

CORPORATION OF THE TOWNSHIP OF ADMASTON/BROMLEY

By-Law No. 2006-30

Being a by-law to prescribe standards for the maintenance and occupancy of property within The Corporation of the Township of Admaston/Bromley.

WHEREAS The Corporation of the Township of Admaston/Bromley is authorized to enact a by-law pursuant to the provisions of Section 15.1(3) of the Building Code Act, S.O. 1992 c.23, and amendments thereto;

AND WHEREAS The Corporation of the Township of Admaston/Bromley has in effect an Official Plan, which includes provisions relating to property conditions and standards as set out in the Official Plan of the County of Renfrew, which applies to The Corporation;

AND WHEREAS The Corporation of the Township of Admaston/Bromley deems it expedient to enact a by-law for prescribing standards for the maintenance and occupancy of property within The Corporation, for prohibiting the occupancy or use of such property that does not conform to the standards prescribed herein to be repaired and maintained to comply with the standards;

NOW THEREFORE the Council of The Corporation of the Township of Admaston/Bromley hereby enacts as follows:

PART 1. Short Title

1.1 This by-law may be cited as the “Property Standards By-Law”.

PART 2. Definitions

- 2.1 **“Accessory Building”** shall mean a subordinate, detached building not used for human habitation, designed or intended for the better or more convenient enjoyment of the main building to which it is accessory and is located upon the lot upon which the main building is or is intended to be erected and shall include a private garage where such garage does not form part of the main building.
- 2.2 **“Alteration”** (as applying to a building) shall mean a change from one major occupancy class or division to another, or any structural change.
- 2.3 **“Building”** shall mean any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.
- 2.4 **“Building Code Act”** shall mean the Building Code Act, S.O. 1992, c.23 and subsequent amendments thereto.
- 2.5 **“Building Code”** shall mean the Ontario Building Code and subsequent amendments thereto.
- 2.6 **“Corporation, The”** shall mean The Corporation of the Township of Admaston/Bromley.
- 2.7 **“Council”** shall mean the Council of The Corporation of the Township of Admaston/Bromley.
- 2.8 **“Dwelling”** shall mean 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 and includes the land and premises appurtenant thereto and all accessory buildings, outbuildings, fences or erections thereon or therein.

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- 2.9 **“Dwelling Unit”** shall mean one or more rooms for the use of one or more persons as an independent and separate housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- 2.10 **“Good Repair”** shall mean that a building, structure or appurtenances thereto including mechanical equipment, shall be maintained in such condition as to be:
- a) Free from accident or fire hazard,
 - b) Structurally sound,
 - c) In good working order,
 - d) Not unsightly by reason of deterioration, damage or defacement.
- 2.11 **“Grade”** shall mean the average level of finished ground adjoining a building at all exterior walls.
- 2.12 **“Maintain”** shall mean the preservation or keeping in repair of a property as required by this by-law and any applicable regulations.
- 2.13 **“Non-Residential Property”** shall mean a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant thereto.
- 2.14 **“Occupancy”** shall mean the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- 2.15 **“Officer”** shall mean the Municipal By-Law Enforcement Officer or the Chief Building Official as appointed by Council.
- 2.16 **“Owner”** shall mean a person for the time being managing or receiving the rent of, or paying the municipal taxes on the land or premises in connection with which the word owner is used, whether on his/her 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, and shall also include the lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.
- 2.17 **“Property”** shall mean 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, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 2.18 **“Property Standards Committee”** shall mean the Committee of Adjustment as appointed by Council.
- 2.19 **“Repair”** shall mean 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 the by-law. All repairs shall be made in conformity to the requirements of the Building Code Act.
- 2.20 **“Residential Property”** shall mean any property that is used or designed for use of a domestic establishment, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard.
- 2.21 **“Standards”** shall mean the standards or physical condition and occupancy prescribed for property by this by-law.
- 2.22 **“Structure”** means anything constructed or erected, the use of which requires location on or in the ground or attached to something having location on or in the ground.

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- 2.23 **“Vehicle”** shall mean a motor vehicle, trailer, boat, motorized snow vehicle, all terrain vehicles, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- 2.24 **“Waste”** shall mean refuse or garbage of any kind whatsoever and without limiting and generality of the foregoing includes, rubbish, inoperative vehicles and mechanical equipment, automotive and mechanical parts, furnaces, water or fuel tanks, furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, material from construction or demolition projects and old clothing.
- 2.25 **“Yard”** shall mean the land, other than publicly owned land, immediately around and appurtenant to the whole or any part of a residential or non-residential property and lawfully used or intended to be used or capable of being used in connection with the property.

