

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2002 - 33
PROPERTY STANDARDS BY-LAW

**Being a BY-LAW To prescribe standards for the
maintenance and occupancy of buildings and property**

WHEREAS Section 15.1 (3) of *The Building Code Act*, R.S.O. 1990, c. 23, provides that the Council of a Municipality may pass a By-law to do the following things:

- (A) Prescribing standards for the maintenance and occupancy of property within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
- (B) Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and neat condition;

AND WHEREAS the *Official Plan* for the Corporation of the Municipality of Magnetawan includes provisions relating to property conditions;

AND WHEREAS Section 326 of *The Municipal Act*, R.S.O. 1990, c. M. 45, provides that Council has the authority to enforce the performance of things required to be done under By-laws;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

SECTION 1 GENERAL

1.1 Short Title

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

1.2 Defined Area

This By-law applies to all property within the boundaries of the Municipality of Magnetawan.

1.3 Scope

No property shall be used and no building or structure or part thereof, shall be erected, altered, enlarged, maintained, used, or occupied for any purpose within the Municipality of Magnetawan, except in conformity with the provisions of this By-law.

1.4 General Obligations

1.4.1 No person shall use, permit the use of, rent or offer to rent any property that does not conform to the standards of this By-law.

1.4.2 Where a notice or order has been issued by the Property Standards Officer pursuant to this By-law, the owner or occupant thereof shall:

- (a) repair and maintain the property in accordance with the standards, or;
- (b) remove or demolish and remove, the whole or the offending part of the property that is not in accordance with the standards;

1.4.3 Where an Officer has placed or caused the placing of a placard containing the terms of a notice or order upon the premises under the authority of Section 15.2(3) of the *Building Code Act*, R.S.O. 1992, as amended, no one shall remove the said placard except with the consent of an Officer.

SECTION 2 DEFINITIONS

- 2.1 **“Accessory Building”** means a use, separate building or structure, which is incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted.
- 2.2 **“Accessory Use”** means a use of lands or building which is incidental and subordinate to the principle use of lands and buildings.
- 2.3 **“Agricultural Use”** means any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale on the premises, of produce grown or raised on the premises.
- 2.4 **“Approved”** means as applied to grade, material, device or method of construction, approved by the By-law Enforcement Officer under the provisions of this By-law, approved by the Building Inspector under the provisions of *The Building Code*, approved by the Fire Chief under the provisions of *The Fire Code*, or approved by other authority designated by law to give approval to the matter at question.
- 2.5 **“Basement”** means that portion of a building partly underground, but having less than one half of its clear height below the average lot grade.
- 2.6 **“Bathroom”** means a room consisting of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin, bathtub and shower shall have an adequate supply of hot and cold running water and every water closet shall have a suitable supply of running water.
- 2.7 **“Building”** means a structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment.
Any tent, awning, bin, bunk, platform, vessel or vehicle used for any of the said purposes shall be deemed a building, including any structure defined as a building in *The Ontario Building Code Act*.
- 2.8 **“B.E.O.”** means the By-law Enforcement Officer appointed by Council and charged with the duty of enforcing the provisions of this By-law, other related By-laws and any amendments thereto.
- 2.9 **“Cabin”** means a single storey structure or building which is maintained for the accommodation of an individual or individuals where facilities for cooking are not provided.
- 2.10 **“C.B.O.”** means the Chief Building Official employed by the Municipality, appointed under the Building By-law or pursuant to the provisions of *The Ontario Building Code Act*, as amended, together with any Regulations made thereunder, and shall include any Inspector likewise employed and appointed.
- 2.11 **“Committee”** means the Property Standards Committee, as established in accordance with Section 15 of *The Ontario Building Code Act* and its’ amendments.
- 2.12 **“Corporation”** means the Corporation of the Municipality of Magnetawan.
- 2.13 **“Cottage”** means a building, within a cottage establishment to accommodate one (1) or more guests, which contains at least two (2) rooms, which is at least partially furnished and which provides facilities to permit the guest to prepare and cook food.
- 2.14 **“Council”** means the Council of the Corporation of the Municipality of Magnetawan.
- 2.15 **“Dwelling”** means a building, structure or part thereof, occupied or capable of being occupied, in whole or in part, as the home, residence or sleeping place of one (1) or more persons, either continuously, permanently, temporarily or transiently, but shall not include a mobile home having less than seventy-four (74) square metres in area.

