

BY-LAW NO...??-...!7

A by-law of The Corporation of the Village of Cobden to establish standards for the maintenance and occupancy of property in the Village of Cobden.

The Council of The Corporation of the Village of Cobden enacts as follows:

DEFINITIONS

- (1) Accessory Building - a detached, subordinate building not capable of being used for human habitation, located on the same lot as the main building.
- (2) Building - any structure used or intended for supporting or sheltering any use of occupancy.
- (3) Committee - Property Standards Committee.  
Corporation - means 'The Corporation of the Village of Cobden'.
- (4) Council - means 'The Council of the Village of Cobden'.
- (5) Dwelling - a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- (6) Dwelling Unit - one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
- (7) Maintenance - the preservation and keeping in repair of a property.
- (8) Occupancy - the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (9) Occupant - any person(s) over the age of eighteen years in possession of the property.
- (10) Officer - a Property Standards Officer who has been appointed the responsibility of administering and enforcing this by-law.
- (11) Owner - the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land, or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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.
- (12) Property - a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (13) Repair - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law established under this section. All repairs shall be made in conformity to the National Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Ontario Hydro Electric Power Corporation of Ontario and Regulations made under the Public Health Act of Ontario.
- (14) Sewage - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- (15) Standards - the standards of physical condition and of occupancy prescribed by this by-law.
- (16) Vehicle - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (17) Yard - 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 dwelling.

Maintenance of Yards:

- 1-1 Property shall be kept clean and free from:
  - (a) rubbish and other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 1-2 Heavy undergrowth shall be eliminated from property.
- 1-3 Lawns, hedges and bushes shall:
  - (a) be kept trimmed, and
  - (b) not be overgrown or unsightly
- 1-4 Any vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard.

Sewage and Drainage:

- 2-1 Sewage and organic waste shall be discharged into a municipal sewage system where available.
- 2-2 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.

Safe Passage:

- 3-1 Steps, walks, driveways, parking spaces and similiar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

Fences:

- 4-1 Fences, barriers and retaining walls shall be kept:
  - (a) in good repair, and
  - (b) free from accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

Accessory Buildings:

- 5-1 An accessory building shall be kept:
  - (a) in good repair, and
  - (b) free from health, fire and accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

Pest Prevention:

- 6-1 A dwelling 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. 1970, C. 346, as amended, and all regulations enacted pursuant thereto.

Structurally Sound:

- 7-1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- 7-2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

- 7-3 All exterior surfaces shall be of materials which provide adequate protection from the weather.

Basement Floors:

- 8-1 Basement, cellar 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.
- 8-2 Basements or cellars which are served by a stairway leading from the building or from outside the building shall have a concrete floor, and where required, with a floor drain located at the lowest point of the said floor and connected to a sewage system.
- 8-3 A concrete floor in a basement or cellar shall be free from major cracks, breaks or such as to create a hazardous condition.

Doors and Windows:

- 9-1 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 9-2 Broken glass and missing or defective door and window hardware shall be repaired or replaced.

Exterior Walls:

- 10-1 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by;
- (a) painting, restoring, or repairing of the walls, coping or flashing, or
  - (b) the waterproofing of joints and of the walls themselves.
- 10-2 All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similiar overhang extensions shall be;
- (a) maintained in good repair,
  - (b) properly anchored, and
  - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- 10-3 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.
- 10-4 All air conditioners shall be maintained in a safe mechanical and electrical condition.

Floors:

- 11-1 Every floor shall be;
- (a) smooth and level, and
  - (b) maintained in good repair so as to be free of all loose, warped, protruding, broken or rotted boards that may cause an accident or allow dirt to accumulate.
- 11-2 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be repaired, replaced or removed.
- 11-3 Every toilet room shall have a floor of water repellent construction.

Foundations:

- 12-1 The foundation walls shall be maintained in good repair and structurally sound and when required shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and waterproofing the walls.
- 12-2 Every building, unless of the slab-on-grade type shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 12-3 All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- 12-4 Subsection (2) and (3) do not apply to accessory buildings.

Handrails and Balustrades:

- 13-1 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 between two feet six inches (2'6") and five (5') feet, and
  - (b) a stairway with a rise of over two feet six (2'6") inches.
- 13-2 A barrier, such as a balustrade shall be installed and maintained in good repair on the open side of a balcony, porch, landing and stairwell with a rise of five (5') feet or more.
- 13-3 Subsection (2) does not apply to a stairway leading to a basement that does not contain a dwelling unit.

Roof:

- 14-1 The roof, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building.

Dampness:

- 15-1 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.

Stairs and Porches:

- 16-1 An outside stair shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 16-2 Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

Walls and Ceilings:

- 17-1 Every wall and ceiling shall be;
- (a) maintained so as to be easily cleaned, and
  - (b) free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.
- 17-2 Where occupancies are separated vertically, the dividing walls shall;
- (a) be continued in the basement from the top of the footing or the floor to the underside of the finished floor surface,

- (b) be continued in the attic from the top of the finished ceiling surface to the underside of the finished roof surface,
- (c) consist of two (2) half ( $\frac{1}{2}$ ) inch layers of gypsum wallboard or material of equivalent fire resistance rating, and
- (d) be tightly sealed with caulking or mineral wool or similiar non-combustible material.

- 17-3 Where the dwelling unit and non-residential occupancy are separated horizontally, there shall be a finished ceiling separating these occupancies, which shall;
- (a) consist of two  $\frac{1}{2}$ " layers of gypsum wall board or material of equivalent fire resistance rating, and
  - (b) be tightly sealed with caulking or mineral wool or similiar non-combustible material.

