

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY- LAW NO. 2021- ____

Being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, to Provide for the Enforcement of the Standards and to Appoint a Property Standards Committee.

WHEREAS Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, as amended, provides that the Council of a municipality may pass a by-law to do the following things if an Official Plan that includes provisions relating to property conditions is in effect in the municipality:

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards; and
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition;

AND WHEREAS the requisite Official Plan is in effect in the Municipality;

AND WHEREAS Section 15.6(1) of the *Building Code Act, S.O. 1992, c.23*, as amended, provides for the establishment of a Property Standard Committee;

AND WHEREAS Section 391 of the *Municipal Act, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws imposing fees or charges on any class or persons for services or activities provided or done by or on behalf of it;

AND WHEREAS it is deemed necessary and expedient to enact a by-law prescribing minimum standards for the maintenance and occupancy of property, to adopt a set of administration procedures and to appoint a Property Standards Committee;

NOW THEREFORE the Council of The Corporation of the Township of Manitouwadge enacts as follows:

**PART 1
GENERAL PROVISIONS**

SECTION

1.1 Short Title

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

1.2 Scope

This By-law applies to all property within the Township of Manitouwadge except property owned or occupied by The Corporation of the Township of Manitouwadge (the "Corporation"), the Province of Ontario or the Federal Government of Canada.

- 1.2(1)** This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act, S.O. 1992, c.23*, as amended.

1.2(2) Where another By-law in force in the Township of Manitouwadge establishes higher standards than those expressly set out herein, such higher standards shall be deemed to be prescribed in this By-law and such standards may be enforced under either or both of this By-law and such other By-law.

1.3 Enforcement

The Township of Manitouwadge may from time to time appoint Officers and other such staff as may be necessary to carry out the administrative functions of this By-law.

1.4 Appointment

The Council of the Corporation of the Township of Manitouwadge shall appoint Property Standards Officer(s) responsible for the enforcement of this By-law.

1.4(1) Persons appointed or assigned for the purposes of enforcing or administering this By-law are Property Standards Officers, and have the authority to carry out the duties assigned to Officers under this By-law and the *Building Code Act, S.O. 1992, c.23*, as amended, and may enforce the provisions of this By-law and the applicable sections of the *Building Code Act, S.O. 1992, c.23*, as amended.

1.4(2) A Property Standards Officer is hereby authorized to give immediate effect to any Order that is confirmed or modified as final and binding under Section 15.3(7) of the *Building Code Act, S.O. 1992, c.23*, as amended, so as to provide for:

a) repair of the property; or

b) cleaning of all building's structures or debris from the site and the leaving of the site in a graded and leveled condition, under the provisions of the Procurement Policy.

1.4(3) Where approved by the Chief Building Official, a Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.

1.4(4) The alternate standards shall be in accordance with the general purpose and intent of this By-law.

1.4(5) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.

1.5 Lien

Upon completion of the work, repairs or demolition by or on behalf of the municipality, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the Treasurer or designate of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

1.6 Entry Upon Land

Where a By-law under Section 15.1 of the *Building Code Act, S.O. 1992, c.23*, as amended, is in effect, an Officer acting under this By-law or any person acting under their instructions may at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine:

- a) whether the property conforms with the standards prescribed in the By-law; or
- b) whether an Order made under this By-law has been complied with.

1.6(1) Notwithstanding Section 1.6, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless:

- a) the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act, S.O. 1992, c.23*, as amended; or
- b) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person; or
- c) a warrant issued under the *Building Code Act, S.O. 1992, c.23*, as amended, is obtained; or
- d) the entry is necessary to repair or demolish the property in accordance with an Order issued under this By-law and the Officer, within a reasonable time before entering the room or place, serves the occupier with the Notice of the Officer's intention to enter the room or place.

1.7 Obstruction

No person shall obstruct or attempt to obstruct or hinder or attempt to hinder any Officer or other person, who is exercising a power or performing a duty under this By-law:

- a) Without limiting Section 1.7, "Obstruct" includes:
 - i) to hinder or mislead;
 - ii) to knowingly provide false information or make a false claim or statement;
 - iii) to prevent, bar or delay or attempt to prevent, bar or delay entry or inspection by an Officer, or any other person under their direction;
 - iv) to prevent, bar or delay or attempt to prevent, bar or delay any person, including an Officer, from carrying out their duties or exercising their powers, including but not limited to the removal of documents or things relevant to the inspection, or the taking of any tests, samples or photographs necessary for the purposes of the inspection;

v) to prevent, bar or delay or attempt to prevent, bar or delay any person, including an Officer, from exercising their authority pursuant to an Order issued by a Provincial Judge or Justice of the Peace;

vi) to fail to provide upon request by an Officer, any information, documents or things relevant to an inspection.

1.7(1) Without limiting Section 1.7, every person who is alleged to have contravened any of the provisions of this By-law shall when so requested, identify themselves by giving their correct date of birth, name and address to the Officer. Failure to do so shall be deemed to have obstructed the Officer in the execution of their duties contrary to the provisions of this By-law.

1.8 Severability / Conflicts

Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained

1.8(1) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial Legislation or any other By-law of the Municipality.

1.8(2) Where a provision of this By-law conflicts with a provision of another By-law in force in the Municipality or any Provincial or Federal Legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

1.8(3) The Clerk of the Corporation of the Township of Manitouwadge is authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedules after the passage of this By-law where such modifications or corrections do not alter the intent of the By-law.

1.9 Interpretation

In This By-law:

1.9(1) Unless specifically modified or changed herein, words or expressions used by this By-law have the same meaning as given or used in the *Building Code Act, S.O. 1992, c.23*, as amended;

1.9(2) “may” shall be construed as permissive;

1.9(3) “shall” shall be construed as imperative;

1.9(4) “Includes”: the words – “include – includes – including and included” are not to be interpreted as restricting or modifying the words or phrases which precede them;

1.9(5) The term “used” when referring to land, building or structures is interpreted as including “intended to be used”;

- 1.9(6)** References to items in the plural include the singular, as applicable, and vice versa;
- 1.9(7)** The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation;
- 1.9(8)** Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done;
- 1.9(9)** Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing;
- 1.9(10)** Reference to a building, structure, yard or land includes that building, structure, yard or land in whole or in part;
- 1.9(11)** In this By-law, the word “metre” may be represented by the abbreviation “m” and the word “centimetre” may be represented by the abbreviation “cm”.
- 1.9(12)** Reference to legislation in this By-law are printed in italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, S.O. 1992, c.23*, incorporate reference to the Ontario Building Code, which is *Regulation 332/12* passed under that statute.

PART 2 DEFINITIONS

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meaning which are commonly assigned to them in the context in which they are used in this By-law. The words, phrases and terms used in this section have the following meaning for the purpose of this By-law.

SECTION

- 2.1** “**Accessory Building**” shall mean either a building or a structure, the use of which is incidental to that of the main building situated on the same property, provided that building or structure is not used for human habitation;
- 2.2** “**Adequate and Suitable Heat**” shall mean a minimum air temperature within a dwelling unit of 20° Celsius. To meet the definition, the heating system involved must be capable of maintaining those temperatures at 1.5 meters above the floor level, in all habitable rooms;
- 2.3** “**Adequate and Suitable Supply of Hot Water**” shall mean a supply of hot water at a temperature of not less than 43° Celsius and not more than 49° Celsius in a quantity that is sufficient for normal household use at a flow and pressure sufficient for the intended use of the fixtures;