- 2.16 **“Dwelling Unit”** means a building or part of a building occupied or capable of being occupied, in whole or in part, as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently, but shall not include a mobile home having less than sixty-five (65) square metres in area.
- 2.17 **“First Storey”** means the floor area of the lowest story of a building approximately at or just above the finished grade level, excluding any basement, which area is measured between the exterior faces of the exterior walls at the floor level of such storey.
- 2.18 **“Foundation”** means a structure of a building through which the loads from the building are transferred to supporting soil or rock, such as a footing, pile or pier.
- 2.19 **“Garbage”** means the animal or vegetable waste and related waste products resulting from the handling, preparation, cooking and consumption of food and drink, as well as other solid waste materials and goods resulting from residential, commercial, institutional and industrial operations.
- 2.20 **“Good Repair”** means that a building, structure or appurtenance thereof, including mechanical equipment shall be maintained in such a condition as to be free from accident or fire hazards, not unsightly, be reason of deterioration, damage or defacement.
- 2.21 **“Grade”** means
- (a) when used in reference to a building, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two (2) or more such walls, the exterior wall having the lowest average elevation, or
 - (b) when used in reference to any other structure, the average elevation of the finished surface of the ground at the base of such structure, exclusive of any artificial embankment at the base of such building or structure.
- 2.22 **“Guest Cabin”** means a single storey accessory structure which is not attached to the main dwelling, on a lot which is maintained for the accommodation of an individual or individuals, where sanitary facilities and facilities for cooking are not provided.
- 2.23 **“Habitable Room”** means a room which
- (a) is located within a dwelling unit;
 - (b) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
 - (c) can be used at all times throughout the year
- but does not include any room specifically defined herein as a non-habitable room.
- 2.24 **“Hunting Camp”** means a building or structure having a maximum area of forty-five (45) square metres consisting of one (1) or more rooms which is at least partially furnished and may include facilities for the preparation of food and overnight accommodations on a temporary basis, for use only during the hunting or fishing seasons but shall not have indoor plumbing facilities and shall not include any other establishments or use as may be defined or classified in the Municipality of Magnetawan Zoning By-law.
- 2.25 **“Landscaped Open Space”** means the open, unobstructed space from ground to sky at grade, on a lot accessible by walking and which is suitable for the growth and maintenance of grass, flowers, trees, bushes and other landscaping and includes any surfaced walk, patio, or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.
- 2.26 **“Maintenance”** means the preservation of and care for a property and building.
- 2.27 **“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.

- 2.28 **“Multiple Dwelling”** means a building containing two (2) or more dwelling units.
- 2.29 **“Municipality”** means the Municipality of Magnetawan.
- 2.30 **“Non-residential Property”** means a building or structure or part thereof, not occupied nor capable of being occupied in whole or in part, for the purpose of human habitation and without limiting the generality of the foregoing, includes the land and premises appurtenant thereto and all accessory buildings, out-buildings, fences, structures or erections on or in such land and premises.
- 2.31 **“Noxious Weeds”** means any weeds classed as noxious by the *Weed Control Act*, R.S.O. 1990 or latest amendment(s).
- 2.32 **“Occupant”** means any person or persons over the age of eighteen (18) years in ownership or possession of the property.
- 2.33 **“Owner”** means the person, for the time being, managing or receiving the rent of or paying the Municipal taxes on the land or premises, whether on his own account or as an agent or trustee of any person or who would so receive the rent if such land and premises were let. The term shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair or maintain the property in accordance with the standards for the maintenance and occupancy of the property.
- 2.34 **“Person”** means any human being, association, firm, partnership, incorporated company, corporation, agent, trustee, and the heirs, executors or other legal representatives of a person to whom the contest can apply according to law.
- 2.35 **“Property”** means a building or structure or part thereof, including the lands and premises appurtenant thereto and all accessory buildings, mobile homes, mobile buildings, mobile structures, trailers, out-buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant land.
- 2.36 **“Repair”** means 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 the By-law and in conformity with all other legislation.
- 2.37 **“Residential Property”** means any land, buildings or structures used for human habitation, and includes all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its’ yard.
- 2.38 **“Rubbish”** means any combustible or noncombustible, discarded or waste material, except garbage.
- 2.39 **“Sewage”** means sanitary sewage or storm sewage:
- (a) Sanitary sewage means liquid or water borne waste of industrial or commercial origin, or of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
 - (b) Storm sewage means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.
- 2.40 **“Sewage System”** means a Municipal sanitary sewage system, or a properly maintained and functioning private sewage system.
- 2.41 **“Standards”** means the standards of physical condition and of occupancy prescribed for the property in this By-law.
- 2.42 **“Structurally Sound”** means construction capable of withstanding the forces placed upon the building under normal use.
- 2.43 **“Structure”** means anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass or is attached to a building, including a septic system, holding tanks, satellite receiving dishes and heat pumps.

