



**THE CORPORATION OF THE TOWNSHIP OF BROCK**

**PROPERTY STANDARDS BY-LAW**

**NUMBER 1562-98-PP**

**Enacted November 2, 1998**

**THE CORPORATION OF THE TOWNSHIP OF BROCK**  
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# THE CORPORATION OF THE TOWNSHIP OF BROCK

## BY-LAW NUMBER 1562-98-PP

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF ALL PROPERTY WITHIN THE CORPORATION OF THE TOWNSHIP OF BROCK

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WHEREAS the Council of the Corporation of the Township of Brock deems it desirable to enact the following by-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards; and for requiring property below the standards prescribed herein to be repaired and maintained so as to comply with said standards or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS there is in effect an "Official Plan" that includes provisions relating to property standards as provided in the *Building Code Act*, S.O. 1992, c. 23, and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Township of Brock enacts the following:

### **PART 1**

#### **DEFINITIONS**

In this by-law:

- 1.01 "Accessory Building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 "Approved" means acceptance by the Property Standards Officer.
- 1.04 "Basement" means that space of a building that is partly below grade which has half or more of its height, measured from floor to ceiling, above the average exterior finished grade.
- 1.05 "Building" means a structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy.
- 1.06 "Cellar" means that space of a building that is partly or entirely below grade which has more than half of its height, measured from floor to ceiling, below the average exterior finished grade.
- 1.07 "Committee" means the Property Standards Committee.
- 1.08 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation.
- 1.09 "Dwelling Unit" means 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.
- 1.10 "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 feet) above grade.

- 1.11 **“Guard”** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it.
- 1.12 **“Habitable Room”** means any room in a dwelling unit that is designed, used or intended to be used for living, cooking, sleeping or eating purposes.
- 1.13 **“Means of Egress”** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, 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 building.
- 1.14 **“Multiple Dwelling”** means a building containing three or more dwelling units.
- 1.15 **“Non-Habitable Room”** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof, which does not comply with the standards of fitness for occupancy set out in this by-law.
- 1.16 **“Non-Residential Property”** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.17 **“Occupant”** means any person or persons over the age of eighteen years in possession of the property.
- 1.18 **“Officer”** means a Property Standards Officer appointed by by-law and assigned the responsibility for enforcing and administering this by-law.
- 1.19 **“Owner”** means the person, for the time being, managing or receiving the rent of, or paying the municipal taxes on the land or premises, in connection with which the word is used, whether on his/her own account or as agent, trustee, or any other person 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 the lease is required to repair and maintain the property in accordance with the Standards of Maintenance and Occupancy of the property.
- 1.20 **“Person”** means an individual, firm, corporation, association or partnership.
- 1.21 **“Property”** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- 1.22 **“Repair”** means the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, mending as may be required so that the property shall conform to standards established in this by-law.
- 1.23 **“Residential Property”** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.
- 1.24 **“Sewage System”** means the municipal sanitary sewer system or a private sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water.

- 1.25 "Standards" means the standards of the physical condition and of occupancy prescribed for property by this by-law.
- 1.26 "Toilet Room" means a room containing a water closet and a wash basin.
- 1.27 "Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, boat, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 1.28 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

## **PART II**

### **GENERAL STANDARDS FOR ALL PROPERTY**

- 2.01 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the *Ontario Building Code* where applicable.

### **YARDS**

- 2.02 All yards and vacant lots shall be kept clean and free from:
- (a) rubbish or debris and objects or conditions that might create a health, fire, or accident hazard;
  - (b) wrecked, dismantled, discarded, inoperative or abandoned machinery, vehicles, trailers, boats and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - (c) long grass, brush, undergrowth and overgrown trees, which may cause a hazard;
  - (d) dilapidated, collapsed or partially constructed structures;
  - (e) injurious insects, termites, rodents, vermin or other pests; and
  - (f) dead, decayed or damaged trees or other natural growth.