- 2.4 “Adequate and Suitable Supply of Potable Water”** shall mean a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, and /or cooking and/or dining facilities;
- 2.5 “Adequate and Suitable Supply of Water”** shall mean a continuous and uninterrupted water supply in sufficient quantity for normal use of kitchen, laundry and bathroom facilities;
- 2.6 “Areaway”** shall mean an underground structure used for the convenience of the adjacent building it serves. It is built separately, or attached to the building that it serves, and is built below ground. All or some of the structure may be exposed at ground level. Examples of areaways include: light openings, light wells, vaults, storage spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices;
- 2.7 “Approve”** shall mean acceptance by the Property Standards Officer;
- 2.8 “Basement”** shall mean one or more storeys of a building located below the first storey;
- 2.9 “Building”** shall mean a structure having a roof supported by columns or walls and used for the accommodation or storage of persons, animals, goods, materials, or equipment;
- 2.10 “Committee”** shall mean the Property Standards Committee established under this By-law;
- 2.11 “Corporation”** shall mean The Corporation of the Township of Manitouwadge, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario;
- 2.12 “Crawl Space”** shall mean that portion of a building between two floor levels or between a floor level and the ground with a height of less than 2.03 meters;
- 2.13 “Debris”** shall mean, but is not limited to, garbage, rubbish, refuse or wrecked, decayed, dilapidated, or inoperative motor vehicles, vehicles or machinery and the remains of anything broken or discarded;
- 2.14 “Dwelling”** shall mean a building, structure, or mobile home or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building or home that would be or would be intended to be used for such purpose, except where it is in state of disrepair;
- 2.15 “Dwelling Unit”** shall mean a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities;
- 2.16 “Egress”** shall mean a continuous unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the dwelling;

- 2.17 “Fence”** shall mean a linear barrier erected, growing or maintained on land in the Township of Manitouwadge and includes a hedge, free standing wall, structure or partition of any material or combination of materials enclosing, partly enclosing or dividing land, or being used for decorative purposes; the maximum height of any built fence shall be:
- one (1) metre for fences located in front yard;
 - two (2) metre for fences located in any other yard;
- 2.18 “First Storey”** shall mean the storey that has its floor closest to grade, with a ceiling more than 1.8 meters above grade;
- 2.19 “Front Yard”** is defined at Section 2.55 within the definition of “yard”;
- 2.20 “Ground Cover”** shall mean material applied to prevent the erosion of the soil. The term includes: materials such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;
- 2.21 “Guard”** shall mean a protective barrier installed to prevent accidental falls from one floor or stair level to another. The barrier may not have opening through it. The barrier must be rigid in construction;
- 2.22 “Habitable Room”** shall mean any room in a dwelling or dwelling unit designed to be used for living, sleeping, cooking or eating purposes. The term does not include: bathrooms, laundry rooms, pantries, lobbies, corridors, halls, attics, stairways, closets, boiler rooms, other spaces for service or maintenance of the dwelling or access to or vertical travel between floors of the dwelling;
- 2.23 “Hazard”** shall mean lands, building, structures or materials that are in an unsafe condition, or that constitute a fire risk;
- 2.24 “Hygienic Supplies”** shall mean toilet paper, soap and individual towels or other means of drying hands;
- 2.25 “Inoperative Motor Vehicle”** shall mean and includes any motor vehicle, that is, dismantled, broken or incomplete, decayed or dilapidated by reason of:
- a) missing or damaged part(s), tire(s), engine, drive train or body components or window(s); or
 - b) the removal or damage of other parts or equipment necessary for the motor vehicle’s operation; or
 - c) being in an unsightly state of disrepair missing doors, glass, or body parts; or
 - d) being wrecked and incapable of use as a means of lawful transportation or has industry standard book value as a means of transportation that is less than the cost of repairs required to put it into a lawful operable condition unless otherwise demonstrated by an authorized licensed mechanic; or
 - e) does not have affixed to it a number plate with a current permit validation as required under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended.
- 2.26 “Land”** shall mean and includes yard and vacant lot whether or not the land is covered by water;

- 2.27 “Motor Vehicle”** shall mean and includes an automobile, motorcycle, motor-assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended.
- 2.28 “Non-Residential Property”** shall mean and includes any property that does not meet the definition of residential property. Where a particular property has both residential and non-residential uses at the same site, those portions of the property which meet the definition of “Residential Property” shall abide by the residential property standards in Part 4 of this By-law, and those portions of the property which meet the definition of “Non-Residential Property” must abide by the non-residential property standards in Part 6 of this By-law, in all cases together with the applicable general standards of this By-law.
- 2.29 “Nuisance”** A nuisance is a condition or use of land which unreasonably interferes with the lawful use of another person’s land. It typically involves an injurious, offensive or objectionable condition. Examples include:
- i) emissions of smoke, gas, fumes, dust or sawdust;
 - ii) objectionable noise or odours; or
 - iii) the unsightly storage of goods, wares, merchandise, waste or other material.
- For clarity, a condition or use of land in some situations can be considered nuisance where in other situations the same condition or use of land is not considered a nuisance. Proximity to neighbouring land and/or particular uses of land constitutes a nuisance. Further, relevant circumstances of the land in question can impact whether or not its condition or use is a nuisance.
- 2.30 “Occupant”** shall mean and includes any person or persons over the age of 18 years in possession of the property;
- 2.31 “Officer”** shall mean a Property Standards Officer;
- 2.32 “Ontario Building Code”** shall mean the *Building Code Act, S.O. 1992, c.23*, as amended and any amendments and regulations made under that Act;
- 2.33 “Order”** shall mean and includes a property standards Order issued by an Officer;
- 2.34 “Owner”** shall mean and includes,
- i) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
 - ii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property;

- 2.35 “Passage”** shall mean and includes a route for the movement of persons from the interior of a dwelling unit to the ground level of the exterior of the building within which the dwelling unit exists;
- 2.36 “Person”** shall mean and includes an occupant or an owner of property, an individual, firm, corporation, association or partnership.
- 2.37 “Potable Water”** shall mean water meeting all provincial standards for drinking water;
- 2.38 “Professional”** shall mean and includes an engineer, architect, or other person with credentials required by the circumstance, who is accredited as such in a manner satisfactory to the Officer;
- 2.39 “Property”** shall mean and includes a building or structure, or part of a building or structure, the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected and vacant property;
- 2.40 “Property Standards Officer”** shall mean the Chief Building Official and any other person who has been assigned the responsibility of administering and enforcing this By-law;
- 2.41 “Rented Dwelling Unit”** shall mean and includes a dwelling unit, whether self-contained or not, that is occupied as a residence by someone other than the owner of the land on which it exists, whether or not the occupant pays anything for the right of occupancy. The term does not include seasonal vacation property including camps, cottages, trailers, and cabins unless same are occupied on a year around basis;
- 2.42 “Rear Yard”** is defined at Section 2.55 within the definition of “yard”;
- 2.43 “Repair”** shall mean and includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;
- 2.44 “Residential Property”** shall mean and includes a property that is occupied by at least one person as their residence;
- 2.45 “Sea Can”** shall mean a container, including a sea/land/rail shipping container, which is used as a storage vault;
- 2.46 “Side Yard”** is defined at Section 2.55 within the definition of “yard”;
- 2.47 “Structure”** shall mean anything other than a building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth station, television antennae, signs, swimming pools and above ground fuel storage tanks. The term does not include: vegetation, fences, driveways, patios, sidewalks or retaining walls;
- 2.48 “Swimming Pool”** shall mean and includes any body of water used for swimming or wading contained in part or in whole by artificial means, constructed above or below the grade level of the surrounding land and having a depth of more than 61 centimeters at any given point;
- 2.49 “Unsafe Condition”** is a descriptive phrase for property that is in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the property in question;

