

**CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION  
BY-LAW # 04-01-146**

**BEING A BY-LAW FOR PRESCRIBING STANDARDS  
FOR THE MAINTENANCE AND OCCUPANCY OF  
PROPERTY WITHIN THE TOWNSHIP OF WHITEWATER REGION**

WHEREAS Section 15.1 (3) of the Building Code Act, S.O. 1992, C.23, authorizes municipalities to enact by-laws prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards; and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS there is in effect in the Township of Whitewater Region, an Official Plan which includes provisions relating to property conditions as required by Section 15.1(3) of The Building Code Act, S.O. 1992, c.23.

NOW THEREFORE, the Municipal Council of the Corporation of The Township of Whitewater Region enacts as follows:

SECTION 1 - SHORT TITLE

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

SECTION 2 - DEFINITIONS

- 2.1 "ACCESSORY BUILDING" - a subordinate, detached building or structure not used for human habitation, designed or intended for the better or more convenient enjoyment of the main building to which it is accessory and is located upon the lot upon which the main building is or is intended to be erected and shall include a private garage where such garage does not form part of the main building.
- 2.2 "ALTERATION" - (AS APPLYING TO A BUILDING) a change from one major occupancy class or division to another, or a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change of the fixtures and equipment.
- 2.3 "BASEMENT" - means a storey or any room in a storey having its floor level more than four feet below the average grade.
- 2.4 "BATHROOM" - means a room containing a bathtub, shower, or shower stall, with a water closet and basin.
- 2.5 "BUILDING" - means any structure used or intended for supporting or sheltering any use or occupancy.
- 2.6 "BUILDING CODE ACT" - means Building Code Act S.O. 1992, C.23 as it may from time to time be amended or repealed.
- 2.7 "BUILDING CODE" - means the Code made by regulation pursuant to the Building Code Act.
- 2.8 "COMMITTEE" - means a property standard's committee established under this section.
- 2.9 "COUNCIL" - means the Council of the Township of Whitewater Region.
- 2.10 "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 purpose of human habitation and includes the land and premises appurtenant thereto and all accessory buildings thereon or therein.
- 2.11 "DWELLING UNIT" - means one or more rooms for the use of one or more persons as an independent and separate housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

- 2.12 "FIRE RESISTANCE RATING" - means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria.
- 2.13 "GOOD REPAIR" - means that a building, structure or appurtenances thereto, including mechanical equipment, shall be maintained in such condition so as to be:
- (a) Free from an accident or fire hazard.
  - (b) Structurally sound.
  - (c) In good working order.
  - (d) Not unsightly by reason of deterioration, damage or defacement.
- 2.14 "GRADE" - means the average level of finished ground adjoining a building at all exterior walls.
- 2.15 "HABITABLE ROOM" - means any room in a dwelling used or intended to be used for living, sleeping, cooking or eating purposes.
- 2.16 "MAINTAIN" - means the preservation or keeping in repair of a property as required by this by-law and any applicable regulations.
- 2.17 "MULTIPLE DWELLING" - means a building containing three or more dwelling units.
- 2.18 "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.
- 2.19 "NON-RESIDENTIAL PROPERTY" - means a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant thereto.
- 2.20 "OCCUPANCY" - means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.21 "OCCUPANT" - means any person or persons over the age of eighteen years in possession of the property.
- 2.22 "OFFICER" - means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-Law.
- 2.23 "OWNER" - means the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the work is used whether on his own account or as agent or trustee or any 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.
- 2.24 "PROPERTY" - means a building or structure or part of building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.25 "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 this By-Law. All repairs shall be made in conformity to the minimum requirements of the Ontario Building Code, Township of Whitewater Region Building By-Law No 03-03-109 and as revised, Regulations of the Ontario Plumbing Code, the regulations of the Ontario Hydro and all regulations made under the Public Health Act of Ontario.
- 2.26 "RESIDENTIAL OCCUPANCY" - means the occupancy or use of a building or part thereof by persons for whom sleeping accommodations is provided but who are not

harboured or detained to receive medical care or treatment or are not involuntarily detained.

