



**PROPERTY STANDARDS
COMMITTEE
MEETING AGENDA**

**THURSDAY, OCTOBER 8, 2015
6 P.M.**

**COUNCIL CHAMBERS
AURORA TOWN HALL**



**TOWN OF AURORA
PROPERTY STANDARDS COMMITTEE
MEETING AGENDA**

Thursday, October 8, 2015
6 p.m.
Council Chambers

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

2. APPROVAL OF THE AGENDA

RECOMMENDED:

THAT the agenda as circulated by Legal and Legislative Services be approved.

3. RECEIPT OF THE MINUTES

4. DELEGATIONS

5. MATTERS FOR CONSIDERATION

- 1. Memorandum from Director of Legal & Legislative Services/Town Solicitor** pg. 1
Re: Property Standards Committee Appeal Hearing Procedures

RECOMMENDED:

THAT the memorandum regarding "Property Standards Committee Appeal Hearing Procedures" be received; and

THAT the Property Standards Committee Appeal Hearing Procedures attached to this memorandum are hereby adopted.

6. INFORMATIONAL ITEMS

7. NEW BUSINESS

8. ADJOURNMENT



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Town of Aurora
Legal & Legislative Services

MEMORANDUM

DATE: October 8, 2015
TO: Property Standards Committee Members
FROM: Warren Mar, Director of Legal & Legislative Services/Town Solicitor
RE: **Property Standards Committee Appeal Hearing Procedures**

RECOMMENDATIONS

THAT the memorandum regarding "Property Standards Committee Appeal Hearing Procedures" be received; and

THAT the Property Standards Committee Appeal Hearing Procedures attached to this memorandum are hereby adopted.

COMMENTS

The Town of Aurora is currently in the process of scheduling a Property Standards Committee Appeal Hearing regarding three Notices of Appeal that have been received.

The Terms of Reference for the Property Standards Committee advises that the Committee was appointed by Council to sit and hear appeals of any Orders to Comply issued by staff under the Town's Property Standards By-law relating to the conditions of properties in Town.

Prior to the Appeal Hearing, the Property Standards Committee will review the procedures, attached to this memo, with members of relevant staff from Legal & Legislative Services. Pursuant to s. 2.1.9 of the Property Standards By-law and s. 15.6(8) of the *Building Code Act, 1992*, the Committee is empowered to adopt its own rules of procedure.

ATTACHMENTS

- Attachment #1: By-law Number 4044-99.P – Being a By-law Respecting Property Standards
- Attachment #2: *Building Code Act, 1992*, S.O. 1992, c. 23, as amended – ss. 15.1 to 15.8 (Property Standards)
- Attachment #3: Proposed Procedures for a Property Standards Committee Appeal Hearing

Attachment #1

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 4044-99.P

***BEING A BY-LAW RESPECTING
Property Standards***

WHEREAS the section 15.1 of the Building Code Act, R.S.O. 1990 c.B.13, as amended, authorizes the passing of a by-law for prescribing standards for the maintenance and occupancy of property within the municipality;

AND WHEREAS the Council of the Corporation of the Town of Aurora deems it expedient to repeal By-laws No. 3384-92, 3292-91, 3069-89 and 2732-85 and to enact the within By-law to prescribe standards for the maintenance and occupancy of property within the Town of Aurora;

AND WHEREAS the Town of Aurora has adopted an approved Official Plan, which includes provisions relating to conditions of maintenance and occupancy of property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

Section 1.1 Scope

1.1.1 This By-law applies to all property within the municipality.

Section 1.2 Definitions

- 1.2.1 "Accessory Building" means a structure that is located on the same lot as a main building (and includes a portion of a main building) where such structure or portion of a main building is devoted exclusively to a use that is naturally and normally incidental to and is subordinate to the main use of the lot.
- 1.2.2 "Apartment Building" means a building containing three or more dwelling units, each having access from an internal corridor system.
- 1.2.3 "Approved" means approved by a Property Standards Officer, duly appointed by the Corporation in that regard.
- 1.2.4 "Basement" means the storey or storeys of a building that are located below the first storey.
- 1.2.5 "Building" means a structure occupying an area greater than 10 square metres and consisting of a wall, roof and floor, or a structural system serving the function thereof, and every part of the structure that is attached thereto.
- 1.2.6 "Clean and Sanitary" means clean and sanitary to the satisfaction of the Medical Officer of Health for the Regional Municipality of York or a Public Health Inspector appointed to administer the Health Protection and Promotion Act and Regulations.
- 1.2.7 "Common Rooms" means those areas of a dwelling unit which are used or intended to be used by all occupants of the unit for common living purposes and will includes living, dinning and family rooms.
- 1.2.8 "Corporation" means the Corporation of the Town of Aurora.
- 1.2.9 "Council" means the Council of the Corporation.
- 1.2.10 "Deleterious" means deleterious in the opinion of the Medical Officer of Health

for the Regional Municipality of York.

- 1.2.11 "**Demolition**" means clearing a property of all structures and refuse and leaving such property in a level, graded condition and "demolish" shall have the same meaning.
- 1.2.12 "**Dwelling**" means a building or structure any part of which is used or is designed or constructed to be used for the purpose of human habitation and "dwelling" includes a building or structure that is designed or constructed for human habitation, despite its state of disrepair or incomplete construction.
- 1.2.13 "**Dwelling Unit**" includes a room or suite of rooms, used or designed or constructed to be used as a domicile by one or more persons containing cooking, eating, sleeping and sanitary facilities and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building.
- 1.2.14 "**Exit**" means that part of a means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.
- 1.2.15 "**Fire-Resistance Rating**" means the time in hours or a fraction thereof that a material will withstand the passage of flame or the transmission of heat when exposed to fire under specified conditions of test and performance criteria or as determined by extension or interpretation of information derived therefrom as prescribed in the Ontario Building Code.
- 1.2.16 "**First Storey**" means the storey of a structure having its floor closest to grade and having its ceiling more than 1.8 metres (6 feet) above grade.
- 1.2.17 "**Floor Area**" means the space on any storey of a building between the exterior walls and required fire walls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.
- 1.2.18 "**Grade**" means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.2.19 "**Ground Cover**" means organic or non-organic material and includes concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.
- 1.2.20 "**Guard**" means a barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations designed to attempt to prevent accidental falls from one level to another.
- 1.2.21 "**Habitable Room**" means any room in a dwelling unit used or capable of being used for living, sleeping, cooking or eating purposes.
- 1.2.22 "**Injurious**" means injurious in the opinion of the Medical Officer of Health for the Regional Municipality of York.
- 1.2.23 "**Keep**" means to own or manage a property, and an agent or lessee who, under the terms of a lease, is required to repair and maintain the property, keeps such property.
- 1.2.24 "**Means of Egress**" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of persons from any point in a building, floor area, room or contained open space to an open public

- thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.
- 1.2.25 "Mixed-Use Building" means a building used in part for residential purposes and in part for non-residential purposes.
- 1.2.26 "Municipality" means the geographic area of the Town of Aurora.
- 1.2.27 "Multiple Dwelling" means a building or portion thereof containing two or more dwelling units and shall include group dwellings either held or maintained under single ownership or established and maintained under the provisions of the Condominium Act or as a Co-operative.
- 1.2.28 "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, 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.
- 1.2.29 "Non-Residential Property" means a building or structure or part of a building or structure that is not designed or constructed to be and is not occupied in whole or in part for the purposes of human habitation.
- 1.2.30 "Noxious Weeds" means any weed classed as noxious pursuant to the Noxious Weeds Act of the Province of Ontario.
- 1.2.31 "Nuisance" includes an injurious, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust, or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.
- 1.2.32 "Occupant" means any person or persons over the age of eighteen years in possession of any property.
- 1.2.33 "Owner" means the owner of any property and includes any person managing or receiving the rent of the property and includes a lessee or occupant of the property who, under the terms of its occupancy, is required to repair and maintain the property and any mortgagee in possession.
- 1.2.34 "Person" includes an individual, firm, corporation, association or partnership.
- 1.2.35 "Plumbing Fixture" means a receptacle or equipment that receives either liquid or sanitary sewage and discharges water liquids or sanitary sewage directly into drainage piping.
- 1.2.36 "Property" means any parcel of land held in separate title and includes any structure or building appurtenant thereto or located thereon.
- 1.2.37 "Property Standards Officer" means a person appointed by Council for the purposes of administering and enforcing this By-law.
- 1.2.38 "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.
- 1.2.39 "Residential Property" means a building or structure or part of a building or structure that is used or designed or constructed for use as a dwelling unit.

- 1.2.40 "Sanitary Unit" means a water closet, urinal, bidet, or bedpan washer.
- 1.2.41 "Sewage System" means the Corporation's sanitary sewer system or a private sewage disposal system that has been approved by the Chief Building Official of the Town.
- 1.2.42 "Sign" includes any sign as defined within the Corporation's Sign By-law No. 3400-92 and Mobile Sign By-law No. 3447-93, or successor legislation thereto.
- 1.2.43 "Sleeping Quarters" means any habitable room in a dwelling unit used for the purposes of sleeping arrangements for any occupant thereof.
- 1.2.44 "Standards" means the standards of physical condition and of occupancy prescribed for property in this By-law.
- 1.2.45 "Storage Garage" means a structure or part thereof used or designed or constructed for the storage or parking of more than five motor vehicles and which contains no provision for the repair or servicing of such vehicles.
- 1.2.46 "Storey" means the portion of a structure which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- 1.2.47 "Structure" means anything that is erected, built or constructed of parts joining together and affixed or fixed directly or indirectly to the ground, however excluding fences, signs and retaining walls.
- 1.2.48 "Supplied" means installed, furnished or provided by the owner.
- 1.2.49 "Toilet Room" means a room in which sanitary units are installed.
- 1.2.50 "Unsafe" means a condition that could be hazardous to the health or safety of persons in the normal use of a lot, yard or building, persons outside the building or persons whose access to the building has not been reasonably prevented.
- 1.2.51 "Waste" means material or effluent that:
- (a) Appears to have been cast aside or discarded or abandoned, whether it is or not; or
 - (b) Appears to be worthless or useless or of no practical value whether it is or not; or
 - (c) Appears to be used up, in whole or in part, or expended or worn out in whole or in part;
- and includes, but is not limited to:
- (i) Accumulations, deposits, leavings, litter, remains, rubbish, trash;
 - (ii) Refrigerators, freezers or other appliances, any attached hinges or latching, locking or other closing mechanism or device, or any part thereof;
 - (iii) Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks, or any part thereof;
 - (iv) Inoperative motor vehicles, vehicle parts and accessories;
 - (v) Paper, cartons;

- (vi) Furniture;
- (vii) Crockery;
- (viii) Sewage;
- (ix) Salvage materials;
- (x) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (xi) Containers of any size, any type or any composition;
- (xii) Material resulting from, or as part of, construction or demolition projects;
- (xiii) Rubble, inert fill; and
- (ixx) Bones, feathers, or hides.

1.2.52 "Yard" means the area on a lot between the nearest main wall of the main building and a lot line.

ADMINISTRATION

Section 2.1 Property Standards Committee

- 2.1.1 A Property Standards Committee (the "committee") is hereby established consisting of not less than three and not more than five persons, each of which shall hold a term of office for three years.
- 2.1.2 The committee is hereby empowered to exercise the authority accorded such a committee pursuant to the Building Code Act S.O. 1992, c.23, as amended.
- 2.1.3 The Council shall forthwith fill any vacancy that occurs in the membership of the committee.
- 2.1.4 The members of the committee shall be paid such compensation as the council may provide, from time to time.
- 2.1.5 The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair.
- 2.1.6 A majority of the members constitutes a quorum for transacting the committee's business.
- 2.1.7 The members shall provide for a secretary for the committee.
- 2.1.8 The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 74 of the Municipal Act applies with necessary modifications to the minutes and records.
- 2.1.9 The committee may, subject to subsection 2.1.10, adopt its own rules of procedure and any member may administer oaths.
- 2.1.10 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

Section 2.2 The Property Standards Officer/Certificates of Compliance

- 2.2.1 The Council may, by By-law, appoint a Property Standards Officer(s) responsible for the administration and enforcement of this By-law.
- 2.1.2 Any Police Officer, Building, Housing, Plumbing, Electrical, Heating or Public Health Inspector or Fire Prevention Officer of the Town or the Corporation of the Regional Municipality of York or a Ministry of the Province of Ontario is hereby authorized to act as an assistant to the Property Standards Officer when required from time to time.
- 2.1.3 Following the inspection of a property where a violation of any of the provisions of this By-law has been noted, if so requested, the Property Standards Officer shall issue to the owner a certificate of compliance if the property is in compliance with the standards of this By-law following a subsequent inspection.
- 2.1.4 The fee for a certificate of compliance issued at the request of an owner pursuant to section 2.1.3 shall be as set out in Schedule "A" attached to this By-Law.

PROHIBITIONS

Section 3.1 General Prohibitions

- 3.1.1 No person shall keep, occupy or permit the occupancy of any property that does not conform to the standards set out in this By-law.
- 3.1.2 No person shall remove from any property any sign, notice or placard placed thereon pursuant to the authority of the Building Code Act in relation to this By-law.