Toilet, Kitchen and Bathroom Facilities:

- 18-1 Every dwelling unit shall contain plumbing fixtures consisting of at least;
- (a) a water closet,
  - (b) a kitchen sink,
  - (c) a wash basin, and
  - (d) a bathtub or shower.
- 18-2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.
- 18-3 All sinks, basins, toilets, drains and such plumbing shall be ventilated to meet Ontario Building Code standards.

Plumbing:

- 19-1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects.
- 19-2 All water pipes and appurtenances thereto shall be protected from freezing.
- 19-3 All waste pipes shall be connected to the sewage system through water seal traps.

Egress:

- 20-1 There shall be provided two (2) means of egress from every floor area, where in the opinion of an officer, the existing exits are inadequate for the safety of every person in the building.
- 20-2 All means of egress shall be;
- (a) maintained in good repair, and
  - (b) free of objects or conditions which constitute an accident or fire hazard.

Electrical Service:

- 21-1 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 21-2 Where, in the opinion of the officer, a hazard condition exists, extension cords which are not part of a fixture shall not be permitted on a semi-permanent basis.
- 21-3 The electrical wiring and all electrical fixtures, located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of the Hydro Electric Power Commission of Ontario.

Heating Systems:

- 22-1 Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in such spaces or rooms to maintain a temperature of not less than seventy (70) degrees Fahrenheit during normal working hours.
- 22-2 The heating system required by subsection (1) shall be maintained in good working condition so as to be capable of heating the building safely to the required standard.
- 22-3 Auxiliary heaters shall not be used as a primary source of heat.
- 22-4 A room heater shall not be placed so as to;
- (a) cause a fire hazard to walls or any other equipment, or
  - (b) impede the free movement of persons within the room where the heater is located.
- 22-5 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.
- 22-6 An adequate supply of fuel shall be available at all times.
- 22-7 Equipment burning fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.
- 22-8 Where combustible materials are stored in a basement, the fuel-burning heating system shall be enclosed.
- 22-9 Every chimney, smoke pipe, flue and vent shall be maintained so as to;
- (a) prevent gases from leaking into the building or property, and
  - (b) be free of any defects.
- 22-10 A fuel burning central heating system in a mixed use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than one (1) hour.
- 22-11 Subsection (10) does not apply where;
- (a) there is a fire separation between the dwelling unit and the non-residential property having a fire resistance rating of one (1) hour, or
  - (b) the dwelling unit and non-residential property are occupied by the same tenant.
- 22-12 Where in the opinion of an officer there exists a hazardous condition due to storage in or use of a space adjacent to a heating system, the furnace shall be enclosed in accordance with the provisions of subsection (10) hereof.
- 22-13 The enclosure referred to in subsection (10) and (12) shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.

Vacant Lands:

23-1 Vacant land shall be kept clean and free from;

- (a) rubbish or other debris, and
- (b) objects or conditions that may create a health, fire or accident hazard.

23-2 All vacant land shall be graded, filled up, or otherwise drained so as to prevent recurrent ponding of storm water.



## ADMINISTRATION AND ENFORCEMENT

40. 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.

### RIGHT TO ENTER AND INSPECT

41. An 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 16 of The Summary Convictions Act, R.S.O. 1970, C. 450, as amended.

### NOTICE OF VIOLATION

42. (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 43,
  - (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.

### TIME OF APPEARANCE

43. The appearance referred to in paragraph (b) of subsection (2) of Section 42 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.

### ORDERS

44. (1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 42, has taken place, 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 46,
  - (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 47.

- (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.

#### EXTENSIONS

45. (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.

#### PLACARDING

46. (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 Schedule "A" to this by-law.
- (2) No person shall pull down or deface any placard placed pursuant to subsection (1).

#### REGISTRATION OF CAUTION

47. (1) An order issued pursuant to subsection (1) of Section 44 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.

## RIGHT TO REPAIR OR DEMOLISH

48. When an owner or occupant has failed to obey an order made pursuant to Section 44 or Section 45, 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.

## PENALTIES

- Any person who contravenes any of the provision of this by-law is guilty of an offence and, upon summary conviction thereof, shall be liable to a fine, exclusive of costs, for a first offence of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars, and for a second or subsequent offence, a fine of not less than One Hundred Fifty (\$150.00) Dollars, for each day that he is in contravention of an order that is final and binding and not more than (\$500.00) five hundred dollars.

## PROHIBITION ORDER

- When a person has been convicted of an offence under this by-law,  
(a) the Provincial Court (Criminal Division) of the Judicial District of Village of Cobden, or  
(b) any court of competent jurisdiction thereafter  
may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

## PROPERTY STANDARDS COMMITTEE

49. (1) A Property Standards Committee is hereby established to review the orders issued by an officer upon application in accordance with Section 50.
- (2) The Committee shall be composed of three (3) ratepayers of the Village of Cobden to be appointed by the Council of the Corporation on the recommendation of Council, as the terms expire, based on replies to an advertisement for three (3) ratepayers, which shall be published having general circulation in the Village of Cobden at least thrice.
- (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 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 on the recommendation of Council based on replies to an advertisement for the ratepayer which shall be published in the Cobden Sun newspaper having general circulation in the Village of Cobden, at least thrice.
- (8) Two (2) members of the Committee shall constitute a quorum.

- (9) Any member of the Committee may administer oaths.
- (10) A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- (11) The Secretary shall keep on file minutes and records of all application and the decisions thereon and of all other official business of the Committee, and Section 216 of The Municipal Act, R.S.O. 1970, C. 284, as amended, applies mutatis mutandis to such documents.
- (12) 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.

APPEAL TO COMMITTEE

50. 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, 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.

