

GUIDELINES TO THE ADMINISTRATION OF THE PROPERTY STANDARDS BY-LAW

The purpose of enacting a Property Standards By-law is to extend the useful life of individual properties to enhance the quality of the community and/or neighbourhoods to protect the safety, health and well-being of the public and to ensure the continued enjoyment of property for residents and property owners of the municipality.

Council has stated its general intentions to the Official Plan are to enforce this by-law on a complaint basis only. If a complaint is received in writing or by an identified telephone call, the Property Standards Officer will inspect the property and determine whether an infraction of the by-law exists. The Officer cannot enter any dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that entry may be refused unless a search warrant has been issued. Following the inspection the Officer will contact the owner of the property on an informal basis, outlining the infractions and giving advice as to how the infractions can be corrected.

If no corrective action is taken the Officer will begin a formal process of enforcement. In Section 5 of the Township's by-law (this process entails the issuance of Orders to Comply) allowance has been made for opportunities for the owner to make representations to the Officer and to provide for an appeal mechanism beyond the Officer to the Property Standards Committee and, if desired, beyond the Committee to a Court of Law. If no appeal of an Order is taken or all appeals have been exhausted and the Order is confirmed, the Municipality may then take the owner to court to seek a conviction under the by-law punishable by a fine not exceeding \$500.00 for each day that the owner is in contravention of the by-law.

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 57-2007

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY
IN THE TOWNSHIP OF WOOLWICH**

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for The Township of Woolwich includes provisions relating to property conditions;

AND WHEREAS the Council of The Township of Woolwich is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of The Township of Woolwich hereby enacts the following:

PART I

DEFINITIONS

In this by-law:

- 1.01 "Accessory Building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 "Apartment Building" means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 "Approved" means acceptance by the Property Standards Officer.
- 1.04 "Basement" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 1.05 "Cellar" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.06 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.07 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.\

- 1.08 "First Storey" means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 1.09 "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.10 "Habitable Room" means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.11 "Means of Egress" means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.12 "Multiple Dwelling" means a building containing three or more dwelling units.
- 1.13 "Non-Habitable Room" means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-Law.
- 1.14 "Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.15 "Person" means an individual, firm, corporation, association or partnership.
- 1.16 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.17 "Standards" means the standards of the physical condition and of occupancy prescribed for property by this By-Law
- 1.18 "Toilet Room" means a room containing a water closet and a washbasin.
- 1.19 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.
- 1.20 "woodlot" means a tree mass or plant community that covers an area of typically one-quarter acre or more, other than a cultivated fruit or nut orchard.

PART II**GENERAL STANDARDS FOR ALL PROPERTY**

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

YARDS

2.02 Every yard, including vacant lots and woodlots shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard.
- (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (3) long grass, brush, undergrowth and/or noxious weeds as defined by the Weed Control Act;
- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) injurious insects, termites, rodents, vermin or other pests; and
- (6) dead, decayed or damaged trees or any other dead decaying material.

SURFACE CONDITIONS

2.03 Surface conditions of yards shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering basements;
- (4) not exhibit an unsightly appearance;
- (5) be kept free of garbage and refuse;
- (6) provide for safe passage under normal use and weather conditions, day or night; and;
- (7) not to create a nuisance to other property.

SEWAGE AND DRAINAGE

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

PARKING AREAS, WALKS AND DRIVEWAYS

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

ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

- 2.09 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

GARBAGE DISPOSAL

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

PART III**RESIDENTIAL STANDARDS****GENERAL CONDITIONS**

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

PEST PREVENTION

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

STRUCTURAL SOUNDNESS

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

FOUNDATIONS

- 3.08 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.
- 3.09 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

EXTERIOR WALLS

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

WINDOWS AND DOORS

- 3.12 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 3.13 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 3.14 Solid core doors shall be provided for all entrances to dwellings and dwelling units.

- 3.15 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.16 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

ROOFS

- 3.17 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.18 The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- 3.19 Where eavestroughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

WALLS, CEILINGS AND FLOORS

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

STAIRS, PORCHES AND BALCONIES

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

GUARDRAILS

- 3.24 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

KITCHENS

- 3.25 Every dwelling shall contain a kitchen area equipped with:
- (a) a sink that is served with hot and cold running water and is surrounded by surface impervious to grease and water;
 - (b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
 - (c) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
 - (d) space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

- 3.26 Where a dwelling unit contains a bathroom it shall consist of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 3.27 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- 3.28 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

PLUMBING

- 3.29 Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F).
- 3.30 Every dwelling unit shall be provided with an adequate supply of potable water from a source approved by the Medical Officer of Health.
- 3.31 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.32 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 3.33 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

ELECTRICAL SERVICE

Where electrical service is installed the following conditions shall apply.