- 2.27 "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 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.
- 2.28 "SANITARY BUILDING SEWER" - means a building sewer that may conduct sewage and clear water waste, but not storm water.
- 2.29 "SANITARY SEWER" - means a sewer that conducts sewage.
- 2.30 "SEWAGE" - means liquid waste that contains animal, vegetable or mineral water but does not include roof run-off or other storm run-off.
- 2.31 "STANDARDS" - means the standards of physical condition and of occupancy prescribed for property by this By-Law.
- 2.32 "YARD" - means the land other than publicly owned land around and appurtenant to the whole or any part of a dwelling or buildings and structures and used or intended to be used or capable of being used in connection with the dwelling or buildings and structures.

### SECTION 3 - GENERAL DUTIES AND OBLIGATIONS

- 3.1 No person shall occupy, use, permit the use of, rent, or offer to rent any property that does not conform to the standards.
- 3.2 The owner of any property shall either:
  - (a) repair and maintain the property in accordance with the standards; or
  - (b) remove or demolish the whole or the offending part of any property that is not in accordance with the standards.
- 3.3 All repairs 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 new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and Fire Prevention and Protection Act, where applicable.
- 3.4 After all efforts have failed to bring a property up to reasonable standards where the officer has placed or caused the placing of a placard containing the terms of an Order upon any premises under the authority of the Ontario Building Code Act, S.O. 1992, C.23., as amended, no person shall remove such placard except with the consent of the Officer.

## **PART "I"**

### SECTION 4 - PROPERTY STANDARDS

- 4.1 EXTERIOR STRUCTURE
  - (a) The exterior walls of every building shall be sound plumb, tight, free from loose or unsecured objects and maintained in good repair.
  - (b) Every part of a building shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.
  - (c) Every building shall have a sound and tight roof adequate to carry the loads imposed thereon.

- (d) The roof of every building, including the fascia board, soffit, cornice, flashing and eaves trough shall be maintained in good repair and in watertight condition so as to prevent leakage of water into the building.
- (e) Every chimney, smoke pipe and flue of a building shall be maintained so as to prevent any gases from leaking into the building to prevent any build-up of creosote, free of loose bricks, mortar, broken capping and unsightly objects and conditions detrimental to the appearance of the building.
- (f) All exterior exposed surfaces of a building shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration and improve or maintain a pleasant and satisfying appearance at least commensurable with that of the neighbourhood.
- (g) Exterior doors, windows and cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the building. Every window, door shall open and close freely if same is required for ventilation or an exit. Rotted or damaged doors, windows, frames, sashes and casings, hardware and broken glass shall be repaired or replaced.
- (h) Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.

#### 4.2 INTERIOR STRUCTURE

- (a) Every building, unless of concrete, slab-on-grade design shall be upon either full foundation walls or piers, and all footing, foundation walls, and piers shall be of concrete, masonry or other material which meets the Standards of The Ontario Building Code, as amended. Foundations shall be sound, plumb and adequate to carry the loads imposed on them.
- (b) In every building all joists, beams, studding, rafters and framing material shall be sound and adequate for the load to which they are subject.
- (c) Every basement or cellar shall have a concrete or other floor that would meet the standards of The Ontario Building Code, as amended, for drainage purposes and to guard against the entry of vermin.
- (d) Interior walls shall be finished so as to provide:
  - (i) a surface which is reasonably smooth, clean, tight and easily cleaned; and
  - (ii) every wall and ceiling in a building shall be maintained free of holes, cracks, loose plaster or other material which is in such a condition that it may collapse, or which would permit flame or excessive heat to enter any concealed space.
- (e) Every floor in a building shall be maintained so as to be reasonably level and smooth and free of loose, warped protruding, broken or rotted material that might cause an accident.
- (f) All floor coverings shall be maintained in clean and hazard free condition and any floor covering which by reason of its deteriorated condition retains dirt or is hazardous shall be cleaned, repaired or replaced.
- (g) In any bathroom the floor and the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.
- (h) Where an aperture such as window sash, skylight or louvre is to be used for ventilation, such aperture shall be maintained in proper working condition.