- 2.44 **“Trailer”** means any vehicle, excluding a mobile home or park model home, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicles unless it is used or intended for the living, sleeping or eating accommodation of persons therein, and shall be deemed to include a tent, and shall not be occupied continuously or as a principle residence.
- 2.45 **“Vacated”** means a structure or property no longer occupied.
- 2.46 **“Vermin”** means small common harmful or objectionable animals that are difficult to control.
- 2.47 **“Waste or Waste Material”** means any article or thing that appears to have been cast aside, discarded, or abandoned, or appears to be worthless, useless, or of no particular value, or appears to be used up in whole or in part or expended or worn out and shall include, but is not limited to:
- (a) accumulations or deposits of litter, rubbish, garbage, trash;
 - (b) refrigerators, freezers or other appliances or parts thereof;
 - (c) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - (d) inoperative motor vehicles;
 - (e) paper, cartons, fabrics or carpets;
 - (f) furniture;
 - (g) piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 - (h) containers or pallets of any size, type or construction;
 - (i) material resulting from, or as part of, construction or demolition of projects; and
 - (j) rubble, inert fill except loose soil, sand or gravel.
- 2.48 **“Yard”** means an open, uncovered space on a lot appurtenant to a building or structure and used or intended to be used or capable of being used in connection therewith.

SECTION 3 GENERAL STANDARDS FOR ALL PROPERTY

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.

3.1 Yards

- 3.1.1 Every yard, including vacant property, shall be kept clean and free from:
- (a) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;
 - (b) 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;
 - (c) dilapidated, collapsed or partially constructed structures which are not currently under construction;
 - (d) injurious insects, termites, vermin or other pests.
- 3.1.2 Every landscaped open space shall be kept clean and free from all items in Section 3.1.1 and excessive growth of grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*, and dead, decayed or damaged trees or other natural growth.
- 3.1.3 All vehicles or trailers parked on a lot must be in running order and carry a valid licence sticker. This shall not prevent the occupant from storing operable, unlicensed vehicles or trailers strictly for the use of off road operation on any lot nor shall it prevent an occupant of any premises from repairing a vehicle or trailer for his or her own use and not for commercial purposes while such a repair is carried on. Vehicles normally licensed for only part of the year may be stored on the same property for which the use is associated.

3.2 Surface Conditions

Surface conditions of yards shall be maintained so as to:

- (a) prevent ponding of storm water;
- (b) prevent instability or erosion of soil;
- (c) prevent surface water run-off from entering basements;
- (d) not exhibit an unsightly appearance;
- (e) be kept free of garbage and refuse;
- (f) be kept free of deep ruts, holes, and excavations;
- (g) provide for safe passage under normal use and weather conditions, day or night; and
- (h) not to create a nuisance to other property.

3.3 Drainage and Sewage

3.3.1 Sewage or organic waste, excluding floor drains, shall be discharged into a sewage system. Where a sewage system does not exist, sewage or organic waste shall be disposed of in accordance with the *Environmental Protection Act*.

3.3.2 Storm water shall be drained from the property in a manner designed to prevent excessive ponding, prevent the entrance of water into a building and in such manner as to not affect adjacent properties.