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

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 3.39 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70° F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 3.40 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided.
- 3.41 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.42 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.
- 3.43 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 3.44 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation
- 3.45 Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 3.46 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.

- 3.47 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.48 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 3.49 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

FIRE ESCAPES, ALARMS AND DETECTORS

- 3.50 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- 3.51 In addition to the provisions of Article 3.46 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:
- (a) equipped with visual or audio indication that they are in operating condition;
 - (b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling on each level of the residence.
- 3.52 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an open able window or door.

EGRESS

- 3.53 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 3.54 Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm, (42 x 22 inches) with a sill height of not more that 914mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

NATURAL LIGHT

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

VENTILATION

- 3.56 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air or an approved system of mechanical ventilation such that provide hourly air exchanges.
- 3.57 All system of mechanical ventilation shall be maintained in good working order.
- 3.58 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

ELEVATING DEVICES

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

DISCONNECTED UTILITIES

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

OCCUPANCY STANDARDS

- 3.61 The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.
- 3.62 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.
- 3.63 Any basement or portion thereof, used as a dwelling unit shall conform to the following requirements:
- (a) each habitable room shall comply with all the requirements set out in this By-Law;
 - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;

- (d) access to each habitable room shall be gained without passage through a service room.

PART IV

VACANT LANDS AND BUILDINGS

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

VACANT LANDS

- 4.02 Vacant land shall be maintained to the standards as described in Part II, Article 2.02, of this By-Law.
- 4.03 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

VACANT BUILDINGS

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

NON-RESIDENTIAL PROPERTY STANDARDS

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

YARDS

- 5.02 The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this By-Law.
- 5.03 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

PARKING AREAS, AND DRIVEWAYS

- 5.04 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair.
- 5.05 All areas used for vehicular traffic, parking spaces and other similar areas shall be

maintained so as to afford safe passage under normal use and weather conditions.

STRUCTURAL SOUNDNESS

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

EXTERIOR WALLS

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

GUARDRAILS

- 5.10 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

LIGHTING

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

ADMINISTRATION AND ENFORCEMENT

- 6.01 This By-Law shall apply to all property within the limits of the municipality
- 6.02 The imperial measurements contained in this By-Law are given for reference only.

OFFICERS

- 6.03 The Council of the municipality shall appoint a Property Standards Officer(s) pursuant to Section 15.1 of the Building Code Act to be responsible for the administration and enforcement of this By-Law.

PROPERTY STANDARDS COMMITTEE

- 6.04 Council shall appoint at large, by a Resolution, (or By-Law) of Council no fewer than three (3) persons of the municipality to the Property Standards Committee for a term of office concurrent with Council.
- 6.05 Each member of the Property Standards Committee, appointed by Council, shall be entitled to an honorarium.
- 6.06 Every person who initiates an appeal of an Order made section 15.2 (2) of the Ontario Building Code Act, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act

COMPLIANCE

- 6.07 The owner of any property which does not conform to the standards as set out in this By-law shall repair and /or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse, and left in a levelled and graded condition. The Township of Woolwich has the right to recover from the owner of the property any amount expended by the Township, which amounts may be added by the Clerk to the collector's roll and collected in like manner as municipal taxes, pursuant to Section 427(3) of the Municipal Act of 2001.
- 6.08 If the Township of Woolwich is required to fulfil the conditions of an Order to Comply issued by a Property Standards Officer, all procurement procedures shall be in accordance with the Township of Woolwich Purchasing By-law #94-2005, as amended.

PART VI

PENALTY

- 6.09 An owner who fails to comply with an order on first offence may be liable to a fine as laid out in Schedule "B" of this by-law, and on subsequent offences to a maximum fine as laid out in the Building Code Act, S. O. 1992 Chapter 23 as amended.

VALIDITY

- 6.10 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 6.11 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

TRANSITIONAL RULES

- 6.12 After the date of the passing this by-law, By-Law No. 23-88, as amended, shall apply only to those properties in which an Order to Comply has been issued 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 Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

TITLE

- 6.13 This By-Law may be referred to as "The Property Standards By-Law".
- 6.14 The Township of Woolwich By-law #23-88 is hereby repealed as of the date and the time of this by-law coming into effect.
- 6.15 Should any part, section or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or in part thereof, other than the part which was declared to be invalid.
- 6.16 This by-law shall come into force and effect upon final approval of the Set Fine Schedule by the Regional Senior Judge.