Section 3.2 Requirement to Repair or Demolish

- 3.2.1 No owner of any property, which does not conform to the standards, shall use or occupy or permit the use or occupancy of any property unless such owner repairs and maintains such property to conform to the standards of this By-law.
- 3.2.2 No owner of any property, having received an Order to demolish respecting a property pursuant to this By-law shall fail to abide by and conform to the terms of that Order.

DEMOLITION OR REPAIR BY THE CORPORATION

Section 4.1 General Power

- 4.1.1 If the owner of a property fails to demolish or repair the property in accordance with the requirements of an Order, as confirmed or modified, the Corporation in addition to all other remedies:
 - (a) Shall have the right to demolish or repair the property in accordance with the terms of the Order and for such purpose shall have the right, through its employees, agents or sub contractors to enter in and upon the property;
 - (b) Shall not be liable to compensate the owner, or its tenants or other persons claiming in relation to property by reason of any action taken by or on behalf of the Corporation under the provisions of this By-law; and
 - (c) Shall have a lien on the land for the amount spent on the renovation, repair or demolition under this section and the amount shall be deemed to be municipal real property taxes and may be added by the Municipal Clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

STANDARDS FOR ALL PROPERTIES

Section 5.1 Work Standards

- 5.1.1 All repairs and maintenance of property required pursuant to this By-law shall be carried out in a manner accepted as the applicable standard of good work in the trades concerned and with materials suitable and sufficient for the purpose intended.

Section 5.2 Maintenance of Yards

- 5.2.1 No person shall keep a yard, or that part of the yard that he, she or it occupies or controls, without keeping it clean and free, at all times, from:
- (a) Brush, waste or other debris and from objects or conditions, such as holes or excavations, that might create a fire, health, or accident safety hazard;
 - (b) Notwithstanding the definition of waste found in this By-law, dismantled or inoperable vehicles, boats or trailers which are being privately renovated, repaired or restored by their owner will be permitted where such vehicles, boats or trailers are stored within a fully enclosed building and provided they do not create an unsightly condition out of character with the surrounding environment;
 - (c) Machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition or which is not in keeping with the neighbouring properties;
 - (d) Heavy undergrowth and noxious weeds. For greater certainty, grass and ground cover shall be kept cut to a reasonable length and the cuttings are to be removed and disposed of forthwith after cutting;
 - (e) Dilapidated, collapsed or unfinished structures and from materials that create a nuisance;
 - (f) Injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of such pests; and
 - (g) Dead, decayed or damaged trees or other natural growth and the branches or limbs thereof.

However, nothing contained in this section shall be deemed to prevent the accumulation, storage and keeping in or on any non-residential property, where a lawful business is conducted, where permitted by the Town's Zoning By-law No. 2213-78, as amended, or successor legislation thereto, of such things required for the normal purpose of such business.

Section 5.3 Grading, Paving and Surface Conditions

- 5.3.1 No person shall keep a yard, or that part of the yard that he, she or it occupies or controls, without keeping it graded, cultivated or protected with a natural or artificial ground cover in a manner that:
- (a) Prevents excessive or recurrent ponding of storm water;
 - (b) Prevents instability or erosion of soil, and
 - (c) Does not alter existing drainage patterns to adversely affect any abutting property.

5.3.2 No person shall keep an area of a yard, or that part of the yard that he, she or it occupies or controls, which is used for steps, walks, vehicular traffic or parking, including loading areas or bays, ramps, curbs, parking spaces or driveways, without keeping it:

- (a) Free from dirt, surface dust and refuse;
- (b) Graded and drained to prevent excessive ponding of water;
- (c) Maintained free from conditions which would impede the natural flow of water;
- (d) Free from conditions which prevent passage; and
- (e) Free from hazard to any person under normal use and weather conditions.

Section 5.4 Exterior Lighting and Supports

5.4.1 No person shall keep any portion of a yard, or that part of the yard that he, she or it occupies or controls, without maintaining all standards supporting artificial lights and all exterior lighting, and the connections thereto, in a safe condition, in good repair and in good working order.

5.4.2 No person shall keep any exterior lighting in a yard, or that part of the yard that he, she or it occupies or controls, where it is installed and maintained in such a manner as to allow lighting to shine directly into any dwelling unit windows.

Section 5.5 Fences

5.5.1 No person shall allow fences or other structures in a yard unless they are:

- (a) Maintained in good repair;
- (b) Maintained in a structurally sound condition and not less than 70 and not more than 100 degrees in the vertical position, unless specifically designed to be other than vertical;
- (c) Protected from deterioration by the application of paint or other suitable protective materials of uniform colour, or constructed of a material that is inherently resistant to such deterioration;
- (d) Maintained free from signs, words or other defacement; and
- (e) Capable of safely performing the function for which they were constructed.

Section 5.6 Accessory Buildings and Structures

5.6.1 No person shall keep, occupy, or permit the occupation of a building, accessory building or structure which:

- (a) Is in a structurally unsound condition so as to be incapable of safely sustaining its own weight and any additional weight that may be put on it through normal use;
- (b) Is incapable of safely accommodating all normal structural movements without damage, decay or deterioration;
- (c) Is not clad by exterior surfaces of materials which provide adequate

protection from the weather to prevent the entry of moisture that would contribute to damage, decay or deterioration; or

(d) Contains loose, rotten, warped and broken materials and objects.

5.6.2. If in the opinion of the Officer there is doubt as to the structural adequacy or condition of a building, accessory building or structure, or parts thereof, the Officer may order that such building, accessory building or structure, or parts thereof, be examined and a written report be prepared by a professional engineer licensed to practice in Ontario. The written report, including drawings, signed and stamped by the engineer and giving details of the findings and proposed repair methods, shall be submitted to the Officer for evaluation.

5.6.3 Examination and testing of any building or structure or parts thereof required by sub-section 5.6.2 shall be conducted in a manner acceptable to the Officer and at the owner's expense.

5.6.4 Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required by sub-section 5.6.2.

5.6.5 All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the Officer.

5.6.6 On completion of all of the work, a report, signed and stamped by the professional engineer that all of the work has been completed to his or her satisfaction, shall be submitted to the Officer.

Section 5.7 Fire Damage

5.7.1 No person shall permit a building, accessory building or structure damaged by fire, storm or by other causes to remain on a property without being either demolished or repaired to its original condition.

5.7.2 No person shall engage in the demolition or repair of a building, accessory building or structure damaged by fire, storm or by other causes, without:

- (a) Taking immediate steps to prevent or remove a condition which might endanger persons on or near the property;
- (b) Properly supporting and barricading the building, accessory building or structure until the necessary demolition or repair can be carried out; and
- (c) Carrying out such repairs or demolition within a time frame established by the Officer, acting reasonably.

5.7.3 No person shall keep, occupy or permit the occupation of any property which contains a building, accessory building or structure where the exterior wall or surface of the building, accessory building or structure, or of the remaining parts of the building, accessory building or structure, have been defaced by smoke or by other causes without removing the defacement, forthwith.