READ A FIRST TIME THIS THE **6TH** DAY OF **SEPTEMBER**  
 READ A SECOND TIME THIS THE **6TH** DAY OF **SEPTEMBER**  
 READ A THIRD TIME THIS THE **6TH** DAY OF **SEPTEMBER**  
 ENACTED AND PASSED THIS THE DAY OF

W. L. Robinson  
 REEVE

B. Collins  
 CLERK-TREASURER

A by-law of The Corporation of the Village of Cobden to establish standards for the maintenance and occupancy of property in the Village of Cobden

The Council of The Corporation of the Village of Cobden enacts as follows:

PART I

DEFINITIONS

- (1) Accessory Building - a detached, subordinate building not capable of being used for human habitation, located on the same lot as the main building.
- (2) Building - any structure used or intended for supporting or sheltering any use of occupancy.
- (3) Committee - Property Standards Committee.
- (4) Corporation - means 'The Corporation of the Village of Cobden'.
- (4) Council - means 'The Council of the Village of Cobden'.
- (5) Dwelling - a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- (6) Dwelling Unit - one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
- (7) Maintenance - the preservation and keeping in repair of a property.
- (8) Occupancy - the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (9) Occupant - any person(s) over the age of eighteen years in possession of the property.
- (10) Officer - a Property Standards Officer who has been appointed the responsibility of administering and enforcing this by-law.
- (11) Owner - the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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.
- (12) Property - a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (13) Repair - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law established under this section. All repairs shall be made in conformity to the National Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Ontario Hydro Electric Power Corporation of Ontario and Regulations made under the Public Health Act of Ontario.
- (14) Sewage - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- (15) Standards - the standards of physical condition and of occupancy prescribed by this by-law.
- (16) Vehicle - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (17) Yard - 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 dwelling.

# PART II

## Maintenance of Yards ~~and Accessory Buildings:~~

- 1 1 A yard shall be kept clean and free from;
  - (a) rubbish or other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 2 Heavy undergrowth shall be eliminated from the yard.
- 3 Lawns, hedges and bushes shall;
  - (a) be kept trimmed, and
  - (b) not be overgrown or unsightly
- 4 Any vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard.

## Sewage and Drainage:

- 2 1 Sewage or organic waste shall be discharged into a municipal sewage system or a system approved by the Corporation.
- 2 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.

## Safe Passage:

- 3 1 Steps, walks, driveways, parking spaces, and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

## Fences:

- 4 1 Fences, barriers and retaining walls shall be kept;
  - (a) in good repair,
  - (b) free from accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

## Accessory Buildings:

- 5 1 An accessory building shall be kept;
  - (a) in good repair
  - (b) free from health, fire and accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

## Pest Prevention:

- 6 1 A dwelling 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. 1970, C. 346, as amended, and all regulations enacted pursuant thereto.

## Structurally Sound:

- 7 1 Every part of a dwelling 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.
- 2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3 All exterior surfaces shall be of materials which provide adequate protection from the weather.

Doors and Windows:

- 8 1 Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 2 Broken glass and missing or defective door and window hardware shall be repaired or replaced.

Stairs and Porches:

- 9 1 An outside stair shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 2 Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

Toilet, Kitchen and Bathroom Facilities:

- 10 1 Every dwelling unit shall contain plumbing fixtures consisting of at least:
- (a) a water closet,
  - (b) a kitchen sink,
  - (c) a wash basin, and
  - (d) a bathtub or shower.
- 2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.

Vacant Land:

- 11 1 Vacant land shall be kept clean and free from:
- (a) rubbish or other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 2 All vacant land shall be graded, filled up, or otherwise drained so as to prevent recurrent ponding of storm water.

Garbage:

- 12 1 All garbage must be removed to a municipal waste disposal site at reasonable intervals.



- (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.

#### EXTENSIONS

74. (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.

#### RIGHT TO REPAIR OR DEMOLISH

79. When an owner or occupant has failed to obey an order made pursuant to Section 72 or Section 74, 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.

#### PENALTIES

Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon summary conviction thereof, shall be liable to a fine, exclusive of costs, for a first offence of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars, and for a second or subsequent offence, a fine of not less than One Hundred Fifty (\$150.00) Dollars, for each day that he is in contravention of an order that is final and binding, and not more than (\$500.00) five hundred dollars.

#### PROHIBITION ORDER

When a person has been convicted of an offence under this by-law,

- (a) the Provincial Court (Criminal Division) of the Judicial District of Village of Cobden, or
- (b) any court of competent jurisdiction thereafter

may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

# PART III

## ADMINISTRATION AND ENFORCEMENT

68. 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.

### RIGHT TO ENTER AND INSPECT

69. An 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 16 of The Summary Convictions Act, R.S.O. 1970, C. 450, as amended.

### NOTICE OF VIOLATION

70. (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 71,
- (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.

### TIME OF APPEARANCE

71. The appearance referred to in paragraph (b) of subsection (2) of Section 70 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.

### ORDERS

72. (1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 70, has taken place, 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 76,
- (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 77.

# PART IV

## 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 81.
- (2) The Committee shall be composed of three (3) ratepayers of the Village of Cobden to be appointed by the Council of the Corporation on the recommendation of Council, as the terms expire, based on replies to an advertisement for three (3) ratepayers, which shall be published having general circulation in the Village of Cobden at least thrice.
- (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 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 vacance in the membership of the Committee, the Council of the Corporation shall forthwith fill the vacancy on the recommendation of Council based on replies to an advertisement for the ratepayer which shall be published in the Cobden Sun newspaper having general circulation in the Village of Cobden, at least thrice.
- (8) Two (2) members of the Committee shall constitute a quorum.
- (9) Any member of the Committee may administer oaths.
- (10) A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- (11) The secretary shall keep on file minutes and records of all application and the decisions thereon and of all other official business of the Committee, and Section 216 of The Municipal Act, R.S.O. 1970, C. 284, as amended, applies mutatis mutandis to such documents.
- (12) 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.