PASSED this 3rd day of July, 2007.

Wm. L. Strauss
Mayor

Christine Broughton
Clerk

16
BY-LAW NO. 57-2007
APPENDIX "A"

TOWNSHIP OF WOOLWICH

**ORDER TO REMEDY VIOLATION
OF STANDARDS OF MAINTENANCE AND OCCUPANCY**

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

[Date]

[Owner's Name and Address]

Dear Sir/ Madam:

RE: **Description and Location of Property in Violation**

BE ADVISED that on [Date of Inspection] an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-Law No. _____.

The violation(s) are set out in Schedule "A", attached hereto, and forms part of this ORDER

IT IS HEREBY CHARGED THAT the violation(s) as set out in Schedule "A" be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-Law No. _____ on or before:

Date

TAKE NOTICE that if such violation(s) are not remedied within the time specified in this order, the municipality may correct such violations at the expense of the owner.

APPEAL TO PROPERTY STANDARDS COMMITTEE: If an owner or occupant upon whom an order has been served 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 fourteen (14) days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL: _____

Property Standards Officer

Telephone Number

NOTE: ORDER PROVIDED WITH NO INFORMAL NOTICE ISSUED.

**NOTICE OF APPEAL
TO PROPERTY STANDARDS COMMITTEE**
Pursuant to Section 15.1 of the Ontario Building Code Act

[Date]

To the Secretary
Property Standards Appeal Committee
Corporation of the Township of Woolwich
69 Arthur St. S.
Elmira, ON
N3B 2Z6

**RE: Order to Remedy Violation of Standards, Maintenance and Occupancy at:
Description and location of Property in violation.**

TAKE NOTICE of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violations of standards of maintenance and occupancy served upon the undersigned on

Name (Owner or Agent)

Address:

Telephone Number:

APPEAL TO PROPERTY STANDARDS COMMITTEE: If an owner or occupant upon whom an order has been served 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 fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

The Building Code Act, S.O. 1992, Chapter 23, section 15.3(1)

Signature of Owner or Authorized Agent

Township of Woolwich
SUBSTANDARD PROPERTY
Ontario Building Code Act, S.O. 1992, c.23

ORDER TO COMPLY

RE: **Description and Location of Property in Violation**

THIS PROPERTY has been found NOT to be in conformity with the Standards of Maintenance and Occupancy established by this Municipality and as set out in the Property Standards By-Law No. _____.

SCHEDULE "A", attached hereto, sets out the work required to remedy such violation(s) and to bring the property into compliance with the By-Law.

BE ADVISED THAT THIS PROPERTY MUST BE MADE TO CONFORM TO THE BY-LAW ON OR BEFORE THE _____ DAY OF _____, 2007.

Further information may be obtained at the Property Standards Office located at:

Dated at _____ this ____ day of _____ 20 ____.

Property Standards Officer

Telephone Number

Schedule "A"

Work required to remedy Property Standards violations

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3248

September 7, 2007

Ms. Megan Standring
By-Law Enforcement
The Township of Woolwich
69 Arthur Street South, P. O. Box 158
Elmira, Ontario
N3B 2Z6



Dear Ms. Standring:

**Re: Set Fines - Provincial Offences Act - Part I
The Building Code Act, as amended, of the Township of Woolwich**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Kitchener, Ontario, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "B. Thomas".

Bruce G. Thomas
Regional Senior Justice
West Region

Enclosure

/pp

cc: Manager, Provincial Offences Court

ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES ACT
PART 1

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and The Building Code Act, as amended, of the Township of Woolwich, attached hereto is the set fine including costs, for those offences. This Order is to take effect September 7, 2007.

Dated at London this 7th day of September, 2007

A handwritten signature in black ink, appearing to read "B. G. Thomas". The signature is fluid and cursive, with a large initial "B" and "G".

Bruce G. Thomas
Regional Senior Justice
West Region

**PART 1 Provincial Offences Act Schedule of Fines
Pursuant to the
Building Code Act, S. O. 1992 Chapter 23, as amended**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Failure to comply with an Order	s. 36(1)(b) B.C.A	\$455.00
2	Obstruct Officer	s. 19(1) B.C.A	\$455.00
3	Remove or obstruct posted Order – no authorization	s. 20 B.C.A	\$455.00
4	Knowingly furnish false information on any application	s. 36(1)(a) B.C.A	\$455.00
5	Knowingly furnish a false statement	s. 36(1)(a) B.C.A	\$455.00

NOTE: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33