Section 5.8 Foundations, Walls, Columns, Beams, Floors, Roof Slabs, Balconies, Openings and Roofs

5.8.1 No person shall keep, occupy or permit the occupancy of a building or accessory building unless exterior walls are maintained in good repair, in a manner to prevent deterioration due to weather or insects, and free from:

- (a) Cracked or broken masonry units;
- (b) Defective or deteriorated wood or metal siding or trim;
- (c) Cracked, broken or loose stucco; and
- (d) Loose or unsecured objects

Without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finishing, with a weather resistant material, of all exterior wood and metal work and restoring, repairing or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints and, where the masonry units forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance.

5.8.2 No person shall keep, occupy or permit the occupancy of a building or accessory building unless:

- (a) Exterior surfaces, which have been previously covered with paint or other protective or decorative materials, are maintained in good repair and the covering is renewed when it becomes damaged or deteriorated;
- (b) Metal eavestroughs, rain water pipes, flashing and all exterior metal ducts are kept free from rust by application of suitable protective material such as paint, and renewed when such application is impractical or ineffective;
- (c) The cladding on the exterior walls consists of masonry stucco, wood, plywood, metal, vinyl or other materials of equivalent strength, durability and fire endurance;
- (d) Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members are:
 - (i) Maintained in good repair;
 - (ii) Free from waste and debris;
 - (iii) Properly and safely anchored;
 - (iv) Protected against deterioration and decay by the application of a weather resistance material such as paint; and
- (e) All exterior doors, windows, skylights, basement hatchways, including storm windows, are:
 - (i) Maintained in good repair and weather-tight;
 - (ii) Free from rotted or defective members;
 - (iii) Free from defective or missing hardware;

- (iv) Free from torn, damaged or missing screens;
- (v) Free from defective or missing weather-stripping or caulking; and
- (vi) Free from broken or missing glass.
- (f) Openings in exterior walls, other than doors and windows, are effectively protected by suitable materials to prevent entry of rodents, vermin and insects;
- (g) Every eavestrough, roof gutter, rain water pipe, fascia, soffit and flashing is kept in good repair, free from obstructions, properly secured and free from accident hazards; and
- (h) All roofs are maintained:
 - (i) In a water-tight condition;
 - (ii) Free from loose or unsecured objects or materials;
 - (iii) Free from all other accident, fire or safety hazards;
 - (iv) So that roof decks and related guards are in a good state of repair; and
 - (v) Free from conditions causing or contributing to leaks.

Section 5.9 Stairs, Handrails and Guards

- 5.9.1** No person shall keep, occupy or permit the occupancy of a building or accessory building unless:
- (a) All stairs, porches and landings, all treads and risers, all guards and handrails, and all supporting structural members thereof are maintained free from defects and accident hazards and capable of supporting all loads in their normal use;
 - (b) All ramps and stairs having more than 3 risers are maintained in accordance with the requirements of the Building Code Act and the Regulations thereto;
 - (c) Guards are installed securely in accordance with the requirements of the Ontario Building Code Act, and the Regulations thereto, and maintained in good repair; and
 - (d) Loading bays and platforms are protected by a guard in accordance with the requirements of the Ontario Building Code Act, and the Regulations thereto, and maintained in good repair.

Section 5.10 Floors and Protection

- 5.10.1** No person shall keep, occupy or permit the occupancy of a building or accessory building unless:
- (a) All floors are maintained in a clean and sanitary condition and free from rubbish and debris;
 - (b) The floors of rooms in which plumbing fixtures are installed are maintained impervious to water and in such a condition as to permit easy cleaning; and

- (c) Floors are maintained smooth and level and free from warped or decayed boards, cracks, depressions, protrusions, deterioration or other defects.

Section 5.11 Nuisance

- 5.11.1 No person shall permit a nuisance on property which is under his, her or its control, because of its condition or because of its use or occupancy or for any other reason.
- 5.11.2 No person shall permit the accumulation of litter in or around a property or a portion of a property used for the temporary storage and disposal of garbage and refuse on property which is under his, her or its control.
- 5.11.3 No person shall keep a property or a portion of a property used for the temporary storage and disposal of garbage and refuse in a manner which attracts, or is likely to attract, pests or creates a health or safety hazard.

Section 5.12 Unoccupied Property

- 5.12.1 No person shall permit a building or accessory building to remain unoccupied for a term of greater than 90 days unless:
 - (a) That person has protected the property against the risk of fire, accident or other danger and has effectively prevented the entrance thereto of all unauthorized persons;
 - (b) Where the property has been boarded up, that person has used materials covered and maintained with a preservative which is the same colour as the exterior finish of the building;
 - (c) That person has caused all utilities serving the building to be properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.
- 5.12.2 Subsection 5.12.1(c) does not apply where such utilities are necessary for the safety or security of the building.
- 5.12.3 Where, due to the dilapidated condition of a building it is not practical to maintain same in accordance with this By-law, the building shall be demolished or removed from the property and all materials resulting from the demolition or removal shall be removed from the property in accordance with subsections 5.14.1 and 5.14.2.

Section 5.13 Storage Garages

- 5.13.1 No person shall keep, occupy or permit the occupancy of any property, or portion of any property, which he, she or it keeps or occupies, to be used as a storage garage unless:
 - (a) It is adequately lighted in accordance with the standards established by regulation to the Building Code Act, as amended, or successor legislation thereto;
 - (b) Every floor, wall, ceiling and stairwell of a storage garage are kept clean and free from rubbish and debris and from objects or conditions that might create a fire, health or accident hazard; and
 - (c) All means of egress within a storage garage are provided with clean, clear, unobstructed and readily visible exit signs for every required exit and same are maintained in good repair.

Section 5.14 Demolition

- 5.14.1 No person shall permit a building, accessory building, fence or other structure on a property, which he, she or it keeps or occupies, to be demolished without clearing the site of all foundation, rubbish, debris, refuse, masonry, lumber and other materials and left in a graded and levelled condition, forthwith after demolition.
- 5.14.2 No person shall permit any foundation, rubbish, debris, refuse, masonry or lumber to remain on a property, which he, she or it keeps or occupies, on which a building, accessory building, fence or other structure has been destroyed by fire or been demolished.
- 5.14.3 No person shall demolish, or cause to be demolished, a building, accessory building or other structure without taking every precaution to protect adjoining properties and members of the public. For the purposes of this subsection, such precautions shall include, but are not limited to, the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTIES

Section 6.1 Duties Of Occupants

- 6.1.1 No person shall keep, occupy or permit the occupancy of a dwelling, or that part of the dwelling that he, she or it occupies or controls without keeping all exits unobstructed and in a clean condition.