- 2.50 “Unsafe Container”** shall mean and includes any container having a volume of greater than 0.5m³ which has a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance;
- 2.51 “Vacated Property”** shall mean and includes property containing buildings or structures which are not regularly occupied or regularly used by the owner or by any authorized occupant and/or containing buildings or structures which have been damaged by accident, storm, fire, neglect or otherwise;
- 2.52 “Vacant Property”** shall mean and includes property which has no buildings or structures on it and which is not devoted to the practice of farming;
- 2.53 “Vermin”** shall mean and includes mammals, birds or insects injurious to humans, physical property, game, livestock. Without limitation, samples include: skunks, rats, termites, poisonous insects or reptiles, moths or mice;
- 2.54 “Waste”** shall mean garbage, refuse, debris, litter, yard waste or any materials or substances that appear to be discarded or abandoned and for greater certainty, includes, whether of value or not:
- a) accumulations of litter, remains, rubbish, trash;
 - b) animal waste product, animal feces, hides, parts or carcasses other than those arising from industrial businesses legally operated on the land;
 - c) clothing or other household linens lying in an unprotected condition;
 - d) commercial waste;
 - e) crockery, dishes, pots, pans, glass, cans, containers;
 - f) dead or dying trees, branches or shrubs;
 - g) dilapidated furniture or any indoor furniture;
 - h) domestic waste;
 - i) earth, rock fill, sand, rubble, including concrete, bricks, asphalt, patio or sidewalk slabs;
 - j) garden refuse and trimmings;
 - k) inoperative motor vehicles, machinery, boats or trailers, parts and accessories, vehicle tires mounted or unmounted on rims, discarded bicycles, tricycles and their parts and accessories except as provided in Part 6 of this By-law.
 - l) material from or for construction and demolition projects;
 - m) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
 - n) motor vehicle parts or machinery parts;
 - o) objects or conditions that may create a health, fire, or accident hazard;

p) paper, paper cartons, cardboard or other paper products;

q) tree cuttings or twigs, branches and brush cut or otherwise severed from any shrub or trees;

r) waste lumber, excepting only cut and stacked firewood for use in a fireplace on the property;

s) weighty or bulky items such as: discarded or abandoned refrigerators, freezers, stoves or any other appliance, furnace, parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;

2.55 “**Yard**” shall mean an area of land on a property over which no building is erected:

a “**front yard**” is the yard that is between the front wall of the main building on the property and the front property line; the front yard extends across the entire width of the property, extending to the boundary out from the building wall; and,

a “**rear yard**” is the yard that is between the rear wall of the main building on the property and the rear property line; the rear yard extends across the entire width of the property, extending to the boundary out from the building wall; and,

a “**side yard**” is the yard that is between any side wall of the main building on the property and the side property line that wall faces; the side yard is contained between the rear yard and the front yard.

PART 3 GENERAL STANDARDS FOR ALL PROPERTY

SECTION

3.1 Application of Standards

Subject to Section 1.2, the standards set out in Part 3 apply to all property within the Township of Manitouwadge, regardless of its use, unless another specific provision of this By-law provides a different standard for a particular property use.

3.2 General Duty to Repair and Maintain Land

1) The occupancy or use of property that does not conform with the standards prescribed in this By-law is prohibited.

2) Property that does not conform with the prescribed standards shall be repaired and maintained to conform therewith by the owner or the site shall be cleared of all buildings, structures, waste and left in graded and leveled condition by the owner.

3) All repairs and maintenance of land shall be carried out with suitable and sufficient materials and in a manner accepted as work of good quality within the trades concerned and as required by law and without restricting the generality of the foregoing, all new construction or repairs shall conform to the *Building Code Act, S.O. 1992, c.23*, as amended, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended and the *Electricity Act, 1998, S.O. 1998, c.15, Schedule. A*, as amended, where applicable.

3.3 Prohibition Against Renting Lands That Do Not Meet Standards

No owner of lands shall permit the use or occupancy of, and/or lease to rent or lease to, another person, any land that does not conform to the provisions of this By-law.

3.4 Structural Adequacy

1) Every owner of a building or structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.

2) If, in the opinion of an Officer, there is doubt as to the structural condition and adequacy of a building or structure, the officer may order that the building or structure be examined by a professional, at the owner's expense, and that the professional provide a written report. The written report, including drawings, signed and sealed by the professional, and giving details of the findings of the examination, shall be submitted to the Officer.

3) Examination and testing of any building or structure shall be conducted in a manner acceptable to the Officer and at the owner's expense.

4) Details and drawings of all temporary shoring or other work deemed necessary by the professional shall be included with the report required by Subsection 3.4 (2) above.

5) All remedial or temporary work recommended by the professional shall be completed by the owner in the manner and within the time specified by the Officer.

6) On completion of all of the work, the owner shall cause a report signed and sealed by the professional, which certifies that all of the work has been completed satisfactorily, to be submitted to the Officer.

3.5 Structural Requirements

1) Every owner of a building or structure shall maintain the interior floors, ceilings and walls in a manner free from dampness arising from the entrance moisture through an exterior wall or roof, or through a basement or crawl space floor.

2) Every owner of a building or structure shall maintain the foundation walls of that building so as to prevent the entrance of excessive moisture.

3) Every owner of a building or structure, excepting those constructed with slab-on-grade construction, shall maintained foundation walls or piers which extend below the frost line, or to solid rock.

3.6 Details for Section 3.5

The maintenance required by Section 3.5 includes but is not limited to: the shoring of the walls to prevent settling, installing sub-soil drains, where necessary, at the footing, grouting masonry cracks, and damp-proofing and waterproofing walls, joints and floors.

3.7 Exterior Building requirements

Every owner of a building shall:

a) keep walls, roofs and other exterior parts of that building free from loose or improperly-secured objects or materials;

- b)** keep walls, roofs and other exterior parts of that building free from cracked, broken or loose masonry units, stucco, or other defective cladding or trim;
- c)** treat exterior surfaces with paint or another suitable preservative or coating so as to prevent deterioration due to weather conditions or vermin;
- d)** maintain the exterior walls of that building, and their components, free of unauthorized signs, painted slogans, graffiti and similar defacements;
- e)** maintain the roof of that building including fascia boards, soffits and cornices, in a water-tight condition so as to prevent leakage into the building;
- f)** maintain the roof of that building so that they are kept clear of dangerous accumulations of ice and/or snow;
- g)** maintain every chimney of that building, together with the components of that chimney, free from loose bricks and mortar, or any other defects;
- h)** maintain the flue and flue pipes of the chimney in accordance with the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* as amended;
- i)** maintain every stairway, fire escape, balcony, porch, landing or canopy so as not to be in an unsafe condition, and so as to be reasonably free from holes, cracks, excessive wear and warping, and other defects;
- j)** maintain all windows, doors, skylights and basement hatchways of that building in good repair, weather-tight and reasonably draught-free, to prevent infiltration by the elements;
- k)** provide adequate lighting for all parking spaces; and
- l)** maintain finished exterior surfaces so that no more than 25% of the finish on any area of any exterior wall is blistered, cracked, flaked, scaled, or chalked away.

3.8 Exemption from Subsection 3.7(d)

Subsection 3.7(d) does not apply to prevent graffiti, signs and painted slogans which have otherwise been permitted under a By-law or other authority of the Corporation.

3.9 Details for Subsection 3.7(e)

Maintenance in Subsection 3.7(e) includes but is not limited to: repairing the roof, fascia board, soffit, cornice, and flashing; applying waterproof coatings; and installing or repairing eavestroughs and rain water piping.

3.10 Details for Subsection 3.7(i)

Maintenance in Subsection 3.7(i) includes but is not limited to: repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose; repairing, renewing or supporting structural members that are rotted, deteriorating or loose; and painting.

3.11 Details for Subsection 3.7(j)

Maintenance in Subsection 3.7(j) includes but is not limited to: painting; the application of preservative; renewing or replacing rotten or damaged doors, door frames, window frames, sashes and casing; refitting doors and windows; weather stripping; and replacing broken window and door glass and defective door and window hardware.

3.12 Building Requirements for Elements that May Be Exterior or Interior

Every owner of a building containing at least one dwelling unit shall:

a) install and maintain a handrail on the open side of any stairway or ramp containing three (3) or more risers (including the landing); and

b) install and maintain guards around openings in floor areas and on the open sides of stairways or ramps with three (3) or more risers (including the landing), landings balconies, mezzanines, porches, galleries, raised walkways, and other locations, as required.

3.13 Property Damage

1) A building or structure which is damaged from any cause whatsoever, including, without limitation, accident, natural causes or vandalism, shall be demolished or repaired by the owner as soon as is practicable, subject to Subsection 3.13(2).

2) Where the damage referred in Subsection 3.13(1) resulted in the lands being in an unsafe condition, immediate steps shall be taken by the owner to prevent or remove that unsafe condition. The building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out, in accordance with Subsection 3.13(1).