## APPEAL TO COMMITTEE

81. 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 appear to 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.

JUL 28 1987

Ans'd. ....

**A G R E E M E N T**

This is an agreement between the Village of Cobden, the Township of Bromley and the Township of Westmeath for the operation of a tanker fire truck to be operated by the Cobden Fire Department for the use in designated portions of the Township of Bromley, the Township of Westmeath and the Village of Cobden.

**1. Definitions:**

"Tanker fire truck" - a truck obtained from the Township of Petawawa Fire Department with a capacity for carrying water and equipped as a fire truck.

"Standby" - fire personnel who remain on call to answer fire calls during designated time periods throughout the year.

"Cobden Fire Department" - a group of fifteen volunteer firemen paid by the Village of Cobden.

"Housing" - the place where the tanker fire truck is to be kept and maintained.

**2. Operation of tanker:**

(a) The tanker is to be manned by the Cobden Fire Department.

(b) A compliment of three Cobden Fire Department personnel will accompany the tanker to fires. They will remain at the scene of the fire until the fire department of the township involved arrives. It will then be at the discretion of the firechief of the home department to decide if it is necessary for the tanker to remain at the scene of the fire or send it back to Cobden.

(c) The first three Cobden Fire Department personnel to arrive at the fire station will be utilized. The balance of the firemen who arrive will be sent home with two hours pay. Fire personnel attending the fire will receive a minimum of two hours pay.

**3. Fire Calls:**

(a) The Cobden Fire Department will answer calls to designated areas.

(b) The fire protection for the Township of Bromley will be limited to residences within the 646 telephone exchange.

(c) The fire protection for the Township of Westmeath will consist of the portion of Westmeath Township on the west side of Muskrat Lake as far as Meath Hill. Also the portion of Westmeath Township on the east side of Muskrat Lake from the Ross-Westmeath Township Line to and including the property of Douglas Patterson on McLaren Bay, from the lake road to the lake. Also the portion of the Township of Ross on the west side of Muskrat Lake between the Village of Cobden and the Township of Westmeath. This portion of Ross Township extended fire coverage under this agreement is in conjunction with an agreement signed between Ross Township and Westmeath Township dated January 3rd, 1977 a copy of which is attached hereto.

**4. Maintenance of the tanker:**

(a) The tanker fire truck is owned jointly by the Township of Bromley and the Township of Westmeath.

(b) Maintenance on the truck is to be done by the Cobden Fire Department with all bills being sent to the Township of Westmeath. All bills will then be divided equally between the Township of Bromley and the Township of Westmeath.

- (c) Major repairs to the tanker will require authorization from the Township of Bromley and the Township of Westmeath.
- (d) The tanker will be gased and equipped by the Cobden Fire Department with consent from the Township of Bromley and the Township of Westmeath, with bills being sent to the Township of Westmeath for payment under Section 1 (b) above.
- (e) The tanker will be housed in the Cobden Fire Hall.

5. Financial Arrangements:

- (a) The Township of Bromley and the Township of Westmeath combined will pay to the Village of Cobden one-third of all standby fees paid to the Cobden Firemen.
- (b) The Township of Bromley and the Township of Westmeath combined will pay to the Village of Cobden one-third of the total fire practice fees paid to the Cobden Firemen.
- (c) Labour costs for fires occurring in each township will be paid by the respective townships.
- (d) The Cobden Fire Chief will be paid \$5.00 per fire for the maintaining of the necessary financial records.
- (e) The clerk of the Village of Cobden will bill each of the Townships of Bromley and Westmeath in the month of December each year for expenses occurred in that year.

6. Miscellaneous:

- (a) The tanker mentioned in this agreement will not be made available for 'Mutual Aid'.
- (b) Reports resulting from a fire will be made by the home firechief. The Cobden Firechief will be required to supply certain information with regards to what happened before the firechief from the home department arrived. In such case that the fire is extinguished before the home fire department arrives the report will be made by the firechief of the Cobden Fire Department.
- (c) In lieu of the housing of the tanker, the Cobden Fire Department will be allowed to use the tanker from time to time as it might become necessary.
- (d) This agreement will be reviewed each two years by the new councils of each municipality.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_ 1977.

Harold S. Johnson  
Reeve - Village of Cobden

J. Schellin  
Clerk - Village of Cobden

Clarence McBride  
Reeve - Township of Bromley

Michael Rice  
Clerk - Township of Bromley

Leslie White  
Reeve - Township of Westmeath

D.A. Hill  
Clerk - Township of Westmeath

A by-law of The Corporation of the Village of Cobden to establish standards for the maintenance and occupancy of property in the Village of Cobden

The Council of The Corporation of the Village of Cobden enacts as follows:

PART I

DEFINITIONS

- (1) Accessory Building - a detached, subordinate building not capable of being used for human habitation, located on the same lot as the main building.
- (2) Building - any structure used or intended for supporting or sheltering any use of occupancy.
- (3) Committee - Property Standards Committee.
- (4) Corporation - means 'The Corporation of the Village of Cobden'.
- (4) Council - means 'The Council of the Village of Cobden'.
- (5) Dwelling - a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- (6) Dwelling Unit - one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
- (7) Maintenance - the preservation and keeping in repair of a property.
- (8) Occupancy - the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (9) Occupant - any person(s) over the age of eighteen years in possession of the property.
- (10) Officer - a Property Standards Officer who has been appointed the responsibility of administering and enforcing this by-law.
- (11) Owner - the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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.
- (12) Property - a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (13) Repair - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law established under this section. All repairs shall be made in conformity to the National Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Ontario Hydro Electric Power Corporation of Ontario and Regulations made under the Public Health Act of Ontario.
- (14) Sewage - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- (15) Standards - the standards of physical condition and of occupancy prescribed by this by-law.
- (16) Vehicle - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (17) Yard - 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 dwelling.