Section 6.2 Cleanliness

- 6.2.1 No person shall keep a dwelling, or that part of the dwelling that he, she or it occupies or controls, without keeping the dwelling free of rodents, vermin and insects and from conditions which may encourage infestation by such pests.
- 6.2.2 No person shall keep a property which contains multiple dwellings without keeping every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle washed and disinfected as often as is necessary to maintain a clean and odour free condition.

Section 6.3 Occupancy Standards

- 6.3.1 No person shall keep, occupy or permit the occupancy of a non-habitable room as a habitable room in a dwelling unit.
- 6.3.2 No person shall keep, occupy or permit the occupancy of a habitable room which is used for the preparation of meals to be also used as sleeping quarters in a dwelling unit unless the dwelling unit is composed of only two rooms, one of which is a non-habitable room.
- 6.3.3 No person shall keep, occupy or permit the occupancy of a dwelling unit for residency purposes by a number of persons exceeding the maximum number of persons which may reside in the dwelling unit. For the purposes of this subsection, the maximum number of persons permitted to reside in a dwelling unit shall not exceed one person for each 9 square metres of habitable room floor area.
- 6.3.4 No person shall keep, occupy or permit the occupancy of a habitable room in a dwelling unit as sleeping quarters unless the habitable room meets the requirements of the Ontario Building Code Act or its Regulations, as amended.

- 6.3.5 No person shall keep, occupy or permit the occupancy of any habitable room in a dwelling unit unless the room is at least 2 square metres in size.
- 6.3.6 No person shall keep, occupy or permit the occupancy of a habitable room in a dwelling unit without said habitable room having a ceiling height meets the requirements of the Ontario Building Code Act or its Regulations, as amended.
- 6.3.7 No person shall keep, occupy or permit the occupancy of a basement or portion thereof as a dwelling or dwelling unit unless it meets the following requirements:
- (a) Each habitable room shall comply with all requirements for ingress, egress, light, ventilation and ceiling height set out in this By-law;
 - (b) Floors and walls are constructed so as to be impervious to leakage of underground and surface run off water;
 - (c) Each habitable room shall be separated from the fuel fired central heating equipment or other similarly hazardous equipment by a fire separation; and
 - (d) Access to each habitable room shall be gained without a passage through a furnace room or boiler room or storage room.
- 6.3.8 No person shall keep, occupy or permit the occupancy of a habitable room in a dwelling unit which is used for the purposes of the preparation of food without containing a gas or electrical supply, duly approved by the proper approval authority, for cooking purposes.

Section 6.4 Doors, Walls and Ceilings

- 6.4.1 No person shall keep, occupy or permit the occupancy of a dwelling or dwelling unit, as the case may be, unless:
- (a) Interior doors and door frames located in dwellings or dwelling units, including automatic door closures and all necessary hardware, are maintained in good repair to ensure the proper operation and integrity of the door and the door shall be in good fit in its frame.
 - (b) Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, have locking devices and other necessary hardware installed and maintained in good repair. Access doors, as above, shall afford the occupants of the dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.
 - (c) In the public parts of multiple dwellings, missing, cracked and broken glass in door panels, glass screens, and windows are replaced with glass or similar materials.
 - (d) Every wall and ceiling in a dwelling or in a dwelling unit is maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and finished to match the existing wall or ceiling.
 - (e) Repairs made to the walls and ceiling of a dwelling or dwelling unit are completed in a manner consistent with construction industry standards and each repair is finished to match the existing wall or ceiling.
 - (f) In multiple dwellings, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common, are kept in a reasonably clean condition.

- (g) Every wall, ceiling, staircase and landing, furnishing, fixture and appliance in a dwelling is kept free from waste and debris.

Section 6.5 Plumbing

- 6.5.1** No person shall keep a building, accessory building or structure containing plumbing, drain pipes, water pipes, plumbing fixtures or a connecting line to the sewage system unless:
- (a) The plumbing, drain pipes, water pipes, plumbing fixtures or connecting line, as the case may be, comply with the requirements of all applicable governmental regulations;
 - (b) The plumbing, drain pipes, water pipes, plumbing fixtures or connecting line, as the case may be, are maintained in good working order free from leaks or defects and maintained in good working condition and in a clean and sanitary condition; and
 - (c) The plumbing, drainpipes, water pipes, plumbing fixtures or connecting line, as the case may be, is protected from freezing.

Section 6.6 Electrical Supply and Lighting

- 6.6.1** No person shall keep, occupy or permit the occupancy of a dwelling or dwelling unit unless it is connected to an electric supply system and wired for electricity.
- 6.6.2** No person shall keep, occupy or permit the occupancy of a dwelling, dwelling unit or accessory building unless the electrical wiring, pipes for conducting fuel, all electrical fixtures, switches, receptacles and connections thereto and all equipment and appliances for use in a dwelling, dwelling unit or accessory building are installed and maintained in good working order so as not to cause a fire or electrical shock hazard and in accordance with all applicable governmental regulations.

Section 6.7 Windows and Wall Openings

- 6.7.1** No person shall keep, occupy or permit the occupancy of any dwelling or dwelling unit unless every habitable room therein, except a room devoted solely to the preparation and storage of food, contains an outside window or windows, which shall be maintained in good repair, and which adhere to the following standards:
- (a) Have a total light transmitting area of not less than that required by the Ontario Building Code Act or its Regulations, as amended;
 - (b) When designed to open, be easily opened and closed at all times and the area of the opening portion shall comply with the requirements of the Ontario Building Code; and
 - (c) Be provided with effective locking devices.
- 6.7.2** Every window of a dwelling unit in which there are resident children of the age of ten or under and which is located above the first storey of a multiple dwelling, is equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm, such devices to be to the requirements of the Ontario Building Code;
- 6.7.3** Every window located above the first storey in corridors, stairways and other public areas of a multiple dwelling, that extends to less than 1070 mm above the floor or landing, is protected by a guard of at least 1070 mm in height, having

no openings large enough to permit the passage of a spherical object with a diameter of 100 mm and having no member, attachment or opening, which will facilitate climbing, located between 100 mm and 900 mm above the floor or the bottom of the guard;

Section 6.8 Ventilation

6.8.1 No person shall keep a multiple dwelling property unless every laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants, in common, are adequately ventilated.

6.8.2 No person shall keep a multiple dwelling property unless any mechanical ventilation system installed for the purpose of providing adequate ventilation in accordance with subsection 6.8.1 is:

- (a) Maintained in good repair and in good working order;
- (b) Maintained in a safe condition; and
- (c) Regularly cleaned.