3) Where the damage referenced in Subsection 3.13(1) involves exterior surface defacing by smoke, water or other causes, the owner shall remove the defaced material, and shall refinish the area in a manner acceptable to the Officer.

4) No person shall demolish any building, without first obtaining a demolition permit from the Chief Building Official.

3.14 Retaining Walls

Every owner and/or occupant of property which contains retaining walls shall maintain those retaining walls in a manner which does not:

a) adversely affect the safety of the public;

b) adversely affect the safety of vehicular or pedestrian traffic;

c) constitute an obstruction of view for vehicular or pedestrian traffic;

d) wholly or partially conceal or interfere with the use of any fire hydrant or municipal facilities, including water valves; or,

e) interfere with the use of a highway, public sidewalk or lane.

3.15 Hazard Prevention

Every owner of a property shall keep that property in good repair so as to prevent hazards.

3.16 Buildings, Structures & Retaining Walls – Surface Treatment

Every owner of a property shall treat the surfaces of buildings, structures and retaining walls on that property with appropriate weather-resistant materials, including paint or other suitable preservatives.

3.17 Exemption from Section 3.16

The requirements of Section 3.16 do not apply if the material used in construction of the structure is inherently resistant to deterioration.

3.18 Parking Areas and Driveways

Every owner of a property which is used for vehicular traffic and parking shall maintain and keep in good repair those parts of the property used for same with a surface covering of asphalt, concrete, or compacted stone or gravel. Further, the owner must keep these areas in good repair.

3.19 Lighting of Yards

Every owner and/or occupant who erects or maintains lights to illuminate any yard, or objects within the yard, such as signs, shall arrange, install, design and maintain the lights so as to deflect away from abutting property which are used for residential purposes. Alternatively, they may provide and maintain effective barriers to prevent the light from lamp standards, signs, and other sources from shining directly into a dwelling unit on a neighbouring property.

3.20 Steps, Walkways, Pedestrian Areas

Every owner of a property shall maintain steps, walkways, sidewalks and other areas intended for use by pedestrians in a manner which affords safe passage under normal use and normal weather conditions, day or night.

3.21 Swimming Pool

Every owner of property upon which a swimming pool exists shall maintain that swimming pool:

- a) in a clean and safe condition;
- b) free from leaks and faulty components and equipment;
- c) every swimming pool exceeding a depth of 60 centimetres shall have the area completely enclosed by a fence and locked gate, the minimum of which will be a height of 1.8 metres;
- d) in conformity with all other By-laws of the Corporation relating to swimming pools.

3.22 Exemption from Section 3.21

Section 3.21 does not apply to swimming pools regulated under the *Public Pools Regulation 565 R.R.O. 1990*, pursuant to the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, as amended.

3.23 Pest Prevention

Every owner and/or occupant of a property shall:

- a) keep the buildings and structures on that property free of vermin at all times; and
- b) keep all openings of buildings on that property containing dwelling units that might permit the entry of vermin, appropriately screened or sealed.

3.24 Discharge of Sewage

Where lands are serviced by the Corporation's sanitary sewer system, the owner of those lands shall not discharge sewage of any kind onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

3.25 Prevention of Ponding

Every owner of a building or structure shall provide a roof drainage system and, where necessary, a sump pit system and other measures, so configured, installed and maintained so as to prevent recurrent ponding of water on the property or on neighbouring property whether directly abutting or not, including, without limitation, ditches, highways, boulevards and sidewalks.

3.26 Rainwater Leader – Disconnection from Sanitary Sewer

Every owner of a building or structure that is equipped with rain water leaders shall prevent the rain water leaders from discharging or draining into the Corporation's sanitary sewer system.

3.27 Prevention of Drainage into Building

Every owner of a building or structure that is equipped with rain water leaders shall prevent the rain water leaders from creating a concentrated flow of water which may penetrate the building or structure.

3.28 Garbage Disposal – Adequacy

Every owner or occupant of property shall possess a sufficient number of receptacles to contain all waste that accumulates on the property between the regularly – designated collection days. This is a requirement whether or not the Corporation provides waste collection services to the property in question. Such receptacles shall be so constructed and secured that the contents are inaccessible to animals, insects and birds.

3.29 Garbage Disposal – Receptacle Requirements

To meet the requirements of Section 3.28, the receptacles provided by the owner or occupant shall be so constructed as to be free of holes, breaks or cracks, and must have smooth surfaces with finishes that are impervious to water.

3.30 Garbage Disposal – Cleanliness Requirements

Every owner or occupant of property shall maintain the receptacles required by Section 3.29 so that they remain free of holes, breaks or cracks, and are cleaned and disinfected regularly to prevent odours and/or hazards.

3.31 Garbage Disposal – Municipal Collection

Where the Corporation provides property with waste collection services, the owner and occupant shall place all waste in a suitable container which is made available for removal in accordance with the Corporation's applicable By-laws and policies.

3.32 Garbage Disposal – Nuisance Prevention

Where the owner and/or occupant of a property stores waste out-of-doors, they shall provide an effective container or barrier that prevents such waste from encroaching onto, or escaping onto, abutting or neighbouring property.

3.33 Air Conditioner – Maintenance

Every owner and/or occupant of a property with installed air conditioning units of any size or type shall maintain the units and their associated mechanical ventilating, electrical systems and any supporting structures in good repair and in a safe condition.

3.34 Air Conditioner – Condensation Control

1) Every owner and/or occupant of property with installed air conditioning units of any size or type shall equip the units with adequate devices to prevent condensation from the use of the system from draining onto an area which persons are reasonably expected to be.

2) Every owner and/or occupant of property with installed air conditioning units of any size or type shall equip the units with adequate devices to prevent condensation from the use of the system from draining onto abutting property.

3.35 Electrical Service

Every owner of property shall install and maintain the electrical wiring and all electrical fixtures located or used on the land in good working order and in conformity with the *Electricity Act, 1998, S.O. 1998, c. 15, Sched. A*, as amended.

3.36 Nuisances

1) No owner and/or occupant of property shall use the property in a manner which creates a nuisance.

2) No owner and/or occupant of property shall allow a condition to develop and remain on the property in a manner which creates a nuisance.

3.37 Property to be Kept Free from Waste

Every owner and/or occupant of a property shall keep it clean and free from waste, whether or not the waste was placed on the property by the owner or the occupant or by a person or animal with or without the permission of the owner or occupant.

3.38 Exemption

Nothing in Section 3.37 prohibits the disposal of waste on any property which has been lawfully designated and/or licensed for that purpose by the Corporation or another authority with jurisdiction.

3.39 Inoperative Motor Vehicles and Parts

1) Property shall not be used by an owner or occupant of the property for the storage of inoperative motor vehicles or parts of motor vehicles, except in compliance with Section 3.40 of this By-law.

2) No person shall use municipal property for the parking or/and storage of any inoperative motor vehicles or parts of motor vehicles without authorization.

3) No person shall deposit any material, substance or things on municipal lands

3.40 Storage of Inoperative Motor Vehicles and Parts Permitted

The storage of inoperative motor vehicles and/or motor vehicle parts is not prohibited where:

a) the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property;

b) the inoperative vehicle or motor vehicle parts are stored in an enclosed building for a purpose other than:

i) wrecking or dismantling of them or salvaging parts from them for sale or other disposition; or

ii) a vehicle repair or machinery repair business purpose; or

c) the storage in a yard is of a single vehicle which is fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.

3.41 Property to be Kept Free from Hazards

Every owner and/or occupant of a property shall not allow an unsafe condition to arise or continue thereon.

3.42 Unsafe Containers

No owner and/or occupant of a property shall place, keep or store unsafe containers thereon.

3.43 Holes, Excavations and Trenches

Every owner and/or occupant of a property shall prevent the existence or continuance on the property of any holes, pits, excavations or trenches which create an unsafe condition.

3.44 Exemption from Section 3.43

Despite Section 3.43, the existence or continuance on a property of any holes, pits, excavations or trenches is permitted, provided the property, or the hole, pit, excavation or trench on the property, is secured so as to prevent accidents or injury.

