

# Township of Lucan Biddulph

## BY-LAW NO. 15-2013

### BEING A PROPERTY STANDARDS BY-LAW RESPECTING THE OCCUPANCY AND MAINTENANCE REQUIREMENTS FOR ALL BUILDINGS

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WHEREAS the Official Plan for the Township of Lucan Biddulph includes provisions relating to the establishment of minimum standards for the maintenance and occupancy of property and associated buildings;

AND WHEREAS section 15.1 of the *Building Code Act, 1992* provides that the Council may pass a by-law with respect to the prescribing of standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards on the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

AND WHEREAS Section 11 of the *Municipal Act, 2001* provides that a Township may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the Township;

AND WHEREAS Section 391 of the *Municipal Act, 2001* provides that a Township may impose fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid,

NOW THEREFORE the Council of the Township of Lucan Biddulph hereby enacts as follows:

1. **SHORT TITLE**

This by-law may be cited as the "Property Standards – Occupancy and Maintenance By-law".

2. **DEFINITIONS**

In this By-law:

- 2.1 "Acceptable" means accepted by the Officer with respect to the standards set out in this by-law.
- 2.2 "Act" means the *Building Code Act, 1992, S.O. 1992, c.23* as amended.
- 2.3 "Building Code" means the regulations made under section 34 of the Act.
- 2.4 "Engineer" means a professional engineer licenced to practice in the Province of Ontario.
- 2.5 "Exterior Property Areas" means the property excluding buildings.
- 2.6 "Fence" means any fence, boundary or private, and shall include privacy screens.
- 2.7 "Ground Cover" means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass or other equivalent landscaping.
- 2.8 "Habitable Space" means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom.

- 2.9 “Maintained” means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenances including mechanical equipment required so they may properly perform the intended function.
- 2.10 “Township” means the Township of Lucan Biddulph.
- 2.11 “Officer” means a By-law Enforcement Officer, Building Inspector or Chief Building Official as appointed by the Council of the Township.
- 2.12 “Owner” means the person who holds legal title to a property.
- 2.13 “Vacant Building” means a building or part of a building that is not used or is not occupied.

Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Building Code.

### 3. GENERAL DUTY TO REPAIR

- 3.1 The owner of a property that does not conform to the standards of this by-law shall repair and maintain the property to conform with the standards of the by-law.
- 3.2 All repairs to comply with this by-law shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer.
- 3.3 This by-law applies to all property within the Township.
- 3.4 All repairs to be carried out inside a vacant building or inside a vacant part thereof shall be carried out before the vacant building or vacant part is used or occupied.

### 4. ENVIRONMENT

- 4.1 Exterior Property Areas
- 4.1.1 Exterior property areas shall be maintained in order to provide a safe access.
- 4.1.2 Without restricting the generality of subsection 4.1.1, maintained for safe access includes (but is not limited to):
- (a) eliminating all potential slip, trip or fall hazards;
  - (b) the proper abandonment of unused wells, cisterns or septic tanks;
  - (c) ensuring that all wells and septic tanks have durable lids;
  - (d) removal of dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe condition; and
  - (e) removal of objects or parts thereof, or accumulated material that creates an unsafe condition.
- 4.1.3 Driveways, ramps, parking areas, paths, outside stairs and landings, except for those on properties zoned and used for agricultural purposes, shall be:
- (a) surfaced, resurfaced, repaired or regraded to provide a uniform surface for pedestrian or vehicle use; and
  - (b) with the exception of single family dwellings, provided with markings or islands, to indicate parking spaces, ingress and egress routes and snow piling areas.
- 4.1.4 Exterior property areas shall be graded and/or provided with ground cover as appropriate to prevent unstable soil conditions, or erosion.
- 4.1.5 Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.
- 4.2 Accessory buildings shall be maintained.
- 4.3 Fences shall be maintained.

- 4.4 Retaining walls shall be maintained and where a retaining wall in excess of 600 mm (24 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.
- 4.5 Where refuse is stored or placed for disposal inside the enclosing walls of a building, the storage and placement for disposal shall:
  - (a) comply with the Building Code; and
  - (b) be large enough to contain all refuse generated between collections by the occupants served.
- 4.6 Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained except that acceptable alternatives may be provided if readily accessible to occupants.