4.3 STAIRS AND RAMPS

- (a) Every stairway containing three (3) risers or more and every ramp rising over twenty-four (24) inches in height shall be equipped with a safe, sturdy handrail and the open side of every stairway or set of stairs containing three (3) risers or more and the open side of every ramp, balcony, platform, verandah or landing over twenty-four (24) inches above the level of the adjacent ground shall be equipped with a safe, sturdy handrail or balustrade as required in the Ontario Building Code.
- (b) An inside or outside stair or any porch, balcony, platform verandah or landing appurtenant to it, any ramp shall be maintained so as to be free from holes, cracks and other defects which may constitute possible accident hazards and all treads, risers or decking 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.

4.4 WASHROOMS AND BATHROOMS

- (a) Washroom, bathroom and other sanitary conveniences shall be provided for every building or structure having a human occupancy in accordance with The Ontario Building Code, as amended, Regulations of the Ministry of the Environment and as approved by the local Medical Officer of Health.
- (b) All rooms containing a bathtub, shower or water closet shall be fully enclosed and equipped with a door capable of being closed and locked with an acceptable device and shall be located within and shall be accessible from within the dwelling or floor area served.
- (c) Where water closets are required by this By-Law there shall be a wash basin in the same room as the water closet or in an adjoining room, other than a kitchen.
- (d) No water closet or urinal shall be located in a room that is used for the preparation, cooking, storing or consumption of food or for sleeping purposes.

4.5 PLUMBING

- (a) Every building shall be provided with an adequate supply of Potable water in accordance with Regulations of the Ministry of the Environment and approved by the local Medical Officer of Health.
- (b) Every required sink, wash basin, bathtub or shower in a building shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- (c) Each plumbing fixture shall be connected to the building drain through a water seal trap. Every building shall have all drain, waste and vent piping and all plumbing fixtures connected to a sewage system.
- (d) All plumbing, including every drain pipe, water pipe, water closet and other plumbing fixture in the building and every connected line to the sewage system shall be maintained in good working order and free from leaks and defects. All water pipes and appurtenances thereto shall be protected from freezing.

4.6 VENTILATION

- (a) Every building used for human occupancy be ventilated by natural or mechanical means in compliance with the provisions of The Ontario Building Code and Health Regulations, as amended.
- (b) Except as otherwise provided herein, every cellar, unheated crawl space and insulated roof space shall be vented to the outside air by means of openings comprised of either a screened window or windows which can be opened or by a screened louvre or louvres. The area of such openings shall be in compliance with the requirements of The Ontario Building Code, as amended.

- (c) An opening for natural ventilation may be omitted from the cellar, unheated crawl space or roof space where a system of mechanical ventilation has been provided which changes the air once per hour.

4.7 LIGHTING

- (a) Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space. Such lighting equipment shall be capable of illuminating to average levels of at least four (4) foot candles at floor level all corridors, stairways and ramps and at all points such as angles, intersections and at changes of levels in such corridors, stairways and ramps.

4.8 ELECTRICAL SERVICE

- (a) Fuses or overload devices shall not exceed limits set by the regulations enacted pursuant to The Ontario Electrical Safety Code and amendments thereto.
- (b) Extension cords are not permitted on a permanent basis.
- (c) The electrical wiring and all electrical fixtures located or used in a building shall be installed in conformity with the regulations enacted pursuant to the Ontario Electrical Safety Code and amendments thereto.
- (d) The electrical wiring, circuits, fuses, circuit breakers and electrical equipment in a building shall be maintained at all times.
  - (i) in compliance with the regulations enacted pursuant to the Ontario Electrical Safety Code.
  - (ii) in good repair and working order; and
  - (iii) free from fire and accident hazards.

4.9 HEATING EQUIPMENT

- (a) Every building, except a building or a part of a building which is used for refrigerated storage, which is occupied by human beings shall be provided with heating facilities of sufficient capacity to maintain the desirable indoor air temperature.
- (b) Every fuel burning appliance shall be connected and used in accordance with the provisions of The Energy Efficiency Act, R.S.O. 1990, Chapter E.17 and amendments thereto and the regulations made thereunder.
- (c) A space that contains a heating unit shall have natural or mechanical means of supplying the required air for combustion and adequate chimney or vents for the discharge of combustion gases to the exterior of the building.
- (d) The heating system shall be maintained in good condition so as to be capable of heating the building safely to the desired standards.
- (e) All heating equipment, including chimneys and vents shall be maintained and used safely and in accordance with the provisions of The Energy Efficiency Act, R.S.O. 1990, Chapter E.17 and amendments thereto and the regulations made hereunder.