PART 3. General Duties And Obligations

- 3.1 No person shall occupy, use, permit the use of, or offer to rent any property that does not conform to the standards.
- 3.2 The owner of any property shall either:
- a) Repair and maintain the property in accordance with the standards; or
 - b) Remove or demolish the whole or the offending part of any property that is not in accordance with the standards.
- 3.3 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 Building Code, Building Code Act, Ontario Fire Code and Fire Prevention and Protection Act, where applicable.
- 3.4 After all efforts have failed to bring a property up to reasonable standards where the Officer has placed or caused the placing of a placard containing the terms of an Order upon any premises under the authority of the Building Code Act, no person shall remove such placard except with the consent of the Officer.

PART 4. Property Standards

4.1 Yards, Parking Lots, Vacant Property And Buildings

- a) All persons shall keep their property clean and free of litter, rubbish, debris, salvage, refuse, decaying and damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.
- b) All persons shall keep their grass, plantings and hedges trimmed and neat. Every yard and vacant property shall be kept free from heavy undergrowth, excessive growth of grass, weeds, and noxious plants in accordance with the Weed Control Act, R.S.O. 1990 and amendments thereto, and its regulations made thereunder.
- c) No persons shall be allowed to keep machinery, appliances, furniture, plumbing fixtures, vehicles, trailers or parts thereof which are in a wrecked, discharged, dismantled, partially dismantled or abandoned condition in the yard, open area of any building or on any vacant property.

4.2 Accessory Buildings and Structures

- a) All persons shall keep every accessory building or structure in good condition and repair and they shall be maintained in a structurally sound condition and be free of dangerous objects.
- b) All persons shall keep every residential, commercial, industrial and accessory building in conformity with the standards set out in this by-law and if the building remains vacant for a continuous period of three (3) months or more shall be sufficiently secured with all windows and doors boarded to prevent entry by unauthorized persons and such buildings may only be kept secured for a period of twelve (12) months after which time the building(s) shall be either:
 - (i) Restored to conform with the standards of this by-law, or
 - (ii) Demolished, or
 - (iii) Where there is a written agreement with the Council of The Corporation, the building or buildings will be exempt from this section.
- c) All persons shall keep and maintain their signs in good repair and in a safe manner.

PART 5. Administration And Enforcement

5.1 General Provisions

- a) The Ontario Building Code contains provisions for the administration and enforcement of this Property Standards By-Law. Should the following provisions of Part 5 conflict with Section 15 of The Ontario Building Code Act, the provisions of The Building Code Act shall prevail.

5.2 Property Standards Officer

- a) The Officer may, at all reasonable times and upon producing proper identification, enter and inspect any property, provided however, that he/she not enter any room or place actually used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under Section 16(1) of the Building Code Act, to determine:
 - (i) Whether the property conforms with the standards prescribed in the by-law; or
 - (ii) Whether an order made under Part 5.2(d) has been complied with.
- a) If after inspection, the Officer is satisfied that, in any respect the property does not conform to the standards prescribed in this by-law, he/she may serve or cause to be served by **personal service upon**, or send by **registered mail** to the owner of the property, and all persons shown by the records of the Land Registry Office to have any interest therein, a notice containing particulars of the non-conformity and may at the same time, provide all occupants with a copy of such notice.
- b) The Notice outlined in Part 5.2(b) above, may also set forth the date and opportunity for a Hearing with the Officer to determine what action must be taken with respect to the property, and informing the owner that he/she or his/her representative is entitled to appear at the said Hearing and make such representations and present such evidence as he/she so desires and that, in the event that he/she does not request a Hearing, a decision may be made by the Officer in his/her absence. The said notice may also contain any other information that the Officer deems necessary.

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- c) Should the situation fail to be resolved to the satisfaction of the Officer following the actions taken in accordance with Part 5.2(b)(c) of this by-law, the Officer may make and serve or cause to be **served upon** or sent by **registered mail** to such person, an order containing:
- (i) The municipal address or the legal description of the property;
 - (ii) Reasonable particulars of the repairs to be made or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition and the period in which there must be compliance with the terms and conditions of the order and notice that if such repairs or clearance is not done, within the time specified in the order, The Corporation may carry out the repairs and clearance at the owner's expense;
 - (iii) The final date for giving notice of appeal from the order.
- e) A notice or an order when sent by registered mail shall be sent to the last known address of such person.
- f) 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.
- g) Any 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 date on which the order was sent and when the requirements of the order have been satisfied, the Clerk-Treasurer of The Corporation 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.
- h) In the case of non-conformity to such extent as to pose an immediate danger to the health or safety of persons the Officer may proceed under Section 15.7 of the Building Code Act.

5.2 Property Standards Committee

- a) A Committee, to be known as The Property Standards Committee of The Corporation is hereby established in accordance with this by-law.
- b) The Committee of The Corporation shall consist of the Committee of Adjustment. Section 15.3 of the Building Code Act, provides for appeals from orders made under this by-law to the Committee and to a Judge of the Ontario Court.
- c) The Committee shall elect a Chairperson from its members; and make provisions for a Secretary of the Committee.