## 5. BUILDINGS

### 5.1 Structural

- 5.1.1 A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds.
- 5.1.2 If, in the opinion of the Officer, there is doubt as to the structural condition of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by an engineer and that a written report, which may include drawings for any recommended remedial work designed by the engineer and giving details of the findings of such examination, be submitted to the Officer.
- 5.1.3 The Officer may accept the findings in the report pursuant to subsection 5.1.2 as the requirements for compliance with the required repairs, provided the Officer is satisfied all deficiencies have been identified and appropriately dealt with by the report.

- 5.2 The foundations, walls, columns, beams, floor and roof slabs of a building including ancillary structures such as parking garages shall be maintained.

### 5.3 Doors, Windows and Skylights

- 5.3.1 Apertures on the exterior surface of a building designed for doors, windows or skylights shall be provided with a door, window or skylight capable of performing the intended function.
- 5.3.2 All doors, windows, skylights and shutters, including storm and screen doors and windows shall be maintained, including but not limited to:
  - (a) the refitting, replacing or renewing of damaged, decaying or defective doors; windows, frames, sashes, casings, shutters, hatchways or screens;
  - (b) reglazing cracked, broken or missing glass;
  - (c) replacing or providing defective or missing hardware;
  - (d) re-screening or weatherstripping where such is defective or missing; and
  - (e) painting or the applying of a similarly effective preservative.
- 5.3.3 All entrance doors to a dwelling and all opening windows in a dwelling unit shall be provided with the means of being latched or secured from within.
- 5.3.4 All windows that can be or are required to be openable in a dwelling unit shall be provided with screens to effectively prevent the entry of insects.

### 5.4 Roofs and Roof Structures

- 5.4.1 Every roof including related roof structures, acceptable roof covering materials, fascias, soffits, eavestroughs, roof gutters, downpipes, guards and lightning arrestors shall be maintained in a water tight condition using acceptable materials.
- 5.4.2 Chimneys, smoke or vent stacks and other roof structures shall be maintained and free from:
  - (a) loose bricks and mortar and loose or broken capping; and
  - (b) loose or rusted stanchions, guy wires, braces and attachments or other unsafe conditions.

- 5.5 Floors, Stairs, Verandas, Porches, Decks, Loading Docks and Balconies
- 5.5.1 Every floor, stair, veranda, porch, deck, balcony and every appurtenance and surface finishing attached or laid thereto shall be maintained.
- 5.5.2 Without restricting the generality of subsection 5.5.1, maintenance includes:
- (a) repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet that contain depressions, protrusions or are broken, torn, warped, loose or otherwise defective;
  - (b) renewing or strengthening structural members that are rotted, deteriorated or loose;
  - (c) repainting or the re-applying of other equivalent preservative, if required.
- 5.5.3 A guard of acceptable height shall be provided and maintained along the open sides of balconies, mezzanines, landings or other areas where the vertical drop exceeds 600 mm (24 inches).
- 5.5.4 Every exterior stair with more than 4 risers and every interior stair with more than 2 risers shall be protected with guards on all open sides.
- 5.5.5 Guards shall be a minimum height of 1070 mm (3 ft 6 inches) except where the walking surface served by the guard does not exceed 1800 mm (5 ft 11 inches), a guard may be reduced to a height of 900 mm (36 inches).  
Openings within guards serving a residential occupancy shall be a size that will prevent the passage of a spherical object having a diameter of 100 mm (4 inches) and shall be of such an acceptable pattern or construction that will not facilitate climbing.
- 5.5.6 A handrail shall be provided and maintained on all stairs having more than three risers.
- 5.5.7 A handrail shall be provided on both sides for any stair wider than 1100mm (3 ft 7 inches) unless serving a single dwelling unit.
- 5.6 Exterior Surfaces
- 5.6.1 All exterior surfaces on a building shall be maintained.
- 5.6.2 Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.
- 5.7 Interior cladding and finishes of walls and ceilings including elevator cages shall be maintained.
- 5.8 Human Habitation and Occupancy Standards
- 5.8.1 Only habitable space shall be used for occupancy.
- 5.8.2 Dwelling - Use - Human Habitation  
No dwelling unit shall be used for human habitation unless:
- (a) interior cladding and finishes of walls, ceilings and floors are in accordance with sections 5.5 and 5.7;
  - (b) doors and windows are in accordance with section 5.3;
  - (c) a heating system is provided and maintained in accordance with section 6.1;
  - (d) plumbing and drainage systems are maintained in accordance with section 6.2;
  - (e) electrical systems are maintained in accordance with section 6.3;
  - (f) the minimum floor areas are in accordance with subsection 5.8.7;
  - (g) the minimum headroom is in accordance with subsection 5.8.5;
  - (h) guards and handrails are in place in accordance with section 5.5.
- 5.8.3 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.
- 5.8.4 The minimum floor to ceiling headroom for habitable space shall be acceptable.
- 5.8.5 Ventilation shall be provided and maintained as follows:
- (a) every habitable room except for a living room and a dining room shall be provided with:
    - (i) natural ventilation; or
    - (ii) mechanical ventilation which shall change the air once each hour.