4.10 VERMIN CONTROL

- (a) Every property shall be maintained so as to be free from vermin at all times and methods used for exterminating vermin shall be in accordance with the provisions of The Pesticide Act, R.S.O., 1990, Chapter P.11 and amendments thereto and all regulations made thereunder.
- (b) Any openings in a cellar, crawl space or roof space used or intended to be used for ventilation and any other opening in a cellar, crawl space or roof space which might admit vermin shall be screened with wire mesh or other such material in order to effectively exclude vermin.

4.11 SEWAGE & DRAINAGE

- (a) Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water or the drainage of such water into a basement and shall be cultivated or protected with a suitable ground cover to prevent erosion of the soil, provided, however, that the grade level of such exterior property shall not be altered so as to either impede the natural flow of water through such property from any adjoining property nor as to cause the drainage of storm water onto any adjacent property unless such alteration is in accordance with a lot grading plan approved by the Township of Whitewater Region.
- (b) Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code (OBC).
- (c) Every sewage system shall be maintained so that;
  - (i) the construction of the sewage system remains in accordance with the basis on which the construction and use of the sewage system was approved or required under the Building Code Act or predecessor legislation, as the case may be and the requirements of the manufacturer of the sewage system.
  - (ii) all components of the sewage system function in their intended manner.
- (d) The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.
- (e) No roof drainage, and drainage of water from swimming pools shall be discharged on sidewalks, steps, neighbouring property or into the sanitary sewer system and shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.

4.12 WALKS AND DRIVEWAYS

- (a) A walk shall be provided from the principal entrance of every building to a public street, or to a driveway affording access to a public street.
- (b) Every walk, driveway and parking space shall be surfaced with stone, asphalt, concrete or other material capable of providing a hazard free, hard surface and shall be maintained so as to afford safe passage under normal use and weather conditions.

4.13 ANIMALS

Domestic animals and pets shall be kept only in accordance with the applicable Township of Whitewater Region By-Laws and regulations of the Renfrew County Health Unit.

4.14 GARBAGE

Every property shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes. Receptacles shall be:

- (a) Of watertight construction
- (b) Capable of being tightly closed.
- (c) Maintained in a clean condition.
- (d) Make available for regular emptying or collecting in accordance with the provisions of the Township of Whitewater Region By-Law No.02-08-84 and amendments thereto.

4.15 SIGNS

Signs shall be maintained in good repair and in a safe manner.

4.16 YARDS, PARKING LOTS, VACANT PROPERTY AND BUILDINGS

- (a) Shall be kept clean and free of litter, rubbish, debris, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.
- (b) Grass, plantings and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free from heavy undergrowth, excessive growth of grass, weeds and noxious plants in accordance with the Weed Control Act, R.S.O. 1990, Chapter W.5, and amendments thereto, and the regulations made hereunder.
- (c) No machinery, appliances, furniture, plumbing fixtures, vehicles, trailers or parts thereof which are in a wrecked discharge, dismantled, partially dismantled or abandoned condition shall be stored or allowed to remain in the yard, open area, of any building or on any vacant property.
- (d) Storage, salvage and scrap yards whether licensed or not, shall be effectively screened from all other property or streets by a solid line fence and materials of any kind stored or located in such yards shall not be piled within three (3) feet of such fence unless the fence is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.
- (e) The owner of any property used for multiple dwelling, commercial, institutional or industrial purposes shall install and maintain around such property suitable fences, hedges or screening where such property is used for the parking of vehicles of tenants, employees or customers when used in the operation of equipment, when used for the storage of goods or when used for any purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