3.3.3 Roof drainage shall not be discharged onto sidewalks, stairs or adjacent property.

3.3.4 Exterior property areas shall be graded and maintained to prevent ponding of water. Swales shall be installed and maintained, where necessary, to facilitate drainage and so as not to impede the natural flow of water.

3.4 Parking Areas, Walks and Driveways

3.4.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of litter.

3.4.2 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.

3.5 Exterior Walls

3.5.1 Exterior walls of a building or structure and their components, including soffits and 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.

3.5.2 Exterior walls of a building or structure and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

3.6 Structural Soundness

3.6.1 Every building and every structural member of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use. Structural members or materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

3.6.2 Every exterior wall, roof, porch, chimney or exterior portion of a building shall be maintained in a manner so as to prevent the collapse of same or injury to the occupants of the dwelling to the public.

3.6.3 Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

3.7 Guardrails

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 six hundred (600) mm [twenty-four (24) inches] 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 in a rigid nature, as defined in the *Ontario Building Code*.

3.8 Accessory Buildings, Fences and Other Structures

3.8.1 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition, in good repair and free from fire, health or safety hazards.

3.8.2 Accessory buildings, fences and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

3.9 Garbage Disposal

3.9.1 Every building, dwelling and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all recyclable materials, garbage, refuse and ashes in a sanitary manner.

3.9.2 Garbage storage areas shall be screened from public view.

SECTION 4 RESIDENTIAL STANDARDS

4.1 General Conditions

4.1.1 Every tenant, occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with Municipal By-laws.

4.1.2 Every tenant, 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.

4.1.3 Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.

4.2 Compost Heaps

The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is enclosed on all sides by concrete block or lumber or in a forty-five (45) gallon container, a metal frame building with a concrete floor or a commercial plastic enclosed container designed for composting.

4.3 Pest Prevention

4.3.1 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 *Pesticide Act*.

4.3.2 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

4.4 Basement

Basement walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of walls to prevent settling, installing sub-soil drains, where necessary, at the footings, grouting masonry cracks and damp proofing/waterproofing walls, joints and floors.

4.5 Foundations

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.

4.6 Windows and Doors

4.6.1 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.

4.6.2 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.

4.6.3 Solid core or metal clad doors shall be provided for all entrances to dwellings and dwelling units.

4.7 Roofs

4.7.1 Roofs of dwellings and their components shall be maintained in a weather-tight condition, free from loose or unsecure objects or materials.

4.7.2 The roofs of dwellings and accessory buildings shall be kept clear of hazardous accumulations of ice or snow or both.

4.7.3 Where eavestroughing or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.8 Walls, Ceilings and Floors

4.8.1 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.

4.8.2 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.

4.8.3 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 cleanable.

4.9 Stairs, Porches and Balconies

Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects that may constitute accident hazards. Existing guardrails, decks, steps, or stair treads of 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.

4.10 Kitchens

Every year round, permanent dwelling shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- (c) a counter or work area at least 600 mm (24 inches) in width by 1,220 mm (48 inches) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

4.11 Toilet and Bathroom Facilities

4.11.1 Every year round permanent dwelling unit shall contain a bathroom consisting of a least one (1) fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin, bathtub and shower shall have an adequate supply of hot and cold running water. Every water closet shall have a supply of running water.

4.11.2 Every required bathroom or toilet 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 person using said room.

4.11.3 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.

4.12 Plumbing

4.12.1 Each washbasin, bathtub or shower and at least one (1) 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 degrees Fahrenheit).

4.12.2 Every year round permanent dwelling unit shall be provided with an adequate supply of potable water from a source approved by the *Ministry of Health*.

4.12.3 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.

4.12.4 All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.12.5 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 cleaning.

4.13 Electrical Service

4.13.1 Every year round permanent dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

4.13.2 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 Corporation Act*, as amended.

- 4.13.3 Every habitable room in a year round permanent dwelling shall have electrical outlets as provided for in the *Ontario Building Code*. Extension cords shall not be used on a permanent basis.
- 4.13.4 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.