# PART II

## Maintenance of Yards ~~AND ACCESSORY BUILDINGS~~

- 1 1 A yard shall be kept clean and free from;
  - (a) rubbish or other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 2 Heavy undergrowth shall be eliminated from the yard.
- 3 Lawns, hedges and bushes shall;
  - (a) be kept trimmed, and
  - (b) not be overgrown or unsightly
- 4 Any vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard.

## Sewage and Drainage:

- 2 1 Sewage or organic waste shall be discharged into a municipal sewage system or a system approved by the Corporation.
- 2 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.

## Safe Passage:

- 3 1 Steps, walks, driveways, parking spaces, and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

## Fences:

- 4 1 Fences, barriers and retaining walls shall be kept;
  - (a) in good repair,
  - (b) free from accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

## Accessory Buildings:

- 5 1 An accessory building shall be kept;
  - (a) in good repair
  - (b) free from health, fire and accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

## Pest Prevention:

- 6 1 A dwelling 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. 1970, C. 346, as amended, and all regulations enacted pursuant thereto.

## Structurally Sound:

- 7 1 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any loads to which it may be subject.
- 2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3 All exterior surfaces shall be of materials which provide adequate protection from the weather.



Doors and Windows:

- 8 1 Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 2 Broken glass and missing or defective door and window hardware shall be repaired or replaced.

Stairs and Porches:

- 9 1 An outside stair shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 2 Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

Toilet, Kitchen and Bathroom Facilities:

- 10 1 Every dwelling unit shall contain plumbing fixtures consisting of at least:
  - (a) a water closet,
  - (b) a kitchen sink,
  - (c) a wash basin, and
  - (d) a bathtub or shower.
- 2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.

Vacant Land:

- 11 1 Vacant land shall be kept clean and free from:
  - (a) rubbish or other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 2 All vacant land shall be graded, filled up, or otherwise drained so as to prevent recurrent ponding of storm water.

Garbage:

- 12 1 All garbage must be removed to a municipal waste disposal site at reasonable intervals.

# PART III

## ADMINISTRATION AND ENFORCEMENT

68. 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.

### RIGHT TO ENTER AND INSPECT

69. An 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 16 of The Summary Convictions Act, R.S.O. 1970, C. 450, as amended.

### NOTICE OF VIOLATION

70. (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 71,
- (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.

### TIME OF APPEARANCE

71. The appearance referred to in paragraph (b) of subsection (2) of Section 70 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.

### ORDERS

72. (1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 70, has taken place, 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 76,
- (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 77.

- (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.

#### EXTENSIONS

74. (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.

#### RIGHT TO REPAIR OR DEMOLISH

79. When an owner or occupant has failed to obey an order made pursuant to Section 72 or Section 74, 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.

#### PENALTIES

Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon summary conviction thereof, shall be liable to a fine, exclusive of costs, for a first offence of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars, and for a second or subsequent offence, a fine of not less than One Hundred Fifty (\$150.00) Dollars, for each day that he is in contravention of an order that is final and binding, and not more than (\$500.00) five hundred dollars.

#### PROHIBITION ORDER

When a person has been convicted of an offence under this by-law,

- (a) the Provincial Court (Criminal Division) of the Judicial District of Village of Cobden, or
- (b) any court of competent jurisdiction thereafter

may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

# PART IV

## 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 81.
- (2) The Committee shall be composed of three (3) ratepayers of the Village of Cobden to be appointed by the Council of the Corporation on the recommendation of Council, as the terms expire, based on replies to an advertisement for three (3) ratepayers, which shall be published having general circulation in the Village of Cobden at least thrice.
- (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 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 vacance in the membership of the Committee, the Council of the Corporation shall forthwith fill the vacancy on the recommendation of Council based on replies to an advertisement for the ratepayer which shall be published in the Cobden Sun newspaper having general circulation in the Village of Cobden, at least thrice.
- (8) Two (2) members of the Committee shall constitute a quorum.
- (9) Any member of the Committee may administer oaths.
- (10) A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- (11) The secretary shall keep on file minutes and records of all application and the decisions thereon and of all other official business of the Committee, and Section 216 of The Municipal Act, R.S.O. 1970, C. 284, as amended, applies mutatis mutandis to such documents.
- (12) 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.

## APPEAL TO COMMITTEE

81. 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 appear to 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.

A by-law of The Corporation of the Village of Cobden to establish standards for the maintenance and occupancy of property in the Village of Cobden

The Council of The Corporation of the Village of Cobden enacts as follows:

## DEFINITIONS

**PART I**

- (1) Accessory Building - a detached, subordinate building not capable of being used for human habitation, located on the same lot as the main building.
- (2) Building - any structure used or intended for supporting or sheltering any use of occupancy.
- (3) Committee - Property Standards Committee.
- (4) Corporation - means 'The Corporation of the Village of Cobden'.
- (4) Council - means 'The Council of the Village of Cobden'.
- (5) Dwelling - a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- (6) Dwelling Unit - one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
- (7) Maintenance - the preservation and keeping in repair of a property.
- (8) Occupancy - the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (9) Occupant - any person(s) over the age of eighteen years in possession of the property.
- (10) Officer - a Property Standards Officer who has been appointed the responsibility of administering and enforcing this by-law.
- (11) Owner - the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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.
- (12) Property - a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (13) Repair - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law established under this section. All repairs shall be made in conformity to the National Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Ontario Hydro Electric Power Corporation of Ontario and Regulations made under the Public Health Act of Ontario.
- (14) Sewage - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- (15) Standards - the standards of physical condition and of occupancy prescribed by this by-law.
- (16) Vehicle - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (17) Yard - 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 dwelling.