4.17 ACCESSORY BUILDINGS, STRUCTURES AND FENCES

- (a) Every accessory building, structure of fence and every part thereof shall be constructed and of material acceptable under the provisions of the Township of Whitewater Region By-Laws.
- (b) Every accessory building, structure or fence shall be kept in good condition and repair and shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject and shall be free of dangerous objects.
- (c) All exterior exposed surfaces of accessory buildings, structures or fences shall be treated and maintained with a protective coat of paint or other sealing or coating material to inhibit deterioration and to improve or maintain a pleasant and satisfying appearance at least commensurable with that of the neighbourhood
- (d) Every residential, commercial, industrial and accessory building not in conformity with the standards set out in this By-Law and remaining vacant for a continuous period of three months or more shall be sufficiently secured with all windows and doors boarded to prevent entry by unauthorized persons and such buildings may only be kept secured for a period of twelve months after which time the building or buildings shall be either.
  - (i) restored to conform with the standards of this By-Law, or
  - (ii) demolished, or
  - (iii) where there is a written agreement with the Council of the Township of Whitewater Region the building or buildings will be exempt from this section.



4.18 SMOKE ALARMS

Smoke alarms shall be installed in accordance with the Ontario Fire Code O.Reg 388/97 as amended.

**PART "II"**

SECTION 5 - ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

5.1 HABITABLE ROOMS

Living-rooms, dining-rooms, kitchens or other areas classified as habitable rooms shall have ceiling heights and areas in compliance with the provision of The Ontario Building Code, as amended.

5.2 NON-HABITABLE ROOMS

A non-habitable room shall not be used as a habitable room.

5.3 KITCHEN FACILITIES

Except for a dwelling in which the occupants do not and are not intended or permitted to prepare food for their own consumption and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following.

- (i) A kitchen sink with splash back which is water and grease resistant.
- (ii) A work surface at least 1.2 metres (4') long and .58 metres (22") wide.
- (iii) Kitchen cupboards or pantry for the storage of food, dishes and cooking utensils have a content of at least thirty (30) cubic feet.
- (iv) A space sufficient to accommodate a cooking range or a counter top cooking unit and for a refrigerator.
- (v) There shall be at least 0.65 metres (2.1') of clear space above any exposed cooking surfaces.

5.4 WINDOWS

Every habitable room adjacent to an exterior wall, except a kitchen and water closet room shall be provided with such sources of natural light to be in compliance with the provisions of The Ontario Building Code, as amended.

5.5 VENTILATION

- (a) Unheated roof spaces and crawl spaces which are insulated and cellars, shall be provided with openings to the outside air by screened louvres, vents, or other means to minimize dampness. Uninsulated roof spaces and crawl spaces shall be provided with openings for ventilation and such opening may be provided with closures.
- (b) Every habitable room shall be ventilated by means of suitable apertures in the walls or the roof thereof equal in area to not less than 3 square feet, or by other means in compliance with the provisions of The Ontario Building Code, as amended.
- (c) Every bathroom or shower room and every room containing a water closet or urinal shall be ventilated by a window of at least 1 square foot capable of being opened, or by means of mechanical ventilation in accordance with the provisions of The Building Code, as amended.

5.6 HEATING FACILITIES

- (a) Every residential building intended for use in the winter months on a continuing basis shall be equipped with heating facilities capable of maintaining an average room design temperature of 20 Degrees Celsius (68°F) at the outside winter design temperature; and shall be turned on from September 1<sup>st</sup> to May 30<sup>th</sup>.

- (b) In dwellings containing more than three (3) dwelling units, the central heating system, if the dwelling is so equipped shall be located in accordance with the provisions of The Ontario Building Code as amended.
- (c) No open flame type of heating appliance shall be installed or used in a room used or intended to be used for sleeping accommodation.
- (d) All self-standing stoves, fireplaces, etc., will comply with the Building Code regarding clearances.
- (e) Where practical a dwelling unit shall be provided with insulation conforming to the requirements of the Building Code.

5.7 PLUMBING FACILITIES

- (a) Every dwelling unit where a piped water supply is available shall be provided with the following:
  - (i) a water closet;
  - (ii) a wash basin or lavatory;
  - (iii) a bathtub or shower; and
  - (iv) a kitchen sink.
- (b) Laundry facilities or a space for laundry facilities shall be provided in every dwelling unit, or grouped elsewhere in the building in a location conveniently accessible to occupants of every dwelling unit.
- (c) When a piped water supply is available, a hot water supply shall be provided in every dwelling unit of a temperature of not less than 43°C (110°F).
- (d) A floor drain shall be provided in a public laundry room and in a garbage room, incinerator room, boiler room or heating room serving more than one (1) dwelling unit.
- (e) A floor drain shall be installed in the basement or cellar forming part of a dwelling unit.
- (f) No storm water runoff from roof rain water leaders, weeping tile, water from swimming pools, or other service shall be discharged into the sanitary sewer system.

