

**The Corporation of Loyalist Township**  
**By-law Number 2024-28**

A By-law to regulate property standards and to repeal 2002-34 and 2009-040

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**WHEREAS** Section 15.1 of the *Building Code Act*, S.O. 1992, as amended provides that a Council may pass by-laws to:

1. Prescribe standards for the maintenance and occupancy of property.
2. Require property to be repaired and maintained in conformity with the prescribed standards.
3. Prohibit the occupancy or use of property that does not conform to the prescribed standards.
4. Require that property be cleared of all buildings or structures that do not conform to the prescribed standards and left in a graded or level condition.

**AND WHEREAS** there is in effect in the Corporation of Loyalist Township an Official Plan which relates to the former municipalities of the Corporation of the Township of Ernestown, the Corporation of the Township of Amherst Island, and the Corporation of the Village of Bath which include provisions relating to property conditions;

**AND NOW THEREFORE** the Council of the Corporation of Loyalist Township hereby enacts as follows:

**Section 1 General**

SHORT TITLE

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

**Section 2 Definitions**

**Acceptable** shall mean:

- a) accepted by the Chief Building Official of the municipality with respect to matters under the *Ontario Building Code Act* 1992, as amended and Regulations thereunder;
- b) accepted by the Chief Fire Official of the municipality with respect to matters under the *Fire Marshalls Act*, R.S.O. 1990, and Regulations thereunder; and
- c) accepted by the Property Standards Officer with respect to all other matters regulated by this By-law.

**Adequate** means equal or amounting to what is sufficient, fitting, suitable, equal to what is required

**Appeals Committee** means the Property Standards Committee referred to in Section 15.6 of the *Building Code Act*, 1992, S.O. 1992, c.23 as amended to hear Orders issued under this By-Law.

**Accessory Building** shall mean a building not used for human habitation customarily incidental and Subordinate to a principal building on the same lot, which shall include boat houses.

**Balustrade** shall mean a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.

**Basement** shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the average level or ground adjacent to the exterior walls of the building.

**Bathroom** shall mean a room containing at least a wash basin and toilet and bathtub or shower, or two rooms which contain in total at least one wash basin and one toilet and one bathtub or shower.

**Boarding House** shall mean a dwelling house, containing not more than four guest rooms used or maintained for the accommodation of the public, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more persons.

**Building** shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods.

**Bulk Container** shall mean a refuse container emptied by mechanical means without removal from the property.

**Catch Basin** shall mean a structure which intercepts storm water runoff for transmission to a sewer or other outlet and includes a sump in which Standing Water can accumulate

**Cellar** shall mean that portion of a building between two floor levels which is partly or wholly underground, but which has more than one-half of its height from finished floor to finished ceiling below the average level of ground adjacent to the exterior walls of the building.

**Commercial Property** shall mean a property used for the sale of goods and/or services and for the purpose of this by-law shall include office buildings, public halls, licensed premises and private clubs, and any building that is used in conjunction with these.

**Committee** shall mean the Property Standards Committee as established under this by-law.

**Corporation** shall mean the Corporation of Loyalist Township.

**Crawl Space** shall mean a horizontal area with a height of 1 800mm or less between the lowest part of a floor assembly and the ground providing access to electrical, plumbing, and/ or duct services.

**Debris** shall mean any material whatsoever capable of holding Standing Water and without limiting the generality of the foregoing includes, tires, cars, boats, containers of any kind, garden fixtures and wading pools.

**Depression** shall mean any natural or man-made condition on a property that is capable of holding Standing Water

**Dwellings** 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 purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

**Dwelling Unit** shall mean one or more habitable rooms designed or intended for use as a single housekeeping unit only, in which sanitary conveniences are provided, in which only one kitchen facility is provided for cooking, and in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside.

**Exterior Property Areas** shall mean the property excluding buildings.

**Fence** shall mean a privacy or other screen.

**Fire Resistance Rating** shall mean the time in hours that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria as stated in the Ontario Building Code.

**Frivolous Complaint** means a complaint not having any serious purpose or value

**Grade** means the average elevation of the finished surface of the ground around the perimeter of a building excluding localized depressions such as: sunken terraces, stairwells, and window wells.

**Ground Cover** shall mean organic or non-organic material applied to prevent erosion of the exterior property area such as concrete, flagstone, gravel, asphalt or grass.

**Habitable Room** shall mean a room commonly used for living purposes, including a bedroom and a kitchen but not including any space in a dwelling used as a lobby, hallway, closet, or bathroom or any room having floor space of less than 4.65 square metres (50 sq.ft.)