4.14 Heating, Heating Systems, Chimneys and Vents

- 4.14.1 Every year round permanent 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 degrees Fahrenheit) 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.
- 4.14.2 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to CSA standards.
- 4.14.3 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 condition that meets or exceeds CSA standards, and in a convenient location so as to be free from fire or accident hazard.
- 4.14.4 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling that is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separation shall conform to the *Ontario Building Code*.
- 4.14.5 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.
- 4.14.6 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 joints and the repair of loose or broken masonry units.
- 4.14.7 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.

4.15 Exception

Exceptions to Sections 4.10; 4.11; 4.12; 4.13 and 4.14 are cabins, cottages and hunting lodges. These dwellings will be evaluated on a case by case basis.

4.16 Fire Escapes, Alarms and Detectors

- 4.16.1 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 exit serves not more than four (4) dwelling units or individual leased sleeping rooms.
- 4.16.2 In addition to the provisions of Section 4.16.1 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 by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping

area. The products of combustion detector referred shall be:

- (a) equipped with visual or audio indications that they are in operating condition; and
- (b) mounted on the ceiling or on a wall between 150 and 300 mm (6 to 12 inches) below the ceiling.

4.16.3 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily be reached through an open able window or door.

4.17 Egress

4.17.1 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.

4.17.2 Each dwelling containing more than one (1) dwelling unit shall have at least two (2) exits, both of which may be common of the one of which may be the stairs or fire escape and shall be provided to *Ontario Building Code* standards. 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.

4.18 Natural Light

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 for the admission of natural light.

4.19 Ventilation

4.19.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air at least 0.3 square metres (3 square feet), or an approved system of mechanical ventilation that provides adequate air exchanges.

4.19.2 All systems of mechanical ventilation shall be maintained in good working order.

4.19.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately vented.

4.20 Disconnected Utilities

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.

4.21 Occupancy Standards

4.21.1 No person shall use or permit the use of a non-habitable room in a building for a habitable purpose.

4.21.2 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; and

- (e) every basement and crawlspace shall be adequately drained and adequately ventilated to the outside air.

SECTION 5 NON-RESIDENTIAL STANDARDS

5.1 Yards

5.1.1 The yards of non-residential property shall be maintained to the standards as described in Sections 3.1; 3.2 and 3.3 of this By-law.

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

5.2 Parking Areas and Driveways

The parking areas and driveways of non-residential property shall be maintained to the standards as described in Section 3.4 of this By-law.

5.3 Lighting

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. Lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

5.4 Structures

All structures shall be maintained to the standards as described in Sections 3.5; 3.6; 3.7 and 3.8 of this By-law.

5.5 Garbage Disposal

A central refuse storage collection area to be provided and maintained with all refuse enclosed in a dumpster or on a location screened with growing trees, hedges, fences, walls or a combination thereof in such manner as approved by the Municipality.

SECTION 6 STANDARDS FOR VACATED LANDS AND BUILDINGS

6.1 Vacated Lands

Vacated land shall be maintained to the standards described in Sections 3.1; 3.2; 3.3 and 3.4 of this By-law.

6.2 Vacated Buildings

6.2.1 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

6.2.2 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.

6.2.3 Vacated buildings shall be maintained to the standards described in Sections 3.5; 3.6; 3.7 and 3.8 of this By-law.

SECTION 7

ADMINISTRATION AND ENFORCEMENT

This section prescribes the procedure for the enforcement of the standards and shall be carried out according to the *Ontario Building Code Act*.

7.1 Application

This By-law shall apply to all property within the boundaries of the Corporation of the Municipality of Magnetawan.

7.2 Property Standards Committee

A Property Standards Committee shall be established to review orders issued by the Property Standards Officer and shall be comprised of no fewer than three (3) persons of the Municipality for a term of office concurrent with Council. The Chief Building Official and the By-law Enforcement Officer shall be considered ex-officio members of this Committee.

7.3 By-law Enforcement Officer

The Council shall, by resolution, appoint a Property Standards Officer who shall be responsible for the administration and enforcement of this By-law.

7.4 Non-Compliance

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 neat and good condition.

7.5 Notice of Violation

The notice shall be sent to the last known address of the owner and shall state:

7.5.1 That the property does not comply with the standards prescribed by this By-law and shall specify the standards with which the property does not comply.