5.8 ELECTRICAL SYSTEM

- (a) Electrical installation, including the service capacity of the installation and the Ontario Electrical Safety Code number and distribution of circuits, shall meet the requirements of The Ontario Electrical Safety Code, as amended. Extension cords shall not be used on a permanent basis.
- (b) Electrical facilities shall have sufficient capacity to provide without overloading, electrical energy for lighting, appliances, outlets and equipment installed in the building.
- (c) Subject to subsection (d) of this section, every habitable room in a dwelling shall have at least one (1) electrical duplex convenience outlet in good working order:
  - (i) for the first 11.15 m<sup>2</sup> (120 square feet) or less of floor area; and,
  - (ii) for each additional 9.29 m<sup>2</sup> (100 square feet) or less of floor area.
- (d) A kitchen in a dwelling unit shall have at least one (1) electrical split convenience outlet on an individual 3-wire grounded circuit in good working order unless there is an existing duplex outlet on an individual grounded circuit in good working order.
- (e) Every laundry area in a dwelling shall have at least one (1) electrical duplex convenience outlet on an individual grounded circuit in good working order.

- (f) An electrical light fixture shall be permanently installed and maintained in good working order in every toilet room, bathroom, shower room, kitchen, kitchenette, cooking space, laundry room, furnace room, cellar hall and stairway in a dwelling.

5.9 MAXIMUM DWELLING OCCUPANCY

The number of occupants in a dwelling or a dwelling unit shall not exceed one (1) person for every 9m<sup>2</sup> (97 square feet) of floor area of habitable rooms other than kitchens. Children, up to and including those 8 years of age shall be counted as half a person each for compiling the number of occupants in a dwelling unit.

5.10 EGRESS

Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the dwelling and the dwelling unit to the outside at street or grade level.

**PART "III"**

SECTION 6 - APPLICATION

- 6.1 PART "1" applies to all property in the Municipality of the Township of Whitewater Region.
- 6.2 IN ADDITION to the provisions of Part "1", the provisions of Part "11" apply to RESIDENTIAL PROPERTY in the Municipality of the Township of Whitewater Region.

SECTION 7 - ADMINISTRATION AND ENFORCEMENT

7.0 GENERAL PROVISIONS

Section 15 of The Ontario Building Code Act S.O., 1992, C.23 and amendments thereto contains provisions for the administration and enforcement of this Property Standards By-Law. Should the following provisions of Section 7 conflict with Section 15 of The Ontario Building Code Act, the provisions of The Building Code Act shall prevail.

7.1 PROPERTY STANDARDS OFFICER

- (a) The Council of the municipality shall assign a Property Standards Officer(s) as being responsible for the administration and enforcement of this by-law.
- (b) The Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,
  - (i) Whether the property conforms with the standards prescribed in the By-law; or
  - (ii) Whether an order made under subsection (c) has been complied with.
- (c) If after inspection the officer finds that a property does not conform with any of the standards prescribed in this by-law he/she may make an order,
  - (i) stating the municipal address or the legal description of such property;
  - (ii) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
  - (iii) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - (iv) indicating the final date for giving notice of appeal from the order.
- (d) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. No person shall pull down or deface any such placard.

- (e) The order may be registered in the proper land registry office and upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (d) and, when the requirements of the order have been satisfied, the clerk of the municipality shall
- (f) 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.
  - (i) An owner or occupant who has been served with an order made under subsection (c) and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served the order.
  - (ii) An order that is not appealed within the time referred to in subsection (i) shall be deemed to be confirmed.
  - (iii) **Powers of Committee on Appeal.** If an appeal is taken, the committee shall hear the appeal and shall have all the powers and functions of the officer who made the order, and may.
    - (a) confirm, modify or rescind the order to demolish or repair;
    - (b) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law and of the Official Plan or policy statement are maintained.
  - (iv) **Appeal to Ontario Court.** The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (iii) may appeal to a judge of the Ontario Court (General Division) for an appointment within fourteen (14) days after the sending of a copy of the decision.
- (g) In the case of non-conformity to such extent as to pose an immediate danger to the health or safety to persons the officer may proceed under Section 15.7 of the Building Code Act.