# PART II

## Maintenance of Yards ~~AND ACCESSORY BUILDINGS~~

- 1 1 A yard shall be kept clean and free from;
  - (a) rubbish or other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 2 Heavy undergrowth shall be eliminated from the yard.
- 3 Lawns, hedges and bushes shall;
  - (a) be kept trimmed, and
  - (b) not be overgrown or unsightly
- 4 Any vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard.

### Sewage and Drainage:

- 2 1 Sewage or organic waste shall be discharged into a municipal sewage system or a system approved by the Corporation.
- 2 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.

### Safe Passage:

- 3 1 Steps, walks, driveways, parking spaces, and similar areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

### Fences:

- 4 1 Fences, barriers and retaining walls shall be kept;
  - (a) in good repair,
  - (b) free from accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

### Accessory Buildings:

- 5 1 An accessory building shall be kept;
  - (a) in good repair
  - (b) free from health, fire and accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

### Pest Prevention:

- 6 1 A dwelling 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. 1970, C. 346, as amended, and all regulations enacted pursuant thereto.

### Structurally Sound:

- 7 1 Every part of a dwelling 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.
- 2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 3 All exterior surfaces shall be of materials which provide adequate protection from the weather.

Doors and Windows:

- 8 1 Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 2 Broken glass and missing or defective door and window hardware shall be repaired or replaced.

Stairs and Porches:

- 9 1 An outside stair shall be maintained so as to be free of holes, crack and other defects by replacing, repairing or painting.
- 2 Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

Toilet, Kitchen and Bathroom Facilities:

- 10 1 Every dwelling unit shall contain plumbing fixtures consisting of at least; (a) a water closet,  
(b) a kitchen sink,  
(c) a wash basin, and  
(d) a bathtub or shower.
- 2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.

Vacant Land:

- 11 1 Vacant land shall be kept clean and free from;  
(a) rubbish or other debris, and  
(b) objects or conditions that may create a health, fire or accident hazard.
- 2 All vacant land shall be graded, filled up, or otherwise drained so as to prevent recurrent ponding of storm water.

Garbage:

- 12 1 All garbage must be removed to a municipal waste disposal site at reasonable intervals.



ADMINISTRATION AND ENFORCEMENT

68. 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.

RIGHT TO ENTER AND INSPECT

69. An 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 16 of The Summary Convictions Act, R.S.O. 1970, C. 450, as amended.

NOTICE OF VIOLATION

70. (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 71,  
(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.

TIME OF APPEARANCE

71. The appearance referred to in paragraph (b) of subsection (2) of Section 70 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.

ORDERS

72. (1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 70, has taken place, 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 76,  
(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 77.

- (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.

#### EXTENSIONS

74. (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.

#### RIGHT TO REPAIR OR DEMOLISH

79. When an owner or occupant has failed to obey an order made pursuant to Section 72 or Section 74, 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.

#### PENALTIES

Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon summary conviction thereof, shall be liable to a fine, exclusive of costs, for a first offence of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars, and for a second or subsequent offence, a fine of not less than One Hundred Fifty (\$150.00) Dollars, for each day that he is in contravention of an order that is final and binding, and not more than (\$500.00) five hundred dollars.

#### PROHIBITION ORDER

When a person has been convicted of an offence under this by-law,

- (a) the Provincial Court (Criminal Division) of the Judicial District of Village of Cobden, or
- (b) any court of competent jurisdiction thereafter

may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

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 81.
- (2) The Committee shall be composed of three (3) ratepayers of the Village of Cobden to be appointed by the Council of the Corporation on the recommendation of Council, as the terms expire, based on replies to an advertisement for three (3) ratepayers, which shall be published having general circulation in the Village of Cobden at least thrice.
- (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 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 vacance in the membership of the Committee, the Council of the Corporation shall forthwith fill the vacancy on the recommendation of Council based on replies to an advertisement for the ratepayer which shall be published in the Cobden Sun newspaper having general circulation in the Village of Cobden, at least thrice.
- (8) Two (2) members of the Committee shall constitute a quorum.
- (9) Any member of the Committee may administer oaths.
- (10) A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- (11) The secretary shall keep on file minutes and records of all application and the decisions thereon and of all other official business of the Committee, and Section 216 of The Municipal Act, R.S.O. 1970, C. 284, as amended, applies mutatis mutandis to such documents.
- (12) 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.

APPEAL TO COMMITTEE

81. 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 appear to 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.

A by-law of The Corporation of the Village of Cobden to establish standards for the maintenance and occupancy of property in the Village of Cobden.

The Council of The Corporation of the Village of Cobden enacts as follows:

DEFINITIONS

- (1) Accessory Building - a detached, subordinate building not capable of being used for human habitation, located on the same lot as the main building.
- (2) Building - any structure used or intended for supporting or sheltering any use of occupancy.
- (3) Committee - Property Standards Committee.  
Corporation - means 'The Corporation of the Village of Cobden'.
- (4) Council - means 'The Council of the Village of Cobden'.
- (5) Dwelling - a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
- (6) Dwelling Unit - one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by humans for living and sleeping purposes.
- (7) Maintenance - the preservation and keeping in repair of a property.
- (8) Occupancy - the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (9) Occupant - any person(s) over the age of eighteen years in possession of the property.
- (10) Officer - a Property Standards Officer who has been appointed the responsibility of administering and enforcing this by-law.
- (11) Owner - the person for the time being managing or receiving the rent of/or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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.
- (12) Property - a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (13) Repair - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law established under this section. All repairs shall be made in conformity to the National Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulations of Ontario Hydro Electric Power Corporation of Ontario and Regulations made under the Public Health Act of Ontario.
- (14) Sewage - any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.