7.5.2 That after a certain date to be specified in the notice of non-compliance by the Officer, the property will be subject to reinspection at which time the Officer may issue an Order.

7.5.3 That the Officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with this By-law.

7.6 Appeal of Notice

The following process shall be followed on all appeals:

7.6.1 When an owner or occupant upon whom an Order has been served in accordance with this By-law is not satisfied with the terms or conditions of the Order, he may appeal, by registered mail, to the Secretary of the Property Standards 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.

7.6.2 The Secretary of the Property Standards Committee, in receipt of the Notice of Appeal shall:

- (a) determine the date, place and time of the hearing of appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and
- (b) give notice in writing of the date, place and time of the hearing referred to in paragraph 7.5.3 to both the appellant and the Officer who issued the Order.

7.6.3 The Property Standards Committee shall:

- (a) hold the hearing at the date, place and time set out in the notice; and
- (b) have all the powers and functions of an Officer

7.6.4 The Property Standards Committee may:

- (a) confirm the Order;
- (b) modify or quash the Order; or
- (c) extend the time for complying with the Order provided that the general intent and purpose of this By-law is maintained.

7.6.5 The Property Standards Committee shall give its decision in writing.

SECTION 8 ENFORCEMENT

8.1 Enforced on a complaint basis

This By-law shall be enforced pursuant to the provisions of Section 15 of the *Ontario Building Code Act*, as amended

The Property Standards Officer may initiate an investigation of non-compliance without revealing the name of a complainant to the property owner until disclosure is required in court.

8.2 Power of Corporation to repair or demolish

If the owner or occupant of property fails to repair or to demolish the property in accordance with an Order as confirmed or modified, the Municipality in addition to all other remedies:

- (a) shall have the right to repair, clean-up or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property;
- (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of the Section; and
- (c) shall have a lien for any amount expended by or on behalf of the Municipality under the authority of this Section together with interest thereon, upon the property in respect of which such amount was expended and the certificate of the Clerk of the Municipality as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the Collector's Roll to be collected in the same manner as Municipal Realty Taxes.

SECTION 9 PENALTIES

Any person who contravenes any provisions of this By-law or any part thereof shall be guilty of an offence and, upon conviction, be liable to a penalty recoverable under the *Provincial Offences Act*.

SECTION 10 RECOVERY OF EXPENSE

In addition to any other remedy and to any other penalty imposed under this By-law or under the *Ontario Building Code Act*, as amended, where any person is in default in doing any matter or thing directed or ordered to be done pursuant to this By-law, such matter or thing may be done by the Corporation at the expense of such person and the Corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as Municipal taxes.

SECTION 11 CERTIFICATE OF COMPLIANCE

11.1 Issuance

Following the inspection of a property, the Officer may, or on the request of an owner, shall, issue to the owner, a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.

11.2 Fees

Where a certificate of compliance referred to in Section 15 of the *Ontario Building Code Act* is issued at the request of the owner, the owner shall be required to pay a fee to the Corporation of the Municipality of Magnetawan.

SECTION 12 OTHER REMEDIES PROTECTED

The imposition of a penalty under this By-law shall not be a bar to further prosecution under this By-law and shall not preclude any other proceeding or remedy against a person or a building which does not conform to the standards of this By-law.

SECTION 13 OTHER BY-LAWS

If a provision of this By-law conflicts with a provision of another By-law of the Corporation, the provision which established the higher standard to protect the health, safety and welfare of the occupants and of the general public shall prevail.

SECTION 14 SEVERABILITY

If a court of competent jurisdiction should declare any Section or part of any Section of this By-law to be invalid, such Section or part of a Section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared the remainder of the By-law shall be valid and shall remain in force.

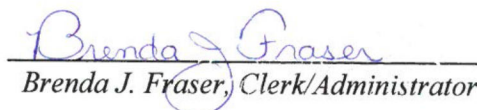
SECTION 15 ENACTMENT

This By-law shall come into full force and effect upon the final passing thereof.

**Passed in open Council as read a First, Second and Third time,
this 23rd day of October, 2002**



Sam Dunnett, Reeve



Brenda J. Fraser, Clerk/Administrator