**Housekeeping Unit, Single** shall mean a single dwelling unit used by not more than four individuals who reside therein or more than four individuals who reside there as a family

provided there is no program, person or agency required in the supervision of such individuals.

**Industrial Property** shall mean a property used for the manufacturing and/or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.

**Inoperative Condition** means not in working condition.

**Level Of Illumination** means the amount of artificial light measured in Lux (Foot Candles) at floor grade level.

**Maintenance** shall mean the preservation and keeping in repair of a property.

**Means Of Egress** shall mean a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, window or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space to a public thoroughfare or approved open space and includes exits or access to exits.

**Multiple Dwelling** shall mean a building containing three or more dwelling units other than a semi-detached dwelling.

**Multiple Use Building** shall mean a building containing both a dwelling unit and a non-residential property.

**Natural Body of Water** refers to a creek, stream, bog, marsh, river, pond or lake created or maintained by the forces of nature and which contains water and also includes man-made ponds.

**Non-Habitable Space** shall mean any space in a dwelling or dwelling unit other than a habitable room, and includes any bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room or other space for service and maintenance or common use, and for access to and vertical travel between storeys, and any unfinished basement.

**Occupant** shall mean any person or persons over the age of eighteen years in possession of the property.

**Officer** shall mean a property standards officer as may from time to time by Council be assigned the responsibility of administering and enforcing this by-law.

**Owner** shall mean the person having control over any portion of a building or property and includes;

- a) Paying the municipal taxes or managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and

- b) Shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property.

**Person** means an individual, association, firm, corporation or partnership, executors, or legal representation to whom the context can apply according to the law.

**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 structure, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.

**Public Building** shall mean a building which is staffed by government personnel for the purpose of servicing the public.

**Repair** shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in this By-law. All repairs shall be made in conformity to the Ontario Building Code, the *Ontario Water Resources Act*, Plumbing Regulations, the Regulations of Hydro Electric Power Commission of Ontario and Regulations made under the *Public Health Act of Ontario* or any other applicable regulations.

**Residential Property** shall mean 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 land or buildings that are appurtenant to such an establishment.

**Roomer Or Lodger** shall mean person harbored, received or lodged, in the lodging house or boarding home in return for compensation.

**Sewage** shall mean any liquid waste containing animal, vegetable or mineral matter in suspension or solution, but does not include roof water or other storm runoff.

**Sewerage System** shall mean the Corporation's sanitary sewerage disposal system or a private sewage disposal system approved by the Townships Chief Building Official or other responsible authority.

**Standing Water** shall mean any water which is not continuously in movement by natural or mechanical means that is found in a catch basin, debris or depression as defined by this By-law but does not include a natural body of water or water contained within a Township owned drain, catch basin, or storm water management facility

**Standards** shall mean the standards of physical conditions and occupancy set out in this by-law.

**Storey** means, the portion of a building.

- a) That is situated between the top of any floor and the top of the floor next above it,  
or

- b) That is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

**Toilet Room** shall mean a room containing a water closet and wash basin.

**Township** means the Corporation of Loyalist Township

**Wall** shall mean the solid vertical structure forming any one of the sides of a building and/or a partition forming the side of a room.

**Yard** means the land other than publicly owned land, around and appurtenant to any property or any part of a building or structure and used or intended to be used or capable of being used in connection with said property.

**Roll-Off Container** means a refuse container which is required to be transported from the property for the purpose of emptying.

**Sign** includes an advertising device or notice and means any medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter other than itself, for identification, information or advertising purposes.

**Unsafe Condition** means:

- a) structurally inadequate or faulty for the purposes for which it is used or intended to be used; or
- b) in a condition that could pose a serious hazard to:
  - i. persons in the normal use of a building;
  - ii. persons authorized or expected to be on or about the property, or
  - iii. persons or property in the immediate vicinity of the subject condition.

### **Section 3 Application of the By-Law**

3.1 This By-law shall apply to all Properties within the limits of the Township

3.1.1 Notwithstanding Section 4.5 the following properties are exempt from the requirements of this By-Law;

- a) Property owned by the Township
- b) Farm Buildings and lands which are being used for agricultural and farm purposes and are located within an agricultural zone.

3.1.2 Where a provision of this by-law conflicts with a provision of another by-law in force in the municipality, the provisions that establish the higher standard shall be enforced in order to protect the health, safety and welfare of the general public.

