of compliance,
 - (iv) notice that if repair or clearance is not done within the time specified in the order the Corporation may carry out the repair or clearance at the expense of the owner, and
 - (v) the final date for giving notice of appeal from the order,
 - (b) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail.
- (3) Where an order is made pursuant to paragraph (b) of subsection (1) hereof, a copy of such order may also be sent to the occupant or occupants of the property.

39. Responsibilities of Lessee

- (1) Where an order of an officer is directed to an owner to repair or demolish and the property affected is used or occupied by a person or persons holding such property under the provisions of a lease, oral or written, the occupant of the said property shall afford entry to the owner or his agent at all reasonable times so that the owner or his agent may carry out the required repairs.

- (2) The occupant of any property to the extent that he is made responsible by the lease or agreement under which he occupies the property, shall be required to repair and maintain the property in accordance with the standards or to demolish the whole or any part of the property.

40. Extensions

- (1) An officer may also make an order extending the time for compliance with any order to repair or demolish given by him provided there is evidence of intent to comply with any such order and that reasonable conditions exist which prevent immediate compliance.
- (2) the order referred to in subsection (1) hereof shall be served or caused to be served;
- (a) by personal service, or
- (b) by prepaid registered mail.

41. Notification

- (1) A notice or an order made under Sections 36, 38, or 40, when sent by registered mail shall be sent to the last known address of the person.
- (2) Where a notice or order is served by prepaid registered mail, the date of service is the date of the next workday, following the date of mailing.
- (3) If the officer is unable to effect service under Sections 36 or 38 he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other interested persons.
- (4) No person shall pull down or deface the placard placed pursuant to subsection (3).

42. Placarding

- (1) An officer may cause to be placed in a prominent position on the exterior of any property which does not conform to the standards a placard in the form set out in Section "A" to this by-law.
- (2) No person shall pull down or deface any placard placed pursuant to subsection (1).

43. Registration of Caution

- (1) An order issued pursuant to subsection (1) of Section 38 may be registered in the proper Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under the provisions of this by-law.
- (2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

44. Right to Repair or Demolish

When an owner or occupant has failed to obey an order made pursuant to Section 38 or Section 40, to repair or demolish all or any part of a property an officer may cause the repairs or demolition to be done and the cost of the work shall be at the expense of the owner, and shall be added to the Collector's Roll of Taxes for the current year and shall be collected as taxes.

45. Property Standards Committee

- (1) A Property Standards Committee is hereby established to review the orders issued by an officer upon application in accordance with Section 46.
- (2) The Committee shall be composed of not less than three (3) persons of the Community as the Council considers advisable.
- (3) The terms of office for the members of the Committee shall be for three (3) years with one term expiring annually so that the first appointments shall be for one, two and three years.
- (4) All members shall serve beyond their terms of office as required until reappointed or replaced by Township Council.
- (5) The Committee shall;
 - (a) elect a chairman from its members, and
 - (b) make provisions for a secretary of the Committee, said secretary being an employee of the Corporation other than an officer.

- (6) When the chairman is absent through illness or otherwise, the Committee may appoint another member to act as chairman pro tempore.
- (7) In the event of a vacancy in the membership of the Committee, the Council of the Corporation shall forthwith fill the vacancy.
- (8) Two (2) members of the Committee shall constitute a quorum.
- (9) Any member of the Committee may administer oaths.
- (10) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.
- (11) Any member may be reappointed upon the completion of his term of office provided that no member shall serve for a period exceeding six (6) consecutive years.

46. Appeal to Committee

When an owner or occupant upon whom an order has been served in accordance with this by-law is not satisfied with the terms or conditions of the order, he may appeal to the Committee by sending notice of appeal by registered mail to the secretary of the Committee within fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

47. The secretary of the Committee, in receipt of the notice of appeal referred to in Section 46, shall:
- (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and
 - (b) give notice in writing of the date, place and time of the hearing referred to in paragraph (a) to;
 - (i) the appellant,
 - (ii) the officer who issued the order, and
 - (iii) any other interested persons who appeared at the appearance held pursuant to Section 37, said notice to be served personally or by registered mail.

48.

- (1) The Committee shall;
 - (a) hold the hearing referred to in Section 47 at the date, place and time set out in the notice, and
 - (b) have all the powers and functions of an officer.
- (2) The Committee may adopt its own rules of procedure.
- (3) The applicant may appear with or without counsel at the hearing, to present his appeal.
- (4) The Corporation may be represented at the hearing by a solicitor for the Corporation or a duly authorized corporate employee, who is entitled to reply to the appeal presented on behalf of the applicant.
- (5) The Committee may;
 - (a) confirm the order,
 - (b) modify or quash the order, or
 - (c) extend the time for complying with the order provided that in the opinion of the Committee, the general intent and purpose of this by-law and of the official plan of the Corporation are maintained.
- (6) The Committee shall give its decision in writing.
- (7) The secretary of the Committee shall notify;
 - (a) the appellant,
 - (b) the officer who issued the order, and
 - (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.

49. Appeals

- (1) The Council of the Corporation or any owner or occupant of person affected by a decision of the Committee may appeal to a DISTRICT COURT JUDGE OF THE DISTRICT COURT OF ONTARIO by so notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen (14) days after the receiving of a copy of the decision of the Committee.
- (2) The Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes.

(3) The Judge on such appeal has the same powers and functions as the Committee.

50. The order, when no appeal is taken within the time prescribed or after an appeal pursuant to Section 46 or 49 is completed, shall be final and binding upon the owner or occupant, whichever is applicable, who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Duties

51. Every owner shall ensure that his dwelling, building or property is maintained in accordance with the provisions of this by-law.

52. Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to this by-law shall obey such order or do or abstain from doing such thing as required.

Penalties

53. Any owner who fails to comply with an Order that is final and binding under this By-Law is guilty of an offence and on conviction thereof, shall be liable to a fine exclusive of costs, for a first offence of not less than \$ 150.00 and not more than \$ 500.00 and for a second or subsequent offence, a fine of not less than \$ 150.00 and not more than \$ 500.00, for each day that the contravention has continued.

Prohibition Order

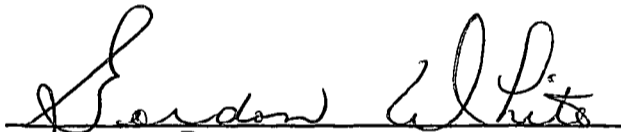
54. When a person has been convicted of an offence under this By-Law, the District Court of Ontario, or, any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue Order

prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of repetition of the offence.

55. One Section Not To Invalidate By-Law

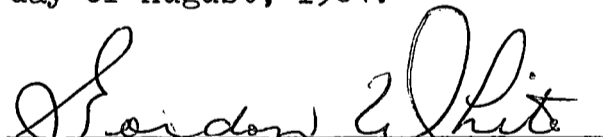
If any section, clause or provision of this By-Law, including anything contained in Schedule "A" attached hereto, is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-Law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed notwithstanding that one or more provisions thereof shall have been declared to be invalid.


Read a first time in open Council this 4th day of July, 1984


Reeve



Clerk

Read a second time in open Council enacted and passed this 22nd day of August, 1984.


Reeve


Clerk

Read a Third time and finally passed this 21st day of August, 1985.


Reeve


Clerk