- (15) Standards - the standards of physical condition and of occupancy prescribed by this by-law.
- (16) Vehicle - includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- (17) Yard - 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 dwelling.

Maintenance of Yards:

- 1-1 Property shall be kept clean and free from:
  - (a) rubbish and other debris, and
  - (b) objects or conditions that may create a health, fire or accident hazard.
- 1-2 Heavy undergrowth shall be eliminated from property.
- 1-3 Lawns, hedges and bushes shall:
  - (a) be kept trimmed, and
  - (b) not be overgrown or unsightly
- 1-4 Any vehicle, which is in a wrecked, discarded, dismantled, inoperative or abandoned condition shall not be parked, stored or left in a yard.

Sewage and Drainage:

- 2-1 Sewage and organic waste shall be discharged into a municipal sewage system where available.
- 2-2 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.

Safe Passage:

- 3-1 Steps, walks, driveways, parking spaces and similiar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

Fences:

- 4-1 Fences, barriers and retaining walls shall be kept:
  - (a) in good repair, and
  - (b) free from accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

Accessory Buildings:

- 5-1 An accessory building shall be kept:
  - (a) in good repair, and
  - (b) free from health, fire and accident hazards, and
  - (c) protected by paint, preservative or other weather-resistant material.

Pest Prevention:

- 6-1 A dwelling 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. 1970, C. 346, as amended, and all regulations enacted pursuant thereto.

Structurally Sound:

- 7-1 Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.
- 7-2 Materials or objects which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

- 7-3 All exterior surfaces shall be of materials which provide adequate protection from the weather.

Basement Floors:

- 8-1 Basement, cellar 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.
- 8-2 Basements or cellars which are served by a stairway leading from the building or from outside the building shall have a concrete floor, and where required, with a floor drain located at the lowest point of the said floor and connected to a sewage system.
- 8-3 A concrete floor in a basement or cellar shall be free from major cracks, breaks or such as to create a hazardous condition.

Doors and Windows:

- 9-1 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 9-2 Broken glass and missing or defective door and window hardware shall be repaired or replaced.

Exterior Walls:

- 10-1 The exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by;
- (a) painting, restoring, or repairing of the walls, coping or flashing, or
  - (b) the waterproofing of joints and of the walls themselves.
- 10-2 All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, and similiar overhang extensions shall be;
- (a) maintained in good repair,
  - (b) properly anchored, and
  - (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- 10-3 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.
- 10-4 All air conditioners shall be maintained in a safe mechanical and electrical condition.

Floors:

- 11-1 Every floor shall be;
- (a) smooth and level, and
  - (b) maintained in good repair so as to be free of all loose, warped, protruding, broken or rotted boards that may cause an accident or allow dirt to accumulate.
- 11-2 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, the linoleum or other covering shall be repaired, replaced or removed.
- 11-3 Every toilet room shall have a floor of water repellent construction.

### Foundations:

- 12-1 The foundation walls shall be maintained in good repair and structurally sound and when required shall be so maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and waterproofing the walls.
- 12-2 Every building, unless of the slab-on-grade type shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- 12-3 All footings, foundation walls, piers, slabs-on-grade shall be of masonry or other suitable material.
- 12-4 Subsection (2) and (3) do not apply to accessory buildings.

### Handrails and Balustrades:

- 13-1 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 between two feet six inches (2'6") and five (5') feet, and
  - (b) a stairway with a rise of over two feet six (2'6") inches.
- 13-2 A barrier, such as a balustrade shall be installed and maintained in good repair on the open side of a balcony, porch, landing and stairwell with a rise of five (5') feet or more.
- 13-3 Subsection (2) does not apply to a stairway leading to a basement that does not contain a dwelling unit.

### Roof:

- 14-1 The roof, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building.

### Dampness:

- 15-1 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.

### Stairs and Porches:

- 16-1 An outside stair shall be maintained so as to be free of holes, cracks and other defects by replacing, repairing or painting.
- 16-2 Every porch, balcony and supporting structural member shall be maintained so as to be free of rot, deterioration or other defects by replacing, repairing or painting.

### Walls and Ceilings:

- 17-1 Every wall and ceiling shall be;
- (a) maintained so as to be easily cleaned, and
  - (b) free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space.
- 17-2 Where occupancies are separated vertically, the dividing walls shall;
- (a) be continued in the basement from the top of the footing or the floor to the underside of the finished floor surface,



- (b) be continued in the attic from the top of the finished ceiling surface to the underside of the finished roof surface,
- (c) consist of two (2) half ( $\frac{1}{2}$ ) inch layers of gypsum wallboard or material of equivalent fire resistance rating, and
- (d) be tightly sealed with caulking or mineral wool or similiar non-combustible material.

- 17-3 Where the dwelling unit and non-residential occupancy are separated horizontally, there shall be a finished ceiling separating these occupancies, which shall;
- (a) consist of two  $\frac{1}{2}$ " layers of gypsum wall board or material of equivalent fire resistance rating, and
  - (b) be tightly sealed with caulking or mineral wool or similiar non-combustible material.

Toilet, Kitchen and Bathroom Facilities:

- 18-1 Every dwelling unit shall contain plumbing fixtures consisting of at least;
- (a) a water closet,
  - (b) a kitchen sink,
  - (c) a wash basin, and
  - (d) a bathtub or shower.
- 18-2 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling.
- 18-3 All sinks, basins, toilets, drains and such plumbing shall be ventilated to meet Ontario Building Code standards.

Plumbing:

- 19-1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects.
- 19-2 All water pipes and appurtenances thereto shall be protected from freezing.
- 19-3 All waste pipes shall be connected to the sewage system through water seal traps.