Section 6.9 Means of Egress

6.9.1 No person shall keep, occupy or permit the occupancy of any dwelling unit unless:

- (a) It has a safe, continuous and unobstructed passage from the interior of the dwelling unit to an exit at or near grade level; and
- (b) All means of egress are provided with clean, clear, unobstructed and readily visible exit signs for every required exit and maintained in good repair.

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

Section 7.1 Duties of Owners and Occupants

7.1.1 No person shall keep or occupy that part of non-residential property, which he, she or it keeps, occupies or controls, unless the property is maintained in accordance with the following standards:

- (a) In a clean, sanitary and safe condition, free from litter, refuse and debris including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
- (b) Free from objects or conditions which are health, fire or accident hazards; and
- (c) Free from rodents, vermin and injurious insects.

Section 7.2 Plumbing

7.2.1 No person shall keep or occupy that part of non-residential property, which he, she or it keeps, occupies or controls, unless:

- (a) The plumbing fixtures are provided and installed in accordance with the requirements of the Ontario Building Code Act, as amended, and the Regulations thereto, or its successor legislation;
- (b) All the plumbing, drain pipes, water pipes and plumbing fixtures and

every connecting line to the sewage system are:

- (i) Maintained in good working order;
 - (ii) Free from leaks and defects;
 - (iii) Protected from freezing; and
 - (iv) In compliance with all applicable governmental regulations.
- (c) All installed plumbing fixtures are:
- (i) Kept in good repair;
 - (ii) Kept in a clean and sanitary condition;
 - (iii) Connected to a sewage system; and
 - (iv) Provided with an adequate supply of running water.
- (d) Every sanitary unit contained therein is so located and enclosed as to be easily accessible to, and provide privacy for, the persons using such sanitary units.
- (e) The paint on walls and ceilings in rooms in which plumbing fixtures are installed is renewed as often as is necessary to prevent cracking or peeling and maintained in a clean and sanitary condition.

Section 7.3 Electrical Services and Lighting

7.3.1 No person shall keep or occupy that part of non-residential property, which he, she or it keeps, occupies or controls, unless:

- (a) The electrical connection to, and the wiring system therein, is installed and maintained:
 - (i) In good working order;
 - (ii) Free from fire and accident hazards; and
 - (iii) In compliance with the requirements of all applicable governmental regulations.
- (b) A level of illumination is provided and maintained which will adequately protect all persons within the building from health and accident hazards;
- (c) Artificial lighting is provided and maintained in good working order at all times in every:
 - (i) Stairway;
 - (ii) Hall;
 - (iii) Passageway;
 - (iv) Room in which plumbing fixtures are installed; and
 - (v) Furnace room or boiler room.
- (d) All electrical fixtures, switches, receptacles and connections thereto are

maintained in a safe and complete condition and in working order.

Section 7.4 Ventilation

7.4.1 No person shall keep or occupy that part of non-residential property, which he, she or it keeps, occupies or controls, unless all installed mechanical ventilating equipment, and the support for such equipment, is maintained in good repair and in a safe mechanical condition.

Section 7.5 Means of Egress

7.5.1 No person shall keep or occupy that part of non-residential property, which he, she or it keeps, occupies or controls, unless all means of egress are:

- (a) Maintained free from all obstructions or impediments; and
- (b) Provided with clean, clear, unobstructed and readily visible exit signs, for every exit.

7.5.2 No person shall keep a building where all means of egress from the non-residential portion of the building pass through any part of any dwelling unit in the building unless the occupant thereof is also the occupant of the non-residential portion.

GENERAL MATTERS

Section 8.1 Interpretation

8.1.1 Where a provision of this By-law conflicts with a provision of any other By-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall be applicable.

Section 8.2 Short Title

8.2.1 This By-law may be cited as the Property Standards By-law.

Section 8.3 Contravention

8.3.1 Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence, pursuant to the provisions of the Building Code Act, S.O. 1992 c. 23, as amended.

8.3.2 Notwithstanding sub-section 8.3.1, every corporation who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for a subsequent offence pursuant to the provisions of the Building Code Act, S.O. 1992 c. 23, as amended.

Section 8.4 Severability

8.4.1 Each and every one of the provisions of this By-law is severable and if any provisions of this By-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

Section 8.5 Transitional Provisions

8.5.1 This By-law shall come into force and take effect upon third reading thereof.

8.5.2 After the date of passing of this By-law, By-law No. 2732-85, as amended, by By-laws 3069-89, 3292-91 and 3384-92, applies only to properties in respect of which a Notice or Order has been given under By-law No. 2732-85, as amended, prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Notice or Order has been completed or any enforcement proceedings in respect of such Notice or Order, including demolition or repair by the Municipality, have been concluded.

8.5.3 Except, for the purpose set out in sub-section 8.5.2 hereof, By-laws No. 2732-85, 3069-89, 3292-91 and 3384-92 are hereby repealed.

Section 8.6 Fees and Charges

8.6.1 Every owner who has failed to comply with a final order or notice of violation in relation to standards established in this By-law, issued under the Building Code Act, as amended, shall pay the fees set out in Schedule "A" for each inspection to determine if deficiencies or violations observed on an initial inspection have been corrected where the deficiencies or violations have not been remedied by the time provided for in the notice of violation or order.

8.6.2 Before carrying out the re-inspection of each property for which an owner will be required to pay a fee under subsection 8.6.1 should the deficiency or violation not be remedied by the time provided therefor in the notice of violation or order, the Corporation shall give the owner of the property a written notice setting out the fees payable.

8.6.3 After the notice under subsection 8.6.2 has been given, no further notice is required for subsequent inspections of the same property relating to the final order or notice of violation.

8.6.4 The notice referred to in subsection 8.6.2 may be included as a statement in the notice of violation or final order requiring an owner of property to conform with the standards in this By-law or, it may be separately delivered by personal service, upon the person to whom it is directed or by sending it by prepaid registered or certified mail to that person.

8.6.5 Notwithstanding the provisions of subsections 8.6.4, if the final order is served by placing a placard in a prominent position on the exterior of the property, the notice under subsection 8.6.2 and/or the interim certificate under subsection 8.6.8 may be served by placing a placard containing the terms of the notice or interim certificate on the property.

8.6.6 Where fees are payable by an owner under subsection 8.6.1, the Corporation shall have a lien for the amount of the fees on the property to which the fee relates.

8.6.7 The certificate of the Municipal Clerk of the Corporation as to the total amount of the fees payable is admissible as proof, in the absence of evidence to the contrary, of the total amount of fees payable.

8.6.8 Before the certificate of the Municipal Clerk is issued, an interim certificate of the Municipal Clerk shall be delivered by personal service, or sent by prepaid registered or certified mail to the owner of the property that is subject to the lien and to all mortgagees or other encumbrancers shown by the records of the land registry office and sheriff's office to have any interest in the property.