- (b) every washroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 0.092 m<sup>2</sup> (1 sq ft);
  - (c) an opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the dwelling;
  - (d) a crawl space or non-habitable basement space shall be adequately ventilated to the exterior by natural or mechanical means; and
  - (e) in residential buildings with multiple dwelling units, every laundry room, garbage disposal room, boiler room, storage garage, public corridors and other similar public rooms or spaces of the building shall be adequately ventilated.
- 5.8.6 The maximum number of residents in a dwelling unit shall not exceed one (1) person per 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) of habitable floor space.
- 5.8.7 Bedrooms shall be provided with one or more windows and/or skylights that have a minimum light transmitting area of 2.5% of the floor area.
- 5.8.8 Each dwelling unit shall have kitchen facilities:
- (a) equipped with a sink that:
    - (i) is provided with potable hot and cold water; and
    - (ii) is maintained;
  - (b) equipped with electrical or other service, fuel or utility outlets suitable for refrigerator and cooking stove;
  - (c) equipped with an impervious splashback and counter top around the kitchen sink; and
  - (d) when equipped with a refrigerator, cooking stove, kitchen fixtures and fittings have such appliances, fixtures and fittings maintained.
- 5.8.9 Each dwelling unit shall have enclosed sanitary facilities with at least one containing:
- (a) toilet;
  - (b) wash basin;
  - (c) bathtub or shower;
  - (d) water resistant floor;
  - (e) water resistant wall around the bathtub or shower; and
  - (f) a door in the enclosure that can be secured from the inside and can be opened from the outside in an emergency.
- 5.9 All buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the *Pesticides Act, R.S.O.* and all regulations enacted pursuant thereto.
- 5.10 Vacant Lands and Buildings
- (a) Vacant land and buildings shall be maintained to the standards as described in Section 4 and Section 5 of this by-law.
  - (b) Vacant buildings shall be kept cleared of all garbage, rubbish, debris and vermin 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 building.
  - (c) The Owner or agent of a vacant building shall board up the building by covering all openings through which entry may be obtained with at least 12.7mm weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.
  - (d) Vacant buildings as described in clause (b) and (c) are permitted to be vacant for a period of time not exceeding six months.
  - (e) Vacant buildings as described in (d) that are not maintained within the prescribed time frame, may be upgraded to be in conformance with this by-law by the Township, or if not economically feasible to upgrade the building the land

and the building may be cleared by the Township.

## **6. BUILDING SERVICES, SYSTEMS AND FACILITIES**

- 6.1 Heating, Ventilating and Mechanical Systems
  - 6.1.1 Heating, ventilating and mechanical systems including factory built stoves, fireplaces and chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat and air conditioning or other services shall be maintained.
  - 6.1.2 Every dwelling unit shall be provided with a heating system capable of maintaining an indoor air temperature of 20 degrees Celsius within all habitable rooms, and not less than 15 degrees Celsius in unfinished basements or cellars. Crawl spaces need not be heated.
  - 6.1.3 Portable heating equipment shall not be used as the primary source of heat for any dwellings or living accommodations.
  
- 6.2 Plumbing and Drainage Systems
  - 6.2.1 Plumbing and drainage systems shall be provided and installed so that such systems:
    - (a) are free from leaks and adequately protected from freezing;
    - (b) supply potable hot and cold water commensurate with the normal requirements of the use and or occupancy served; and
    - (c) operated to provide, at the hot water outlets in each dwelling unit, hot water at a temperature of not less than 45 Celcius (113 Fahrenheit).
  - 6.2.2 Where washing machines and plumbing fixtures are provided they shall be maintained.
  - 6.2.3 Air conditioners shall be equipped with proper devices to prevent condensation draining onto publicly owned sidewalks, walkways, entrances and other pedestrian routes.
  