3.45 Grass, Weeds and Other Vegetation to be Kept Trimmed

Every owner and/or occupant of a property shall keep the grass and weeds and other vegetation upon the property trimmed so as not to exceed 20 centimeters in height.

3.46 Undergrowth

Every owner and/or occupant of a property shall not allow undergrowth to develop on the property which is inconsistent with the surrounding environment.

3.47 Vegetation & Landscaping Features

Every owner and/or occupant of a property shall eliminate vegetation or unnatural landscaping features on that property which:

- a) adversely affects the safety of the public;
- b) adversely affects the safety of vehicular or pedestrian traffic;
- c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves; or
- e) interferes with the use of a highway, public sidewalk or lane.

3.48 Ground Cover Requirement

Every owner and/or occupant of a property shall cultivate it, or, alternatively, protect the soil thereof from erosion using ground cover.

3.49 Caution with Respect to Section 3.48

Every owner and/or occupant of a property is advised to review all applicable legislation and the Corporation's other By-laws and policies with respect to ground cover before determining which type of ground cover to employ in order to comply with Section 3.48. There may be requirements for a certain amount of permeable ground cover (as opposed to concrete or other impermeable ground cover). Compliance with Section 3.48 of this By-law does not excuse non-compliance with the requirements of other By-laws or policies.

3.50 Erosion

Every owner and/or occupant of a property shall not allow mounds of earth, sand, gravel or like materials to be exposed to erosion on that property.

3.51 Ponding of Storm Water

Every owner and/or occupant of a property shall keep the property graded, filled up or otherwise drained so as to prevent excessive or recurrent ponding of water on the property and/or the entrance of water into a building or structure.

3.52 Drainage

1) Every owner and/or occupant of a property shall not allow a system of drainage from any source which allows water to pond on the property or on neighbouring property whether directly abutting or not, and including, without limitation, ditches, highways, boulevards and sidewalks.

2) No owner and/or occupant of property shall obstruct, or cause or permit the obstruction of, a watercourse on their property.

3.53 Fences

Every owner and/or occupant of a property shall ensure that no fence is erected or maintained on the property in a manner which;

- a) adversely affects the safety of the public;
- b) adversely affects the safety of vehicular or pedestrian traffic;
- c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves;
- e) interferes with the use of a highway, public sidewalk or lane; or
- f) is not in conformity with all other By-laws of the Corporation relating to fences.

3.54 Fences – Hazard Prevention

Every owner and/or occupant of a property shall maintain the fences thereon so that they are not in an unsafe condition.

3.55 Fences Deface

Every owner and/or occupant of a property shall not maintain or allow signs, painted slogans, graffiti and similar defacements on any fence on the property.

3.56 Exemption from Section 3.55

Section 3.55 does not apply to prevent graffiti, signs and painted slogans which have otherwise been authorized under a By-law or other authority of the Corporation.

3.57 Fences – Surface Treatment

Every owner and/or occupant of a property shall treat the surfaces of fences thereon with appropriate weather-resistant materials, including paint or other suitable preservatives. This requirement does not apply if the material used in construction of the fence is inherently resistant to deterioration.

3.58 Composting Rules

Every owner and/or occupant of property shall:

- a) have not more than two (2) compost heaps on their property; and
- b) ensure that each compost heap in the yard of their property:
 - i) has a maximum size of 1m³;
 - ii) is located a minimum of one (1) meter from any property line;
 - iii) is enclosed on all sides by concrete blocks or lumber, or be maintained within a 205 liter or smaller container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting; and

iv) is stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract vermin or other animals to the compost.

3.59 Improper Composting

Every owner and/or occupant of a property shall not undertake composting or allow compost to be or continue on the property in a manner contrary to that set out in Section 3.58.

PART 4 ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

4.1 Application of Standards

Standards within Part 4 apply to all residential property, in addition to the standards in Part 3 of this By-law. Where there is conflict between standards in Part 3 of this By-law and the standards in Part 4, then, with respect to residential property, the standard in Part 4 prevails.

4.2 Interior Building Requirements

Every owner of a building containing at least one (1) dwelling unit shall:

- a)** maintain every floor, wall, ceiling and fixture of that building in a clean, sanitary and safe condition;
- b)** maintain every wall, ceiling and floor in a dwelling in good repair so as to provide a continuous surface free of holes, large cracks, loose coverings or other defects;
- c)** maintain the walls surrounding showers and bathtubs in that building so that they are impervious to water;
- d)** maintain every ceiling, both sides of an interior wall and the interior side of an exterior wall in that building so as to be covered with a durable material that is resistant to cracking, scratching or breaking, or alternatively, regularly paint or decorate so as to provide a finished surface which can be easily cleaned;
- e)** maintain every floor in that building so that it is reasonably smooth and level and free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of vermin;
- f)** maintain any floor in that building that is covered with linoleum or similar covering, so that it is not torn or worn so that it retains dirt or is in an otherwise unsafe condition;
- g)** maintain every floor in a bathroom, kitchen, shower room, and laundry room within that building in good repair, impervious to water and readily cleaned;
- h)** not install or maintain a toilet or urinal within a room that is used or intended to be used for the preparation, cooking, storing or consumption of food, or for sleeping purposes;

i) provide in every habitable room and every bathroom, natural ventilation consisting of an opening or opening to the external air, with a minimum aggregate unobstructed free flow area of 0.09 m² for bathrooms, 0.28 m² for dining rooms, living rooms, bedrooms, kitchens, combined rooms, dens, recreation rooms, and all other finished rooms or, alternatively, mechanical ventilation which shall change air at a rate of one-half air change per hour if the room or space is mechanically cooled in the summer and one air change per hour if is not;

j) where an aperture such as a window, skylight or louvre is used for ventilation, maintain it so as to be easily opened and screened from the outside, and so that it may be kept open and easily closed;

k) vent, to the outside air, every basement or unheated crawl space by means of screened windows which can be opened, or by louvres with screened openings, the area of which is not less than 0.1 m² unobstructed vent for every 50 m² of floor area; and

l) maintain adequate ventilation to attics and roof spaces.

4.3 Habitable Room Lighting Requirements

1) Every owner of a building containing at least one (1) dwelling unit shall provide every habitable room (with the exception of kitchens and bathrooms) with a window, skylight or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this section.

2) For living and dining rooms, the opening for natural light shall be equal to or greater than 10% of the floor area.

3) For bedrooms and other habitable rooms, the opening for natural light shall be equal to or greater than 5% of the floor area.

4) The glass area of a door may be considered as a portion of the required window area.

4.4 Exterior Building Requirements

Every owner of a building containing at least one (1) dwelling unit shall:

a) maintain television aerials, satellite dishes and other roof structures so that they are free from excess soil, peeling paint and or/deterioration; and

b) provide solid core doors for all entrances to dwelling units in accordance with the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended.

4.5 Rules for Domestic Storage of Materials in Rear and Side Yards of Residential Property

Domestic materials other than waste may be stored in a rear yard or a side yard of a residential property subject to the following rules:

a) the storage of these materials shall not exceed 25% of the area of the side or rear yard in which it is being stored;

b) the storage shall be undertaken through the use of neat piles; and

c) the storage shall be undertaken in a manner which does not create an unsafe condition.

4.6 Improper domestic Storage of Materials in Rear or Side yards

Every owner and/or occupant of a property shall ensure that there is no domestic storage of materials in a rear yard or side yard in a manner contrary to that prescribed in Section 4.5.

4.7 Storage of Domestic Materials Prohibited in Front Yard

Every owner and/or occupant of a residential property shall ensure that there is no domestic storage of materials in a front yard of such property.

4.8 Exemptions

Section 4.5, 4.6, and 4.7 do not apply to prevent the temporary storage of materials or debris resulting solely from the construction, demolition or alteration of a building, provided that:

- a) it is removed frequently and in its entirety from the land; and
- b) it does not cause an unsafe condition.

4.9 Sea Cans – Prohibited Use

- a) No person shall have a sea can on any portion of a residential property.
- b) No person shall use a sea can for a dwelling or any part of a dwelling.