### **SUREACE CONDITIONS**

- 2.03 Surface conditions of yards shall be maintained so as:
- (a) to prevent ponding of storm water;
  - (b) to prevent instability or erosion of soil;
  - (c) to prevent surface water run-off from entering basements of buildings on the property;
  - (d) not to exhibit an unsightly appearance;
  - (e) to be kept free of garbage and refuse;
  - (f) to be kept free of deep ruts and holes;

- (g) to provide for safe passage under normal use and weather conditions, day or night.

### **SEWAGE AND DRAINAGE**

- 2.04 Sewage shall be discharged into the sewage system.
- 2.05 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.06 Roof or sump drainage shall not be discharged onto sidewalks, stairs, or directly onto adjacent property.

### **PARKING AREAS, WALKS AND DRIVEWAYS**

- 2.07 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 2.08 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

### **ACCESSORY BUILDINGS, FENCES AND OTHER STRUCTURES**

- 2.09 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.10 Accessory buildings, fences and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

### **GARBAGE DISPOSAL**

- 2.11 Every building, dwelling and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 2.12 All garbage, refuse and ashes shall be promptly placed in the suitable container and made available for removal in accordance with the municipal garbage by-law.
- 2.13 Garbage storage areas shall be screened from public view.

### **COMPOST HEAPS**

- 2.14 The occupant of a residential property may provide for a compost heap in accordance with health regulations, provided that the compost pile is no larger than 2.3 square metres (25 square feet) and 1.2 metres (4 feet) in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, or a commercial plastic enclosed container designed for composting.

## **PART III**

### **RESIDENTIAL STANDARDS**

#### **GENERAL CONDITIONS**

- 3.01 Every tenant or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis in accordance with municipal by-laws.
- 3.02 Every tenant or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture under their control, including hallways, entrances, laundry rooms, utility rooms and other common areas, in a clean, sanitary and safe condition.
- 3.03 Accumulation or storage of garbage, refuse, appliances or furniture in public hallways or stairways shall not be permitted.

#### **PEST PREVENTION**

- 3.04 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*.
- 3.05 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

#### **STRUCTURAL SOUNDNESS**

- 3.06 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the *Ontario Building Code*.
- 3.07 Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

#### **FOUNDATIONS**

- 3.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes but is not limited to the shoring of the walls to prevent settling, installing subsoil drains, when necessary, at the footings, grouting masonry cracks, waterproofing walls, joints and floors.
- 3.09 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers that extend below the frost line or to solid rock.

#### **EXTERIOR WALLS**

- 3.10 Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry, stucco and other defective cladding or trim. Paint or other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.



- 3.11 Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

### **WINDOWS AND DOORS**

- 3.12 Windows, doors, skylights and basement or cellar hatchways shall be maintained in good repair, weathertight and reasonably draft free to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors, it shall also be maintained in good repair.
- 3.13 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 3.14 Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 3.15 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.16 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

### **ROOFS**

- 3.17 Roofs of dwellings and their components shall be maintained in a weathertight condition, free from loose or unsecured objects or materials.
- 3.18 Accumulations of ice and/or snow shall be promptly removed from the roofs of dwellings and accessory buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.
- 3.19 Where eavestroughing or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

### **WALLS, CEILINGS AND FLOORS**

- 3.20 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.21 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of loose, warped, protruding, broken or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 3.22 Every floor in a bathroom, toilet room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

### **STAIRS, PORCHES AD BALCONIES**

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

### **GUARDRAILS AND BALUSTRADES**

- 3.24 A balustrade shall be installed and maintained in good repair on the open side or any stairway or ramp containing three or more risers including the landing or a height of 600 mm (24 inches). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

### **KITCHENS**

- 3.25 Every dwelling shall contain a kitchen area equipped with:
- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - (b) suitable storage area;
  - (c) a counter or work area, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
  - (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

### **TOILET AND BATHROOM FACILITIES**

- 3.26 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin and bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 3.27 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door.
- 3.28 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

### **PLUMBING**

- 3.29 Every dwelling unit shall contain at least one water closet, one wash basin, a bathtub or shower and one kitchen sink. All appropriate plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees F.).
- 3.30 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

- 3.31 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.32 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 3.33 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defect that may harbour germs or impede thorough cleansing.