3.1.3 If any section of this by-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.

3.1.4 Any owner of property which is below the standards prescribed by this by-law is required to repair and maintain such property to comply with the standards

prescribed by this by-law and the occupancy and use of property that does not conform to such minimum standards is prohibited or the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and level condition.

- 3.1.4 When any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this by-law will continue to be in force.
- 3.1.5 All notices and documents herein required shall be signed by the officer or, in his absence, by his designated deputy.

## **Section 4 Administration**

### **Property Standards Committee**

- 4.1 This by-Law shall be administered by a Appeals Committee composed of such persons as Council considers advisable and who shall hold office for such term and on such conditions as determined in the Terms of Reference.
  - 4.1.1 The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and Section 74 of the *Municipal Act* applies with the necessary changes having been made to such documents.
  - 4.1.2 A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 8. Shall give notice or direct that notice be given of such a hearing to such persons as the committee considers should receive such notice.

### **Property Standards Officer**

- 4.2 The office of Property Standards Officer is hereby created, and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this by-law, subject to review by the foregoing Committee.
  - 4.2.1 The Property Standards Officer or any person acting under his instructions may at all reasonable times and upon producing proper identification, enter and inspect any property.
  - 4.2.2 The Property Standards Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupant except under the authority of a search warrant issued under Section 158 of the *Provincial Offences Act*.
  - 4.2.3 The Property Standards Officer for the purposes of inspection may:
    - a) Require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;

- b) Inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to a property or part thereof;
- d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- e) alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, samples or photographs necessary for the purposes of the inspection; and
- f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

4.2.4 The Property Standards Officer shall divide the sample taken under section 4.2.3 (e) into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time it is taken and provides the necessary facilities.

4.2.5 If the Property Standards Officer takes a sample under section 4.2.3 (e) and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

4.2.6 The Property Standards Officer shall provide a receipt for any document or thing removed under Section 4.2.3(e) and shall promptly return them after the copies or extracts are made.

### **Order**

4.3 The Property Standards Officer may issue an Order in regards to a property not in compliance with the standards prescribed by this by-law, and serve the Order on the owner of the property and such other persons affected by it as the property Standards Officer determines and a copy of the Order may be posted on the property.

4.4 Such an Order shall conform with the requirements of Section 15.2(2) of the *Building Code Act*, S.O. 1992, as amended and shall:

- a) state the municipal address or legal description of such property;
- b) state reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the Order and Notice that, if such repair or clearance is not so done within the time specified in the Order, the municipality may carry out the repair or clearance at the expense of the owner and/or a statement that the occupancy or use of such property that does not conform to the standards is prohibited;
- c) state the final date of giving Notice of Appeal from the order



### **Order to be sent to Last Known Address**

- 4.5 An Order under Section 4.3 sent by mail shall be sent to the last known address of the person (s) to whom the order is addressed to.

### **Placarding**

- 4.6 A Property Standards Officer may cause to be placed in a prominent position on the exterior of any building which does not conform to the standards set out in this by-law a placard in the form set out in Schedule "A" to this by-law and no person shall pull down or deface any such placard. The placing of the placard shall be deemed to be sufficient service of the Notice or Order on the owner or other persons.
- 4.7 Any person who removes from the premises any such notice or placard placed thereon pursuant to Section 15.2 of the *Building Code Act*, 1992, or under this by-law shall be guilty of an offence and shall pay the same penalty as provided in the enforcement section of this by-law.

### **Date of Service**

- 4.8 When an order has been served by a Property Standards Officer the date of service shall be deemed to be the date upon which the notice or order is delivered for registered mailing at a post office, or when the notice or Order is personally served by a Property Standards Officer upon any person, or upon the date of Placarding of a property as provided in the *Building Code Act*, as amended from time to time.

### **Discharge Of Order**

- 4.9 When an order as written or as confirmed or modified by the Committee or a Judge of the Ontario Court (General Division) is registered in the registry of land titles office, 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 served under Section 4.3 and, when the requirements of such order have been satisfied, the Clerk of the municipality shall forthwith register in the proper Registry or land titles office a certificate that such requirements have been satisfied which shall operate as a discharge of such order.

### **Appeals To The Property Standards Committee**

- 4.10 When an Owner or occupant upon whom an Order of the Property Standards Officer has been served is not satisfied with the terms or conditions of the Order, he may appeal to the Property Standards Committee by sending Notice of Appeal by Registered Mail to the Secretary within fourteen (14) days after service of the Order and if no Appeal is taken, the Order shall be deemed to have been confirmed.