4.10 Exemption from Subsection 4.9

Subsection 4.9 does not apply to sea cans on residential property prior to the passing of this By-law.

4.11 Sea Cans – Permitted Use

- a) Sea cans shall only be allowed on an industrial property as an accessory building.
- b) Notwithstanding any other provision of this By-law to the contrary, not attached, in any way, to a main building.

4.12 Storage of Boats, Recreational Vehicles, Trailers or Similar Vehicles.

No person shall leave or store boats, recreational vehicles, trailers or similar vehicles in any portion of a front yard of a residential property.

(1) No person shall park or store or cause to be parked or stored, inoperative vehicles, motor vehicles, boats, recreational vehicles, trailers or similar vehicles on any land owned or occupied by the Corporation of the Township of Manitouwadge without authorization.

(2) Notwithstanding Section 4.12 and 4.12(1), parking and storage of any boats, recreational vehicles, trailers and similar vehicles not exceeding a total length of eleven (11) meters, and does not cause an unsafe condition, shall be permitted:

- a) in a residential driveway between May 1st and October 31st; or

b) in a residential driveway at any time of the year in the case of a property where;

i) there is no reasonable place to park or store such vehicle or combination of vehicles in either a side yard or a rear yard due to the severity of yard slopes or due to natural features such as watercourses, wetlands, cliffs or rock cuts in such yards;

ii) it is not possible to park or store such vehicle or combination of vehicles in either a side yard or a rear yard without such vehicle or combination of vehicles being within .6 meters, of a lot line; or

iii) it is not possible to park or store such vehicle or combination of vehicles in a rear yard because;

a) in a side yard without such vehicle or combination of vehicles being within .6 meters of a lot line; and

b) it is not possible to park or store such vehicle or combination of vehicles in a rear yard because;

1. there is no public road or laneway which provides access to the rear yard; and

2. the side yard is too small in size to permit such vehicle or combination of vehicles to be transported through the side yard to the rear yard.

4.13 Bathroom Facilities in Self-Contained Dwelling Units

1) Every owner of a building containing at least one (1) dwelling unit shall provide each self-contained dwelling unit in a building with:

a) a bathroom consisting of at least one (1) fully-operational toilet, at least one (1) washbasin, and a bathtub or suitable shower unit;

b) an adequate and suitable supply of hot water, as well as cold water, to every washbasin and bathtub and shower in a bathroom;

c) an adequate and suitable supply of water for every toilet in a bathroom; and

d) accessibility to at least one (1) bathroom from within the dwelling unit.

2) every room containing a toilet, urinal or bidet shall also contain a washbasin and the facilities to make up the bathroom required by (a) above may be contained in more than one (1) room.

4.14 Facilities in Dwelling Units with Shared Bathrooms

Every owner of a building containing at least two (2) dwelling units involving shared bathrooms shall provide each dwelling unit in the building with access to at least one (1) bathroom meeting the standards in this section.

a) Facility Standards: The bathroom shall have at least one (1) fully-operational toilet, at least one (1) washbasin, and a bathtub or suitable shower unit. Subject to Subsection 4.13, the facilities to make up the bathroom required by this subsection may be contained in more than one (1) room.

b) Water Standards: All bathrooms shall have:

i) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin and bathtub and shower; and

ii) an adequate and suitable supply of water for every toilet.

c) Supply Standards: There shall be at least one bathroom meeting these standards for every two (2) dwelling units within the building which require the occupants to share bathroom facilities.

d) Access Standards: Each bathroom that is intended for shared use between occupants of different dwelling units shall have an appropriate entrance from a common passageway hallway, corridor or other common space.

e) Privacy Standards: Each bathroom that is intended for shared use between occupants of different dwelling units shall have a door capable of being locked so as to allow privacy for the persons using it.

f) Health Standards: Each room that contains a toilet, bidet or urinal that is intended for shared use between occupants of different dwelling units shall also have a washbasin.

4.15 Plumbing Facilities and Water Supply

1) Every owner of a building containing at least one (1) dwelling unit shall provide each dwelling unit in the building with:

a) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin, bathtub and shower, and kitchen sink in the dwelling unit; and

b) hot water supplied at a temperature of not less than 45° Celsius and not more than 49° Celsius.

2) In addition, every owner of a building containing at least one (1) dwelling unit shall:

a) maintain all plumbing pipes and fixtures, including: drains, water supply pipes, and toilets, in good working condition, free of leaks and defects;

b) maintain all water pipes and appurtenances to water pipes in a manner that protects them from freezing;

c) connect (and maintain the connection of) all plumbing fixtures to the sewage system in accordance with the *Building Code Act, S.O. 1992, c.23*, as amended, as well as all relevant by-laws and policies of the Corporation; and

d) install (and maintain the installation of) every fixture of such materials, construction and design so as to have all exposed surfaces of all parts readily accessible for cleaning, and free from defects.

4.16 Electrical Services

Where lands are serviced by a hydro utility, every owner of a building containing at least one (1) dwelling unit shall provide a complete electrical wiring system, with all electrical fixtures installed and maintained in good working order and in conformity with the *Electricity Act, 1998, S.O. 1998, c. 15, Sched. A*, as amended.

4.17 Occupancy Standards for Dwelling Units

Every owner of a residential property shall:

- a) abide by the requirements of the *Building Code Act, S.O. 1992, c.23*, as amended and all other applicable laws with respect to the maximum number of persons residing on a permanent basis in a dwelling unit;
- b) not use or allow the use of a room for sleeping purposes unless it meets the requirements of the *Building Code Act, S.O. 1992, c.23*, as amended, and all other applicable laws in that regard;
- c) not allow a basement to be used as a dwelling unit unless it conforms to the following requirements:
 - i) each habitable room complies with all the requirements set out in this By-law;
 - ii) floors and walls are constructed so as to be damp proof and impervious to water leakage; and
 - iii) each habitable room is separated from service rooms by a suitable fire separation and approved under the *Building Code Act, S.O. 1992, c.23*, as amended, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended; and all other applicable laws;
- d) provide and maintain for each dwelling unit, whether the dwelling unit is self-contained or not, entrance/exit doors that close securely and that are each fitted with adequate hardware, including a locking device.

PART 5 ADDITIONAL STANDARDS FOR RENTED DWELLING UNITS

5.1 Application of Standards

Standards prescribed in Part 5 apply to all rented dwelling units, in addition to the standards in Parts 3 and 4 of this By-law. Where there is a conflict between standards in Parts 3 or 4 of this By-law and the standards in Part 5, then, with respect to rented dwelling units, the standards in Part 5 prevail.

5.2 Windows

All windows in a rented dwelling unit that are able to be opened shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.

5.3 Window Safety Devices Above First Story

All windows in rented dwelling units that are located above the first storey and have a sill less than 480 millimetres from the finished floor are to be protected by guard or have an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 millimetre diameter sphere, as provided for in the *Building Code Act, S.O. 1992, c.23*, as amended.

5.4 Doors

1) All exterior doors in a rented dwelling unit shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.

2) At least one (1) entrance door to a rented dwelling unit shall have suitable hardware so as to permit locking or securing from both inside and outside the dwelling unit.

5.5 Entry Voice Communication /Security System

Where a voice communication unit, working in conjunction with a security locking and release system controlling an entrance door, is provided by the owner of a rented dwelling unit, that system shall be maintained in good working order at all times.

5.6 Kitchens

Kitchens in rented dwelling units shall have:

- a) a sink that is serviced with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- b) a counter or work area, exclusive of the sink, covered with a material that is impervious to moisture and grease that is easily cleanable; and
- c) adequate space for both a stove and a refrigerator, including suitable electrical or gas connections.

5.7 Heating

1) Where a rented dwelling unit is heated by or at the expense of the owner rather than the occupant, the owner shall provide the dwelling unit with adequate and suitable heat.

2) The heating system shall not require auxiliary heaters to be used as a primary source of heat.

5.8 Passages

1) Every rented dwelling unit shall have a safe, continuous and unobstructed passage.