### **ELECTRICAL SERVICE**

- 3.34 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.35 The electrical wiring, fixtures, switches, receptacles and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations Act*, as amended.
- 3.36 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 square feet) of floor space, and for each additional 9.3 square metres (100 square feet) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 3.37 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.38 Lighting fixtures and appliances installed throughout a dwelling unit including stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

### **HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- 3.39 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.
- 3.40 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended, or other applicable legislation.
- 3.41 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 3.42 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the *Ontario Building Code*.
- 3.43 All fuel burning appliances, equipment and accessories in a dwelling shall be properly vented to the outside air by means of a smoke pipe, vent pipe, chimney flue or other approved method.

- 3.44 Every chimney, smoke pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints and the repair of loose or broken masonry units.
- 3.45 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.

### **FIRE ESCAPES, ALARMS AND DETECTORS**

- 3.46 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.
- 3.47 In addition to the provisions of article 3.46 hereof, in every dwelling unit in a building, a listed product of combustion detector, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall:
- (a) be equipped with audio or audio-visual indication that they are in operating condition;
  - (b) be mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.
- 3.48 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

### **EGRESS**

- 3.49 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 3.50 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1.067 by 0.558 metres (42 x 22 inches) with a sill height of not more than 0.914 metres (36 inches) above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

### **NATURAL LIGHT**

- 3.51 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for

living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

### **VENTILATION**

- 3.52 Every habitable room in a dwelling unit, as well as kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 square feet) or an approved system of mechanical ventilation such that provide hourly air exchanges.
- 3.53 All systems of mechanical ventilation shall be maintained in good working order.
- 3.54 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

### **ELEVATING DEVICES**

- 3.55 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans and emergency communication systems shall be operational and maintained in good condition.

### **DISCONNECTED UTILITIES**

- 3.56 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

### **OCCUPANCY STANDARDS**

- 3.57 The number of occupants residing on a permanent basis in an individual dwelling unit shall not exceed one person for every nine square metres of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.
- 3.58 No room shall be used for sleeping purposes unless it has a minimum width of two metres and a floor area of at least seven square metres. A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person.
- 3.59 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements;
- (a) each habitable room shall comply with all the requirements set out in this by-law;
  - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
  - (c) each habitable room shall be separated from the fuel-fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the *Ontario Building Code*;
  - (d) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room.

## **PART IV**

### **VACANT LANDS AND BUILDINGS**

#### **VACANT LAND**

- 4.01 All vacant land shall be kept clean and free from:
- (a) rubbish or debris and objects or conditions that might create a health, fire or accident hazard;
  - (b) wrecked, dismantled, discarded, inoperative or abandoned machinery, vehicles, trailers, boats and/or their component parts unless it is necessary for the operation of a business enterprise lawfully situated on the property;
  - (c) long grass, brush, undergrowth and overgrown trees, which may cause a hazard;
  - (d) dilapidated, collapsed or partially constructed structures;
  - (e) injurious insects, termites, rodents, vermin or other pests; and
  - (f) dead, decayed or damaged trees or other natural growth.
- 4.02 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

#### **VACANT BUILDINGS**

- 4.03 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 4.04 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened.

## **PART V**

### **NON-RESIDENTIAL PROPERTY STANDARDS**

#### **YARDS**

- 5.01 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 feet) in height and not greater than 2.6 metres (8.5 feet) and maintained in good repair. This provision shall not apply to areas covered by a site plan agreement.