5.3 Appeal Process

- a) When an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of that order, he/she may appeal to the Committee by sending notice of an 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.
- b) **Powers of Committee on Appeal** - When an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who issued the order, and may confirm, modify or rescind the order to demolish or repair, or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of this by-law and of the Official Plan are maintained.

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c) The Secretary of the Committee, in receipt of the notice of appeal referred to in Part 5.4(a) shall:

(i) Determine the date, place and time of the Hearing of the 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,

(ii) Give notice in writing of the date, place and time of the Hearing referred to Part 5.4(c)(i) above to: the Appellant, the Officer who issued the order, and any other interested persons who appeared at the Hearing held pursuant to the order, said notice to be **served personally** or by **registered mail**.

d) **Conduct of Appeal Process**

(i) The Committee shall hold the Hearing referred to in Part 5.4(b) of the date, place and time set out in the notice, and have all the powers and functions of an Officer.

(ii) The Committee may adopt its own rules and procedure, pursuant to Section 15.6(8) of the Building Code Act.

(iii) The applicant may appear with or without Counsel at the Hearing, to present his/her appeal.

(iv) The Corporation may be represented at the Hearing by The Corporation's solicitor, or his/her duly authorized subordinate or assistant, who is entitled to reply to the appeal presented on behalf of the applicant.

(v) The Committee may confirm, modify or rescind the order to demolish or repair, or extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan of The Corporation is maintained.

(vi) The Committee shall give its decision in writing.

(vii) The Secretary of the Committee shall notify the Appellant, the Officer who issued the order, and any other persons who appeared at the Hearing of the appeal of the decision, by causing a copy to be served **personally** or by **registered mail**.

e) **Appeal to Ontario Court**

(i) Any owner, occupant, person or corporation affected by a decision may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk-Treasurer of The Corporation in writing and by applying to the Ontario Court (General Division) for an appointment within fourteen (14) days after sending a copy of the decision.

5.4 **Certificate of Compliance**

a) Following the inspection of the property, the Officer shall provide the owner with a certificate of compliance, if in his/her opinion; the property is in compliance with the standards established in the by-law.

b) The issuance of a Certificate of Compliance herein does not relieve the recipient from compliance with the requirements of other applicable by-laws, regulations or statutes and it does not constitute an occupancy permit under the Ontario Building Code.

5.5 **Power of The Corporation to Demolish or Repair**

a) An order that has been deemed to have been confirmed under the Building Code Act, or as confirmed or modified by the Committee, or in the event of an appeal to a Judge under Section 15.3(6) of the Building Code Act 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.

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b) If the owner or occupant of the property fails to demolish the property or to repair in accordance with the order as confirmed or modified, in addition to all other remedies:

(i) The Corporation shall have the right to demolish or repair the property accordingly and, for this purpose, its servants and agents from time to time may enter in and upon the property, notwithstanding Part 5.2(a), and;

(ii) Shall not be liable to compensate such owner, occupant or any person having an interest in the property by reason of anything done by or on behalf of The Corporation in the reasonable exercise of its power under Section 15.4(1) of the Building Code Act.

(iii) Pursuant to Section 15.4(4) of the Building Code Act, The Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collectors Roll of taxes for the current year and shall be collected in like manner as municipal taxes.

c) Section 15.4(2) of the Building Code Act provides that, for the purpose of 15.4(1), employees or agents of The Corporation may enter the property at any reasonable time without a warrant in order to repair or demolish the property.

PART 6. Penalties

6.1 **No person shall** obstruct or attempt to obstruct an Officer or a person acting under the Officer's instructions in the exercise of a power or an owner who fails to comply with a final and binding Order made under the Building Code Act and/or this by-law and, if the person or owner is a corporation, every director or officer of a corporation who knowingly concurs in the contravention or failure to comply is guilty of an offence and on 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 any subsequent offence. (BCA, S.O. 1992, c.23, Sec 36)

6.2 If a corporation is convicted of an offence under Part 6.1, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence. (BCA, S.O. 1992, c.23, Sec 36)

6.3 **No person shall remove** any notice or placard subsequent to Part 3.4 and 5.2(f).

PART 7. Conflicts

7.1 Wherever a standard established by the by-law differs from a standard in relation to the same matter established by any other item of legislation in force in The Corporation, the standard that provides the higher degree of protection for the health, safety and welfare of the occupants and the general public shall prevail.

PART 8. Severability

8.1 If any part of this by law shall be held void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by law.

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PART 9. Repeal

9.1 By-law Number 1991-06 of the former Township of Admaston, By-Law Number 2004-31 of the Township of Admaston/Bromley and the amendments thereto are hereby repealed.

This by-law shall come into force and shall take effect upon final passing thereof.

Read a first time this 16th day of November 2006.

Read a second time this 16th day of November 2006.

Read a third time and finally passed this 16th day of November 2006.

Mayor

Clerk-Treasurer

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