## **Hearing Of Appeal**

- 4.11 Where an Appeal has been taken, the Committee shall hear the Appeal within thirty (30) days after receipt of the Notice of Appeal by its secretary.
- 4.12 The Committee shall have all the powers and functions of the Property Standards Officer and may confirm the Order to demolish or repair or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan are maintained.
- 4.13 Notice of a person's intention to appear as a delegation to appeal an Order, shall be given to the Property Standards Officer and he will also be heard.

## **Appeal From Decision Of Committee**

- 4.14 The municipality in which the property is situated or any owner or occupant or person affected by a decision under Section 4.12 may appeal to a Judge of the Ontario Court (General Division) of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen (14) days after the sending of a copy of the decision;
- a) the Judge shall, in writing, appoint a day, time and place for the Hearing of the Appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes; and,
  - b) the Judge on such Appeal has the same powers and functions as the Committee.

## **Order To Be Final and Binding**

- 4.15 The Order, as deemed to have been confirmed pursuant to Section 4.3 or as confirmed or modified by the Committee pursuant to Section 4.5 or, in the event of an Appeal to the Judge pursuant to Section 4.14 as confirmed or modified by the Judge, shall be final and binding upon the Owner and occupant who shall make the repair or effect the clearance within the time and in the manner specified in the Order and on Loyalist Township if it entails a modification of the by-law or any clause thereof.

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

- 4.16 If the Owner or occupant of property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation in addition to all other remedies:
- a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and,

- b) shall not be liable to compensate such owner, occupant or any other persons having an interest in the property by reason of anything done by or on behalf of the Corporation under the provisions of this subsection.
- c) Any item not removed by the date stated on the Order to remedy a violation may be removed by the Corporation at the expense of the owner, and all expenses shall be collected as in Section 4.17. If any vehicle is not claimed within 30 days, it shall be sold and all expenses shall be collected as in Section 4.17.

4.17 The Corporation shall not demolish any dwelling or carry out any removals without first obtaining approval of Council and the cost of such demolition or removals or repair shall be added to the owner's tax bill and collected in the same manner as municipal taxes.

4.18 Where the property does not conform to the standards prescribed by the by-law and an order to repair and maintain has been given but has not been complied with and the order as confirmed or modified is final and binding, the Corporation may serve notice on the owner and all persons having an interest in the property requiring that the property be vacated on or before the time specified in the notice and after such time the occupancy and use of the property is prohibited.

### **Authority**

4.19 This by-law shall be read subject to the *Building Code Act*, S.O., 1992, as amended from time to time, and whenever the provisions of this by-law conflict or are otherwise inconsistent with the provisions of the *Building Code Act*, the provision of the *Building Code Act* shall be deemed to be incorporated in this by-law.

### **Section 5 General Standards for All Properties**

5.1 All work, repairs and maintenance of Properties shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and shall conform to all other By-Laws of the Township, codes, and statutes as applicable.

### **Fences**

5.2 Every fence barrier and retaining wall shall be kept:

- a) in good repair and free of accident hazards;
- b) in a structurally sound condition;
- c) free from objectionable markings, painted slogan, stains or other defacement; and
- d) where fences or retaining walls are protected by paint, preservative or other weather resistant material, they shall be maintained so as to be free from peeling paint or other coatings.

## **Retaining Walls**

- 5.3 Retaining walls maintenance shall include designing and rebuilding to the requirements of the *Ontario Building Code*, the *Building Code Act*, R.S.O. 1992, and Regulations made thereunder, or replacing of all deteriorated, damaged, misaligned or missing portions of the wall or railings and guards appurtenant thereto;

## **Nuisance Properties**

5.3.1 Premises which, because of their use of occupancy, or for other reason, create a nuisance to adjacent premises or to the neighbourhood or to the users of streets or parks shall be buffered from such premises or public areas so as to minimize the effect of the nuisance.

- 5.3.2 Without limiting the generality of the foregoing, such buffering shall include:
- a) the provision and maintenance of an effective barrier to prevent wind-blown waste, wrappings, debris and the like from encroaching on the adjacent premises;
  - b) the provision and maintenance of a visual screen to minimize the visual impact of nuisances to persons at grade adjacent to the property;
  - c) to prevent lighting and vehicle headlights in parking areas from shining directly into dwelling unit windows;
  - d) to screen transformers and other like appendages; and,
  - e) to provide a safe route for persons and vehicles.