8.6.10 The fees payable under this By-law shall be deemed to be municipal real property taxes and may be added by the Municipal Clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

Section 8.7 Schedules

8.7.1 Schedule A attached hereto shall form part of this By-Law.

READ A FIRST TIME THIS 28th DAY OF APRIL, 1999.

READ A SECOND TIME THIS 12th DAY OF MAY, 1999

READ A THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF JUNE, 1999.



T. JONES, MAYOR

B. PANIZZA, MUNICIPAL CLERK

SCHEDULE "A"

to By-law No. 4044-99.P

FEE SCHEDULE

Certificate of compliance:	\$50.00
For each inspection pursuant to subsection 8.6.1 of the By-law:	\$100.00

Attachment #2

Excerpt from
Building Code Act, 1992

S.O. 1992, CHAPTER 23, AS AMENDED

Consolidation Period: From July 24, 2014 to the [e-Laws currency date](#).

Last amendment: 2014, c. 7, Sched. 3.

Property Standards

Municipal property standards

15.1 (1) In sections 15.1 to 15.8 inclusive,

“committee” means a property standards committee established under section 15.6; (“comité”)

“occupant” means any person or persons over the age of 18 years in possession of the property; (“occupant”)

“owner” includes,

(a) 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

(b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; (“propriétaire”)

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; (“bien”)

“repair” 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 a by-law passed under this section. (“réparation”) 1997, c. 24, s. 224 (8).

Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c. 24, s. 224 (8).

Standards for maintenance and occupancy

(3) 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 or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

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.
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 levelled condition. 1997, c. 24, s. 224 (8).

No distinction on the basis of relationship

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c. 24, s. 224 (8).

Provision of no effect

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c. 24, s. 224 (8).

Inspection of property without warrant

15.2 (1) Where a by-law under section 15.1 is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,

- (a) stating the municipal address or the legal description of the 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 levelled 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. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property. 1997, c. 24, s. 224 (8).

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) 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. 1997, c. 24, s. 224 (8).

Appeal of order

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by

notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) 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 the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, 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. 1997, c. 24, s. 224 (8).

Power of municipality if order not complied with

15.4 (1) If an order of an officer under section 15.2 (2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c. 24, s. 224 (8).

Warrantless entry

(2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224 (8).

No liability

(3) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c. 24, s. 224 (8).

Lien

(4) The municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001 or section 3 of the City of Toronto Act, 2006, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (2).

Certificate of compliance

15.5 (1) An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner. 1997, c. 24, s. 224 (8).

Request for certificate

(2) An officer shall issue a certificate to an owner who requests one and who pays the fee set by the council of the municipality in which the property is located. 1997, c. 24, s. 224 (8).

Fee for certificate

(3) A council of a municipality may set a fee for the issuance of a certificate. 1997, c. 24, s. 224 (8).

Property standards committee

15.6 (1) A by-law passed under section 15.1 shall provide for the establishment of a committee composed of such persons, not fewer than three, as the council considers advisable to hold office for such term and on such conditions as the by-law may establish. 1997, c. 24, s. 224 (8).

Filling of vacancies

(2) The council of the municipality shall forthwith fill any vacancy that occurs in the membership of the committee. 1997, c. 24, s. 224 (8).

Compensation

(3) The members of the committee shall be paid such compensation as the council may provide. 1997, c. 24, s. 224 (8).

Chair

(4) The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair. 1997, c. 24, s. 224 (8).

Quorum

(5) A majority of the members constitutes a quorum for transacting the committee's business. 1997, c. 24, s. 224 (8).

Secretary

(6) The members shall provide for a secretary for the committee. 1997, c. 24, s. 224 (8).

Duty of secretary

(7) The secretary shall keep on file the records of all official business of the committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the Municipal Act, 2001 or section 199 of the City of Toronto Act, 2006, as the case may be, applies with necessary modifications to the minutes and records. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (3).

Rules of procedure and oaths

(8) The committee may, subject to subsection (9), adopt its own rules of procedure and any member may administer oaths. 1997, c. 24, s. 224 (8).

Where committee required to give notice

(9) 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. 1997, c. 24, s. 224 (8).

Emergency order re dangerous non-conformity with standards

15.7 (1) If upon inspection of a property the officer is satisfied that there is non-conformity with the standards in a by-law passed under section 15.1 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 work to be carried out immediately to terminate the danger. 1997, c. 24, s. 224 (8).

Service

(2) The order shall be served on the owner of the property and such other persons affected thereby as the officer determines and a copy shall be posted on the property. 1997, c. 24, s. 224 (8).

Emergency powers

(3) After making an order under subsection (1), the officer may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the municipality may, through its employees and agents, at any time enter upon the property in respect of which the order was made without a warrant. 1997, c. 24, s. 224 (8).

No liability

(4) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (3). 1997, c. 24, s. 224 (8).

Service

(5) If the order was not served before measures were taken to terminate the danger, the officer shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures. 1997, c. 24, s. 224 (8).

Service of statement

(6) If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken. 1997, c. 24, s. 224 (8).

Application to court

(7) As soon as practicable after the requirements of subsection (5) or (6) have been complied with, the officer shall apply to a judge of the Superior Court of Justice for an order confirming the order made under subsection (1) and the judge shall hold a hearing for that purpose. 1997, c. 24, s. 224 (8); 2002, c. 9, s. 25.

Powers of judge

(8) The judge in disposing of an application under subsection (7) shall,
(a) confirm, modify or rescind the order; and
(b) determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all. 1997, c. 24, s. 224 (8).

Order final

(9) The disposition under subsection (8) is final. 1997, c. 24, s. 224 (8).

Lien

(10) The amount determined by the judge to be recoverable shall be a lien on the land and shall have priority lien status as described in section 1 of the Municipal Act, 2001 or section 3 of the City of Toronto Act, 2006, as the case may be. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 3 (4).

Inspection powers of officer

15.8 (1) For the purposes of an inspection under section 15.2, an officer may,
(a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
(b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- (e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order. 1997, c. 24, s. 224 (8).

Samples

- (2) The officer shall divide the sample taken under clause (1) (e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities. 1997, c. 24, s. 224 (8).

Same

- (3) If an officer takes a sample under clause (1) (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 1997, c. 24, s. 224 (8).

Receipt

- (4) An officer shall provide a receipt for any document or thing removed under clause (1) (b) and shall promptly return them after the copies or extracts are made. 1997, c. 24, s. 224 (8).

Evidence

- (5) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as and have the same evidentiary value as the originals. 1997, c. 24, s. 224 (8).