### **PARKING AREAS AND DRIVEWAYS**

- 5.02 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, for non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface.
- 5.03 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

### **STRUCTURAL SOUNDNESS**

- 5.04 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the *Ontario Building Code*. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 5.05 Walls, roofs and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

### **EXTERIOR WALLS**

- 5.06 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco and other defective cladding or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 5.07 Exterior walls of a building or a structure and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

### **GUARDRAILS AND BALUSTRADES**

- 5.08 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three or more risers including the landing or a height of 600 mm (24 inches). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

### **LIGHTING**

- 5.09 All non-residential establishments shall install and maintain sufficient windows, skylights and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

## **PART VI**

### **ADMINISTRATION AND ENFORCEMENT**

- 6.01 This by-law shall apply to all property within the limits of the municipality and shall be enforced on a written and signed complaint basis only.
- 6.02 The imperial measurements contained in this by-law are given for reference only.

### **OFFICERS**

- 6.03 The council of the municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law.
- 6.04 An officer or any person acting under his/her instructions may at reasonable times and on producing proper identification enter and inspect any property.
- 6.05 An officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 21 of the *Building Code Act*.

### **ORDER TO COMPLY**

- 6.06 Where an Officer finds that a property does not conform to any of the standards prescribed in this by-law, the Officer may make an Order:
- (a) stating the municipal address or the legal description of such property;
  - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
  - (c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - (d) indicating the final date for giving notice of appeal from the Order.
  - (e) Service shall be deemed to have been made on the fifth day after mailing of the Order.
- 6.07 An Order issued in accordance with article 6.06 shall be served on the owner of the property and such other persons affected by it as the Officer determines. It shall be served personally or by registered mail sent to the last known address of the person to whom the Order is being given.

### **REGISTRATION OF ORDER**

- 6.08 An Order made under article 6.06 may be registered in the proper land registry office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under article 6.06, and when the requirements of the Order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.



### **PROPERTY STANDARDS COMMITTEE**

- 6.09 There shall be and is hereby established a Property Standards Committee composed of the Council of the Corporation of the Township of Brock.
- 6.10 The Committee shall elect from among themselves a Chairman and shall make provision for a Secretary, said Secretary being an employee of the municipality, but not an officer.
- 6.11 A majority of the Committee constitutes a quorum.
- 6.12 The Secretary shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committee.
- 6.13 When the owner or occupant upon whom an Order has been served in accordance with article 6.06 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by registered mail to the Secretary of the Committee within fourteen days after service of the Order.
- 6.14 In the event that no Appeal is taken, the Order shall be deemed to have been confirmed.
- 6.15 Upon receipt of the Notice of Appeal the Secretary shall determine a date, time and place for the hearing of the Appeal which shall take place not less than seven days and not more than thirty days from the date of receipt of the aforementioned Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Committee members and the Officer.
- 6.16 Where an Appeal has been taken, the Committee shall hear the Appeal and shall have all the authority and functions of the Officer and may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the by-law and of the Official Plan or policy statement are maintained.

### **APPEAL TO ONTARIO COURT**

- 6.17 The municipality or any owner or occupant or other person affected by a decision of the Committee may appeal to a judge of the Ontario Court (General Division) by notifying the Clerk of the Corporation in writing and by applying to the Ontario Court (General Division) for an appointment within fourteen days after the sending of a copy of the Decision.
- 6.18 A judge of the Ontario Court (General Division) 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. On the appeal, the judge has the same powers and functions as the Committee.

### **PENALTY**

- 6.19 Every owner or occupant of property shall comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order as confirmed or modified, the municipality, in addition to other remedies:
- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
  - (b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the municipality under the provisions of this article;

- (c) 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 provisions of section 36 of the *Building Code Act*, S.O. 1992, c. 23.

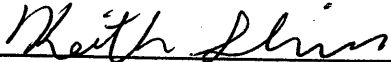
**VALIDITY**

- 6.20 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 6.21 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 6.22 This by-law may be referred to as the "Property Standards By-Law."
- 6.23 This by-law shall come into force and effect upon the date of its final passage.

**REPEAL OF EXISTING BY-LAW**

- 6.24 By-Law Number 613-84-PP and its amendments are hereby repealed.

THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF NOVEMBER, 1998.

  
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MAYOR

  
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CLERK, ADMINISTRATOR