2) Every owner of a rented dwelling unit shall maintain the passage for that unit in good repair, free of debris, objects and unsafe conditions.

3) All passages must conform to the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended.

5.9 Disconnecting Utilities by Owner

Every owner of a rented dwelling unit shall not disconnect any service or utility supplying heat, electricity, gas, refrigeration or water to any rented dwelling unit, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering that service or utility. This section does not relieve landlords from notice and other obligations in the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as amended.

5.10 Exemption

Section 5.9 does not apply where a tenancy agreement makes the occupant liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, and the occupant fails to pay such rates, with the result that the utility supply company discontinues the service. In those circumstances, the occupant is considered to have consented to the disconnection.

5.11 Electrical Systems

1) Every owner of a rented dwelling unit shall install and maintain in good working order the electrical wiring, fixtures, switches, and receptacles within those rented dwelling units and within any accessory buildings provided for the occupants of the rented dwelling units.

2) The electrical system in the rented dwelling unit and in accessory buildings provided for the occupants of the rented dwelling unit shall accommodate normal residential use so as to avoid the necessity of creating an unsafe condition because of the use of extension cords or temporary electrical wiring systems.

5.12 Light Fixtures

1) Every owner of a rented dwelling unit shall provide a permanent light fixture in every: bathroom, furnace room, kitchen, kitchenette, cooking space, laundry room, hallway, stairway, corridor, and passage within the dwelling unit and at all outside entry doors to the dwelling unit. If a garage is associated with the rented dwelling unit, then the owner shall also provide a permanent light fixture in that garage.

2) Lighting shall provide, with normal use, sufficient illumination so as to avoid unsafe conditions.

5.13 Receptacles for Laundry Facilities

Every laundry room, or other area in a rented dwelling unit that is to be used for doing laundry, shall have at least one (1) electrical duplex convenience outlet. Each such outlet shall be on a separate circuit.

5.14 Appliances

Where the owner of a rented dwelling unit supplies the occupant with appliances, those appliances shall be maintained in good working order by the owner.

5.15 Fuel Burning Appliances

1) All fuel burning appliances, equipment, and accessories in a rented dwelling unit that are supplied by the owner shall be installed and maintained by the owner to the standards provided by the applicable legislations.

2) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures

5.16 Potable Water

Every owner of a rented dwelling unit must provide an adequate and suitable supply of potable water to at least one (1) tap within the dwelling unit.

PART 6 ADDITIONAL STANDARDS FOR NON-RESIDENTIAL PROPERTY

6.1 Application of Standards

Standards within Part 6 apply to all non-residential property, in addition to the standards in Part 3 of this By-law. Where there is a conflict between standards in Part 3 of this By-law and the standards in Part 6 then, with respect to non-residential property, the standards in Part 6 prevail.

6.2 Exterior Walls

Every owner of non-residential property shall maintain all marquees, awnings, standpipes, exhaust ducts and similar equipment, attachments, extensions to buildings or structures, together with their supporting members, in good repair, properly and safely anchored and protected from the elements and against decay and rust by the periodic application of a weather-coating material. Despite this requirement, no application of a weather-coating material is required if the item is constructed of materials inherently resistant to deterioration.

6.3 Waste

Every owner and/or occupant of a non-residential property shall maintain the buildings on the land so that the interiors of those buildings are kept free from waste that would cause unsafe conditions.

6.4 Plumbing

Every owner of a non-residential property shall maintain:

- a) all plumbing including: drains, water supply pipes, toilets and other plumbing fixtures, in good working condition, free of leaks and defects; and
- b) all water pipes, and appurtenances to water pipes, so as to be protected from freezing.

6.5 Lighting

Every owner of a non-residential property shall provide and maintain sufficient windows, skylights and electrical lighting fixtures in order to furnish illumination in all passageways, halls, stairways and outside entries, whenever the building is in use, and at all times in every stairway provided for use in case of fire or other emergency.

6.6 Bathroom Facilities

1) Every owner of non-residential property upon which a business is carried on shall provide, maintain, and keep stocked with hygienic supplies, a minimum of one (1) toilet and one washbasin, supplied with an adequate supply of water, which is readily accessible to employees of the business.

2) The bathroom facilities required by this section shall be in an enclosed room that has a door capable of being locked so as to provide privacy for the user, and shall be located on the same land.

3) Every owner of a non-residential property shall maintain the bathroom facilities required by this section in a neat and clean condition.

6.7 Signs

Every owner of a non-residential property, which contains one or more signs, shall maintain those signs in good repair and in accordance with other by-laws or policies of the Corporation. Any signs which are weathered and faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, either be removed or repaired by the owner.

PART 7 ADDITIONAL STANDARDS FOR VACATED PROPERTY

7.1 Application of Standards

Standards within Part 7 apply to all vacated properties, in addition to the applicable standards prescribed elsewhere in this By-law. Where there is a conflict between standards elsewhere in this By-law and the standards in Part 7, then, with respect to vacated properties, the standards in Part 7 prevail.

7.2 Maintenance of Vacated Property

Every owner of a vacated property shall:

- a)** keep all buildings on the land clear of waste;
- b)** disconnect or have disconnected or discontinued all water, electrical and gas services to the buildings and structures, excepting any that are required for the security and maintenance of the land;
- c)** maintain the buildings and structures on the land to guard against unsafe conditions, risk of fire, accident or other danger;
- d)** keep the windows and doors of the buildings and structures on the land sealed to prevent unauthorized access, including, where applicable, boarding any damaged windows or doors in accordance with Section 7.4 of this By-law;
- e)** maintain the entrances to the building, including: porches, stairways, required guards, and the like, in good repair so as to afford safe passage to authorized persons attending the site;
- f)** barricade all openings on any floor or between floors, including: service spaces, chutes, air vents and elevator shafts, in order to prevent accident or injury; and

g) maintain the land in accordance with the standards in Section 7.3 and, where applicable, Section 7.4.

7.3 Securing Vacated Property

Section 7.3 applies to buildings on vacated property, subject to Section 7.4. To comply with Section 7.3, every owner of a building situated on vacated property shall:

- a)** keep all exterior doors to the building operational, so as to fit tightly within their frames when closed;
- b)** keep all exterior doors to the building locked so as to prevent unauthorized entry;
- c)** keep all windows on the building properly glazed and in good repair;
- d)** keep all windows on the building either permanently sealed or locked so as to prevent unauthorized entry;
- e)** keep all windows, doors, basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind, from entering the building;
- f)** render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least four (4) metres or by guarding them in some other manner acceptable to an Officer; and
- g)** secure all areaways by:
 - i)** filling them with concrete or unshrinkable fill; or
 - ii)** covering the openings to them with metal plates of at least 8 millimetres thick, and securing the metal plates so as to prevent them from shifting.

7.4 Boarding Vacated Property

1) Section 7.4 applies to buildings on vacated property where it is impossible or impractical to comply with Subsections 7.3 (a), (b), (c) and (d) with respect to security of some or all of the doors and windows. Section 7.4 applies to the boarding up of any windows that cannot be maintained to the standard required by Section 7.3.

2) To comply with Section 7.4, every owner of a vacated property shall:

- a)** cover, with a solid piece of plywood, at least 12.7 millimetres thick, all doors, windows or other openings;
- b)** secure the plywood referenced in Subsection 7.4(2)(a) with screws or coated nails which are at least 10 centimetres long that are installed at intervals of not more than 30 centimetres;
- c)** fit the plywood required by Subsection 7.4(2)(a) within the frames in a watertight manner; and
- d)** protect the plywood from the elements with paint or preservatives in a manner so as to minimize detracting from the value of other properties in the immediate vicinity.

**PART 8
PROPERTY STANDARDS COMMITTEE**

8.1 Property Standards Committee

A committee to be known as the Property Standards Committee of the Township of Manitouwadge is hereby established.

8.2 The Property Standards Committee for the Township of Manitouwadge shall consist of three (3) citizens at-large to be appointed by Council, for a term of one (1) year for the initial appointment and a time defined thereafter in order to coincide with the existing term of Council. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith.