Attachment #3

**TOWN OF AURORA – PROPERTY STANDARDS COMMITTEE
PROPERTY STANDARDS BY-LAW NUMBER 4044-99.P**

RULES OF PROCEDURE

BACKGROUND

Following the observance of property standards issues and issuance of an Order to Comply (the “Order”) by a Town of Aurora By-law Enforcement/Property Standards Officer to the registered owner of a property, the registered property owner (the “Appellant”) has a right to appeal the Order pursuant to section 15.3 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the “Act”) and the Property Standards By-law Number 4044-99.P (the “By-law”). Subsection 15.3(3) of the Act requires that appealed orders be heard by the Town’s Property Standards Committee (the “Committee”).

This document is intended to provide an outline of the procedures before the Committee. It is not a comprehensive description of the appeal process and procedure, and the procedures for each hearing may vary depending on the circumstances and the will of the Committee.

INTRODUCTION

The Committee is not a representative of the Town’s Case Presenter or the Appellant, but is a tribunal with powers conferred on it by the Town’s Council pursuant to the By-law and the Act. While sitting on the Committee for the purpose of hearing an appeal, members of the Committee are acting as independent tribunal members, empowered under the By-law to hear representations from the Town’s Case Presenter as one party and the Appellant as the other party. The Committee may also hear from any other individual holding relevant evidence to the appeal. In this regard, all members of the Committee must act in the public interest and in accordance with the principles of fairness and natural justice.

The role of the Committee is to conduct appeal hearings and make final decisions respecting the Order to Comply under appeal. Pursuant to subsection 15.3(3.1) of the Act, the Committee:

“...has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee’s opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order.”

The Committee's directions and decisions must be impartial, give the appearance of fairness, and not be biased as to create prejudice against the Appellant or the Case Presenter.

In a situation where there is conflicting evidence, the Committee shall make a finding of fact as to which evidence they accept, and make a formal decision stating such finding.

Pursuant to subsection 15.6(8) of the Act and subsection 2.1.9 of the By-law, the Committee has the power to determine its own procedures and practices, and may for that purpose make an order with respect to the procedures and practices that apply in any particular proceeding. Please note that the Town does not otherwise have an Administrative Policy in place regarding the conduct of Property Standards appeals.

In addition to the By-law, the appeal process and procedures are governed by the Act, the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, and these procedures as adopted by the Committee.

PROCEDURE

1. Call to Order by the Committee Chair

A statement should be read by the Committee Chair to call the meeting to order and identify the matters being heard pursuant to section 2.1 of the By-law. Committee members will be asked to declare any conflicts of interest prior to commencing the hearing once the matters being heard are identified.

The Chair will ask the Case Presenter, who sits at one side of the table facing the Committee, whether there are any requests for adjournment or Orders that have been complied with. The Committee will deal with these matters first.

The Chair will state the municipal address of the property for which appeal is being heard and the Appellant will then take a seat at the unoccupied side of the table facing the Committee.

The members of the Committee will consider the evidence and submissions made by the parties present at the appeal hearing. If the Case Presenter, the Appellant or the Appellant's agent does not attend the hearing, the Committee shall be entitled to proceed to hear evidence and submissions in the absence of such party, and may render a final decision in the absence of the party.

2. Presentation of Evidence by the Town's Case Presenter

The Town's Case Presenter shall provide a brief overview of the contents of the Order and the nature of the alleged offence. The Case Presenter will then present his/her evidence through witnesses who are either sworn under oath or affirmed. Should the Case Presenter wish to provide evidence through his/her own statements, he/she is therefore considered to be a witness and shall be sworn under oath or affirmed prior to giving such evidence. The Appellant will then have an opportunity to cross-examine

any witnesses called by the Case Presenter, and the Case Presenter will then have an opportunity to re-examine those witnesses on any point raised in the cross-examination.

3. Presentation of Evidence by the Appellant

The Appellant will present his/her evidence through witnesses who are either sworn under oath or affirmed. Should the Appellant wish to provide evidence through his/her own statements, he/she is therefore considered to be a witness and shall be sworn under oath or affirmed prior to giving such evidence. The Case Presenter will then have an opportunity to cross-examine any witnesses called by the Appellant, and the Appellant will then have an opportunity to re-examine those witnesses on any point raised in the cross-examination.

The Appellant may choose to be represented by a lawyer or an agent, or may be self-represented.

4. Documents Used in Evidence

If the Appellant or Case Presenter has any material, such as documents or photographs, that he/she wishes to use during the hearing, it is preferable that the Appellant or Case Presenter disclose such information to each other in advance of the hearing.

If either the Case Presenter or the Appellant brings forward material during the hearing that has not been disclosed to the other party in advance, time may be given during the hearing, if so requested, to allow the other party to review the material. The other party will be given the opportunity to state any objections to the use of the material during the hearing. The Committee will decide, based on the submissions of the parties, whether or not the material may be referred to or introduced into evidence and marked as an exhibit. If required, the Committee is free to adjourn the hearing to consult in private amongst its members prior to its direction.

5. Asking Questions

Committee members may ask questions of the witnesses, the Case Presenter, or the Appellant at any time, or recall a witness for the purpose of clarifying a point that has arisen since the witness has concluded his or her main presentation.

6. Closing Statements

Once all evidence has been given, the parties have the right to make closing statements, first by the Case Presenter and then by the Appellant. The final submissions should include what each party is requesting of the Committee with respect to confirming, modifying or rescinding the Order and/or extending the time for complying with the Order.

7. Adjournment and Deliberation

Once the closing statements are completed, the Committee will adjourn in private to deliberate the matter and evidence presented, and thereafter the Committee will either render its decision in public or reserve the decision for further deliberation. If the Committee determines that additional information is required to render a decision, it may adjourn the matter to a future meeting date. The Committee may make an interim order at the appeal hearing after deliberation, with full written reasons to follow.

8. Final Decision and Order

The final decision and order of the Committee shall be final and binding, made in writing, and will be sent to the parties as soon as reasonably possible after the hearing and deliberations are completed.

In its decision, the Committee may confirm, modify or rescind the Order and/or extend the time for complying with the Order.

9. General Procedures

- (a) While no formal time limits are placed on the presentation of evidence by the parties, the parties should keep their submissions and witness testimony concise and to the point. The Committee has the right to maintain order at the hearing to ensure that it is being conducted efficiently, while respecting the parties' right to a fair hearing.
- (b) Members of the Committee must be present throughout the entire hearing once the Committee has been called to order. If a member must leave for any reason, the Chair shall adjourn or recess the hearing until the member returns. A member of the Committee who arrives after the hearing has been called to order shall not be permitted to join the proceedings in progress.
- (c) A member of the Town's Legal Services division, not being privy to the case of either party, will be present as counsel to the Committee to assist and give legal advice to the Committee. However, counsel to the Committee does not have power to decide the appeal, which rests with the Committee.
- (d) All Appellants and/or their representatives must sign in with either the secretary of the Committee or with the member of the Town's Legal Services division prior to the commencement of the hearing.