- 6.3 Electrical Systems
  - 6.3.1 Dwelling units and, where required by the Ontario Electrical Code, buildings and all parts thereof shall be provided with outlets to receive electricity from an electrical supply system.
  - 6.3.2 Lighting equipment shall be provided and maintained throughout all buildings so as to provide adequate illumination for the intended use of each space.
  - 6.3.3 A lighting outlet with a fixture shall be provided and maintained in every laundry room, furnace room, garbage room, utility room, storage room, service room, unfinished basements in dwelling units and any other public spaces in residential buildings.
  - 6.3.4 Every exit, public corridor or corridor providing access to exit for the public and storage garages shall be provided with lighting fixtures, to be maintained, which furnish an average illumination level of 50 lux (4.6 foot candles) at floor or tread level.

## **7. GENERAL PROHIBITIONS**

- 7.1 No person shall remove an order posted by an Officer.
- 7.2 No person shall fail to comply with an order of an Officer.
- 7.3 No person shall fail to maintain a safe access to a property.
- 7.4 No person shall fail to maintain a fence.
- 7.5 No person shall fail to maintain a building.
- 7.6 No person shall occupy or allow occupancy of a building which fails to meet human habitation and occupancy standards.
- 7.7 No person shall restrict the access of an Officer.

## 8. ENFORCEMENT

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* and as set out in Schedule "A", Set Fines.

## 9. ESTABLISHMENT OF A COMMITTEE

- 9.1 Council of the Township shall establish a Committee of not fewer than three to hold office for up to a four year period.
- 9.2 Council shall forthwith fill any vacancy that occurs in the membership of the Committee.
- 9.3 The Committee shall elect a chair from among themselves and when the chair is absent, may appoint an acting chair.
- 9.4 A majority of members constitutes a quorum for transacting the Committee's business.
- 9.5 The members shall provide for a secretary for the Committee.
- 9.6 The secretary shall keep on file the records of all official business of all applications and minutes of all decisions respecting those applications.
- 9.7 The Committee may adopt its' own rules of procedure and any member may administer oaths.
- 9.8 The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

## 10. APPEAL TO COMMITTEE

An owner who appeals an Order shall pay the fee for the appeal, as set out in the Township's Fees and Charges By-law, at the time the appeal is filed.

- 10.1 When the Owner or Occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, they may appeal to the Property Standards Committee by sending a notice of appeal, stating the reasons for the appeal in writing to the secretary of the committee within fourteen (14) days after the service of the order, and, in the event that no appeal is taken, the order shall be deemed to have confirmed.
- 10.2 The Secretary of the Committee shall, upon receipt of the notice of appeal, fix an appointment for hearing thereof and within fourteen (14) days of receipt of the notice of appeal provide notice in writing of the appointment for hearing to the appellant and to the Officers who issued the order.
- 10.3 An Owner who appeals an order shall pay to the Clerk of the Township the fee for the appeal as set out in the Fees By-law at the time the appeal is filed.
- 10.4 Decision on Appeal
  - 10.4.1 Where an appeal has been taken, the Committee shall hear the appeal within fourteen (14) days of the date of the notice of the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and the official plan are maintained.
  - 10.4.2 The Secretary of the Committee shall give a copy of its written decision to the appellant and the Officer who issued the order.

11. **VALIDITY AND SEVERABILITY**

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

12. **EFFECTIVE DATE**

12.1 This by-law comes into force and takes effect on the final passing thereof.

READ a FIRST, SECOND AND THIRD TIME and FINALLY PASSED on this 18<sup>th</sup> day of March, 2013.

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**MAYOR**

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**CLERK**



**TOWNSHIP OF LUCAN BIDDULPH**

**BY-LAW NUMBER 15-2013  
PROPERTY STANDARDS – OCCUPANCY AND MAINTENANCE BY-LAW**

**SCHEDULE “A”**

**PART I PROVINCIAL OFFENCES ACT  
SET FINES**

<b>ITEM</b>	<b>COLUMN 1 SHORT FORM WORDING</b>	<b>COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE</b>	<b>COLUMN 3 SET FINE</b>
1.	Removal of Order	Section 7.1	\$200.00
2.	Fail to Comply with Order	Section 7.2	\$200.00
3.	Fail to Maintain Safe Access	Section 7.3	\$200.00
4.	Fail to Maintain a Fence	Section 7.4	\$200.00
5.	Fail to Maintain a Building	Section 7.5	\$200.00
6.	Occupy or Allow Occupancy of a Building not to Human Habitation and Occupancy Standards	Section 7.6	\$200.00
7.	Failure to allow access of an Officer	Section 7.7	\$200.00