Egress:

- 20-1 There shall be provided two (2) means of egress from every floor area, where in the opinion of an officer, the existing exits are inadequate for the safety of every person in the building.
- 20-2 All means of egress shall be;
- (a) maintained in good repair, and
  - (b) free of objects or conditions which constitute an accident or fire hazard.

Electrical Service:

- 21-1 Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- 21-2 Where, in the opinion of the officer, a hazard condition exists, extension cords which are not part of a fixture shall not be permitted on a semi-permanent basis.
- 21-3 The electrical wiring and all electrical fixtures, located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of the Hydro Electric Power Commission of Ontario.

Heating Systems:

- 22-1 Where persons are employed in duties and operations in an enclosed space or room within a building and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in such spaces or rooms to maintain a temperature of not less than seventy (70) degrees Fahrenheit during normal working hours.
- 22-2 The heating system required by subsection (1) shall be maintained in good working condition so as to be capable of heating the building safely to the required standard.
- 22-3 Auxiliary heaters shall not be used as a primary source of heat.
- 22-4 A room heater shall not be placed so as to;  
(a) cause a fire hazard to walls or any other equipment, or  
(b) impede the free movement of persons within the room where the heater is located.
- 22-5 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.
- 22-6 An adequate supply of fuel shall be available at all times.
- 22-7 Equipment burning fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.
- 22-8 Where combustible materials are stored in a basement, the fuel-burning heating system shall be enclosed.
- 22-9 Every chimney, smoke pipe, flue and vent shall be maintained so as to;  
(a) prevent gases from leaking into the building or property, and  
(b) be free of any defects.
- 22-10 A fuel burning central heating system in a mixed use building shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than one (1) hour.
- 22-11 Subsection (10) does not apply where;  
(a) there is a fire separation between the dwelling unit and the non-residential property having a fire resistance rating of one (1) hour, or  
(b) the dwelling unit and non-residential property are occupied by the same tenant.
- 22-12 Where in the opinion of an officer there exists a hazardous condition due to storage in or use of a space adjacent to a heating system, the furnace shall be enclosed in accordance with the provisions of subsection (10) hereof.
- 22-13 The enclosure referred to in subsection (10) and (12) shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.

Vacant Lands:

23-1 Vacant land shall be kept clean and free from;

- (a) rubbish or other debris, and
- (b) objects or conditions that may create a health, fire or accident hazard.

23-2 All vacant land shall be graded, filled up, or otherwise drained so as to prevent recurrent ponding of storm water.

## ADMINISTRATION AND ENFORCEMENT

40. 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.

### RIGHT TO ENTER AND INSPECT

41. An 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 16 of The Summary Convictions Act, R.S.O. 1970, C. 450, as amended.

### NOTICE OF VIOLATION

42. (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 43,
  - (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.

### TIME OF APPEARANCE

43. The appearance referred to in paragraph (b) of subsection (2) of Section 42 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.

### ORDERS

44. (1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 42, has taken place, 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 46,
  - (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 47.

- (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.

#### EXTENSIONS

45. (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.

#### PLACARDING

46. (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 Schedule "A" to this by-law.
- (2) No person shall pull down or deface any placard placed pursuant to subsection (1).

#### REGISTRATION OF CAUTION

47. (1) An order issued pursuant to subsection (1) of Section 44 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.

## RIGHT TO REPAIR OR DEMOLISH

48. When an owner or occupant has failed to obey an order made pursuant to Section 44 or Section 45, 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.

## PENALTIES

- Any person who contravenes any of the provision of this by-law is guilty of an offence and, upon summary conviction thereof, shall be liable to a fine, exclusive of costs, for a first offence of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars, and for a second or subsequent offence, a fine of not less than One Hundred Fifty (\$150.00) Dollars, for each day that he is in contravention of an order that is final and binding, and not more than (\$500.00) five hundred dollars.

## PROHIBITION ORDER

- When a person has been convicted of an offence under this by-law,  
(a) the Provincial Court (Criminal Division) of the Judicial District of Village of Cobden, or  
(b) any court of competent jurisdiction thereafter  
may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

## PROPERTY STANDARDS COMMITTEE

49. (1) A Property Standards Committee is hereby established to review the orders issued by an officer upon application in accordance with Section 50.
- (2) The Committee shall be composed of three (3) ratepayers of the Village of Cobden to be appointed by the Council of the Corporation on the recommendation of Council, as the terms expire, based on replies to an advertisement for three (3) ratepayers, which shall be published having general circulation in the Village of Cobden at least thrice.
- (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 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 on the recommendation of Council based on replies to an advertisement for the ratepayer which shall be published in the Cobden Sun newspaper having general circulation in the Village of Cobden, at least thrice.
- (8) Two (2) members of the Committee shall constitute a quorum.

- (9) Any member of the Committee may administer oaths.
- (10) A member of the Council of the Corporation or an employee of the Corporation or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this subsection.
- (11) The Secretary shall keep on file minutes and records of all application and the decisions thereon and of all other official business of the Committee, and Section 216 of The Municipal Act, R.S.O. 1970, C. 284, as amended, applies mutatis mutandis to such documents.
- (12) 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.

APPEAL TO COMMITTEE

50. 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, 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.

READ A FIRST TIME THIS THE **6TH** DAY OF **SEPTEMBER**  
 READ A SECOND TIME THIS THE **6TH** DAY OF **SEPTEMBER**  
 READ A THIRD TIME THIS THE **6TH** DAY OF **SEPTEMBER**  
 ENACTED AND PASSED THIS THE DAY OF

H. L. Robinson  
 REEVE

[Signature]  
 CLERK-TREASURER