## 7.2 PROPERTY STANDARDS COMMITTEE

A by-law passed under Section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish.

## 7.3 CERTIFICATE OF COMPLIANCE

Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his or her opinion, the property is in compliance with the standards of this by-law.

A fee is payable in accordance with the following schedule, and as amended by Council:

- (a) A Basic Fee of \$30.00 for a Residential property containing three (3) or fewer dwelling units;
- (b) A fee of \$30.00 + \$20.00 per dwelling unit for any Residential property containing more than three (3) dwelling units;
- (c) For any Commercial, Industrial or Institutional property not requiring Professional Design by The Ontario Building Code:
  - (i) a fee of \$30.00 for any building having a Gross Floor Area of 2,000 Square Feet or less; and
  - (ii) A fee of \$30.00 + \$20.00 for any building having a Gross Floor Area between 2,001 Square Feet and 6,000 Square Feet.

- (d) The issuance of a Certificate of Compliance herein does not relieve the recipient from compliance with the requirements of other applicable by-laws regulations or status and it does not constitute an Occupancy Permit under the Building By-law.

#### 7.4 POWER OF THE MUNICIPALITY TO DEMOLISH OR REPAIR

- (a) The order as deemed to have been confirmed by the Officer or as confirmed or modified by the Committee, or, in the event of an appeal to the judge as confirmed or modified by the Judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- (b) If the owner or occupant of the property fails to demolish the property or to repair in accordance with the order as confirmed or modified, the Corporation, in addition to all other remedies:
  - (i) shall have the right to demolish or repair the property accordingly and for this purpose its servants and agents from time to time may enter in and upon the property;
  - (ii) shall not be liable to compensate such owner, occupant or any person having an interest in the property by reason of anything done or by or on behalf of the Township under the provisions of this section; and,
  - (iii) the municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (a) and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

#### 7.5 PENALTIES

- (a) Any person who obstructs or attempt to obstruct an officer or a person acting under the officer's instructions in the exercise of a power or an owner who fails to comply with a final and binding Order made under the Building Code Act and this By-law and, if the person or owner is a Corporation, every Director or Officer of the Corporation who knowingly concurs in the contravention or failure to comply, is guilty of an offence and on conviction is liable to a fine or not more than \$25,000. for a first offence and to a fine of not more than \$50,000. for any subsequent offence. (B.C.A., S.O. 1992, C23, SEC.36.)
- (b) If a Corporation is convicted of an offence under section (a), the maximum penalty that may be imposed upon the Corporation is \$50,000. for a first offence and \$100,000. for any subsequent offence. (B.C.A., S.O. 1992, C.23, SEC.36.)

#### 7.6 REPEAL

By-law Number 656 of the former Village of Beachburg, By-law Number 77-17 of the former Village of Cobden, By-law Number 01-91 of the former Township of Ross and By-law 85-14 of the former Township of Westmeath and the amendments thereto are hereby repealed.

#### 7.7 CONFLICTS

Wherever a standard established by this By-law differs from a standard in relation to the same matter established by any other item of legislation in force in the Township of Whitewater Region, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and the general public shall prevail.

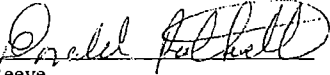
#### 7.8 SEVERABILITY

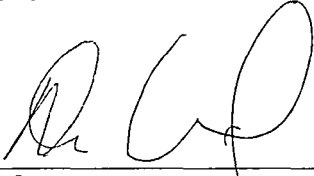
A decision of a competent court that one or more provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-law.

7.9 EFFECTIVE DATE

This By-law shall come into effect from the date of its passing by Council.

Read a First, Second and finally Passed on the Third reading, this 21<sup>st</sup> day of  
January, 2004

  
Reeve

  
CAO