8.3 The members of the Property Standards Committee and their term of appointment, are attached as Schedule "A" of this By-law.

**PART 9
NOTICE OF VIOLATION**

9.1 Notice of Violation

If, after inspection, an Officer is satisfied that in some respect the property does not conform with the standards, they may issue an Order to the owner and such other persons affected by it as the Property Standards Officer determines and a copy of the Order may be posted on the property.

9.2 An Order under this By-law shall:

a) state the municipal address or the legal description of the property;

b) give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and level condition;

c) indicate the time for complying with the terms and conditions of the Order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out repair or clearance at the owner's expense;

d) indicate the final date for giving notice of appeal from the Order; and

e) be served or cause to be served,

i) by personal service; or

ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

9.3 If the Property Standards Officer is unable to effect service under Section 9.1, they shall place a placard containing the terms of the Order in a conspicuous place on the property and the placing of the placard shall be deemed as sufficient service of the Order on the owner or other persons.

- 9.4** Despite any other provisions of this By-law, if upon inspection of a property, the Property Standards Officer is satisfied there is non-conformity with the standards prescribed herein to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Order containing particulars of the non-conformity and requiring remedial repairs or other necessary work to be carried out forthwith to terminate the danger in accordance with Section 15.7 of the *Building Code Act, S.O. 1992, c.23*, as amended.
- 9.5** At any time, the Officer who issued an Order, or another Officer in circumstances where the issuing Officer is not available, may modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved and where an Order is so modified, it shall be served as required by Part 9 of this By-law and the modified Order may be appealed within the time prescribed by Section 10.1 of this By-law, with the final date for giving notice of appeal of the modified Order to be indicated therein.

PART 10 APPEAL OF ORDER

10.1 Notice of Appeal

An owner or occupant who has been served with an Order made under this By-law, and who is not satisfied with the terms or conditions of the Order, may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the Order.

10.2 Order Confirmed

An Order that is not appealed within the time referred to in Section 10.1 above is deemed to be confirmed.

10.3 Hearing

If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the Order and may,

- a)** confirm, modify or rescind the Order to demolish or repair;
- b)** extend the time for complying with the Order if, in the Committee's opinion, the general intent and purpose of the By-law and of the Official Plan or policy statement are maintained.

10.4 Appealing to a Judge of the Superior Court of Justice

The Municipality in which the property is situated or any owner or occupant or person affected by a decision under Section 10.3 may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after sending a copy of the decision.

- 10.5** A Judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.

- 10.6** On the appeal, the Judge has the same powers and functions as the Committee.

- 10.7** An Order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the Order.

PART 11 REGISTRATION OF ORDER

11.1 Registration of Order

An Order that a property does not conform with any standards of this By-law may be registered in the Land 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 day, which the Order was served.

- 11.2** Where the Chief Building Official or an Officer determines there is compliance under this By-law with an Order issued, the Clerk of the Municipality shall forthwith register in the Land Registry or Land Titles Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such Order.

PART 12 POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH

- 12.1** If the owner or occupant of a property fails to repair or demolish the property in accordance with an Order as confirmed or modified, the Municipality, in addition to all other remedies:
- a)** may repair or demolish the property;
 - b)** may clear the site of all buildings, structures, debris, or refuse and leave the site in a graded and leveled condition; or
 - c)** may make the site safe or impede entry by erecting fences, barricades or barriers;
 - d)** shall not be liable to compensate such owners, occupants or another person having interest in the property by reason of anything done by or on behalf of the Township of Manitouwadge in a reasonable exercise of its power under the provisions of this Part;
 - e)** may cause a prosecution to be brought against any person who is in breach of such an Order and upon conviction, such person shall forfeit and pay at the discretion of the convicting Provincial judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act, S.O. 1992, c.23*, as amended.
 - f)** shall have a lien on the land for the amount spent on the repairs or demolition; and
 - g)** the amount shall be deemed to be municipal real taxes and shall be added to the tax collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

PART 13 CERTIFICATE OF COMPLIANCE

- 13.1** Every property owner may make an application to the Municipality for a certificate of compliance by completing and signing an application on the form available at the offices of the Chief Building Official and paying the applicable fee.
- 13.2** Where a property standards Order has been registered, an owner or occupant may apply for an inspection of the property in respect of the Order and shall pay a fee identified in Schedule "B" at the time of application, which fee includes the registration or a discharge where compliance with the Order is found.

PART 14 PROHIBITION

- 14.1** No owner or occupant of property shall use, occupy, allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.
- 14.2** No person, being the owner, tenant or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- 14.3** The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris, or refuse and shall leave the property in a graded leveled condition.
- 14.5** No owner, tenant or occupant shall maintain, repair or construct a structure or building without first obtaining the required permit.

PART 15 RESPONSIBILITIES AND COMPLIANCE ORDERS

- 15.1** The owner or occupant of a property shall:
- a)** Comply with all standards prescribed in this By-law;
 - b)** Comply with any final and binding Order of the Property Standards Officer;
 - c)** Produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the property or part thereof, allow entry by the inspector or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an Order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this By-law and the relevant portions of the *Building Code Act, S.O. 1992, c.23*, as amended.

d) Ensure, that in complying under this By-law, and in carrying out work required under an Order or Order obligation under the By-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons and giving adequate warning where such risks cannot be so avoided so as to allow such person to avoid the danger or risk.

- 15.2** A person affected by a property standards Order may seek to have compliance with an outstanding Order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an Officer, and shall be liable to pay any applicable fees, charges or expenses.
- 15.3** Where the proof submitted in Section 15.2 is insufficient for the Officer to determine the compliance of the property with the Order or part of the Order, the person shall, subject to the Ontario *Building Code Act, S.O. 1992, c.23*, as amended, permit or arrange for a reasonable and timely inspection by the Officer to determine compliance or that the proof submitted confirms compliance.

PART 16 PENALTIES

- 16.1** Subject to Sections 16.2 and 16.3 of this By-law, every person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a penalty in accordance with Section 36 of the Ontario *Building Code Act, S.O. 1992, c.23*, as amended, and Section 61 of the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
- 16.2** Every person who fails to comply with an Order issued under this By-law which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for the first offence and to a fine of not more than \$100,000 for a subsequent offence.
- 16.3** If a corporation is convicted of the offence of failing to comply with an Order issued under this By-law, the maximum penalty that may be imposed on the corporation is \$100,000 for the first offence and \$200,000 for any subsequent offence.
- 16.4** Each day on which a person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in Section 429 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended.

PART 17 REPEAL

- 17.** Be it further enacted that the following By-law and all amendments to the said By-law hereinafter set forth is hereby repealed: By-law No. 87-69.

**PART 18
ENACTMENT**

18. This By-law comes into force and effect on the date of its passing

READ A 1st AND 2nd TIME this day of 2021 and
READ A 3rd TIME AND FINALLY enacted this day of 2021.

Mayor John MacEachern

Joleen Keough, Clerk

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

**SCHEDULE "A"
TO
BY-LAW 2021-__**

PROPERTY STANDARDS COMMITTEE

MEMBERSHIP & TERM OF OFFICE

Three (3) Citizens At-Large

First term 1 year

Person's name, Chair

Person's Name

Person's Name

(Second term to be determined)

Terms of Reference Forthcoming

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

**SCHEDULE "B"
TO
BY-LAW 2021-__**

FEEES

1. FEES FOR CERTIFICATES OF COMPLIANCE

An applicant shall pay the applicable fees for a Certificate of Compliance at the time the application is made as follows:

- a. For a single-family dwelling \$220.00
- b. For a two family, a three family dwelling or a multiple dwelling \$220.00 Plus an amount calculated at the rate of \$30.00 for each additional dwelling unit in excess of the first dwelling unit.
- c. For a lodging house or nursing home \$220.00 Plus an amount calculated at the rate of \$20.00 for each permitted resident.
- d. For all other buildings \$220.00 Plus an amount calculated at the rate of \$10.00 per 1,000 square feet of gross floor area for the gross floor area in the excess of the first 1,000 square feet.