## **Accessory Buildings**

- 5.4 Accessory buildings shall be kept in good repair and free from health, fire and accident hazards. The exterior of any accessory building shall be weather-resistant through the use of proper weather-resistant materials.
- 5.5 Accessory buildings shall be secured to the ground in an acceptable manner to ensure that the structure could not be moved from its location during extreme weather conditions.
- 5.6 Exteriors of accessory buildings shall be weather resistant. Where Accessory Buildings have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.
- 5.7 Where an accessory building, fence, retaining wall or the land may harbour an infestation of insects or rodents all necessary steps shall be taken to eliminate the insects or rodents to prevent their reappearance.
- 5.8 Where a building remains vacant and unattended for a period of more than ninety (90) days, the owner or his agent shall ensure that all utilities serving the property are properly disconnected unless otherwise required for the security or maintenance of the property, to prevent accidental or malicious damage to the building or adjacent property.

## **Fire and Accident Prevention**

- 5.9 When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or around the exterior property areas of a premises, the building code shall apply to the extent necessary to abate the unsafe condition.
- 5.10 In the event that strict application of the regulations in the building code is not practical, the Officer may accept alternative measures provided the standard of safety that results is generally equivalent to the standard provided by the detailed building code regulations.
- 5.11 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged building or accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.
- 5.12 In the event the building or accessory structure is beyond repair, the land shall be cleared of all remains and left in a graded, level and tidy condition.
- 5.13 Materials of a flammable nature shall be safely stored or removed at once from the property.

## **Appliances**

- 5.14 All appliances, equipment, accessories, and installations provided by the owner shall be installed and maintained in a good repair and working order and used for their intended purpose.

## **Doors and Windows**

- 5.15 All exterior openings shall be fitted with doors or windows or other suitable means to prevent entrance of wind or rain into the building.
- 5.16 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.
- 5.17 Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and missing or defective door and window hardware shall be repaired and/or replaced, and maintained and protected from the elements and against decay and rust by application of a weather coating material such as paint or other protective materials.
- 5.18 When an opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with a:

- a) wire mesh screen, metal grille or other equivalent durable material; or,
- b) other protection so as to effectively prevent the entry of rodents or vermin.

5.19 All doors and opening windows in a dwelling unit shall be provided with the means of being latched or secured from within.

### **Electrical Service**

5.20 Electrical installations, including the service capacity of the installations and the number and distribution of circuits, shall conform to the Ontario Electrical Safety Code made pursuant to the *Power Commission Act of Ontario*.

5.21 The electrical wiring and all electrical fixtures located or used in any building shall be installed and maintained in good working order and in conformity with the regulations required by the Electrical Safety Authority

5.22 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis

5.23 a smoke alarm(s) shall be installed in each living unit, on each level where sleeping accommodations are found including the basement and should always be maintained in operable condition.

### **Exterior Walls Columns and Beams**

5.24 Exterior walls of buildings and their components including soffit and fascia shall be kept clean and maintained so as to prevent their deterioration due to weather, insects, and vegetative covering, and shall be so maintained by painting, restoring, or repairing the walls to ensure there is waterproofed joints.

5.25 Exterior walls of buildings and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or coverings free of holes, cracks, or excessive worn surfaces.

5.26 Where walls have been painted or otherwise treated, they shall be maintained so as to be free from peeling paint or other coatings, and materials that are used for the temporary barricading of openings to the interior of the building shall be surfaced with a finish compatible with the surrounding finish.

### **Foundations**

5.27 Foundation walls of a building shall be maintained so as to prevent the entrance of insects, rodents, moisture, roots and be adequately suitable to support to loads imposed. They shall be free of leaks and defective mortar joints or masonry.

5.28 Foundation walls shall be waterproof or dampproofed to prevent the entry of moisture or water into the basement cellar or crawlspace as required by the *Ontario Building Code* and amended from time to time.

- 5.29 Maintenance and repair of foundations shall comply with all requirements set out in the *Ontario Building Code* and may include but is not limited to:
- a) Repairing or replacing decayed, damaged, or weakened sills, piers, posts, or other supports.
  - b) shoring of the walls,
  - c) installing sub-soil drains at the footings,
  - d) grouting masonry cracks as necessary so as to be weather tight
  - e) parging, damp proofing and water proofing walls and joints and using other suitable means of maintenance. and;
  - f) removing or replacing loose or unsecured objects and materials

### **Graffiti**

- 5.30 Appropriate measures shall be taken to remove any written slogans, graffiti, objectionable markings, stains or other defacements on the exterior of any building, wall, fence, sign or structure(s) including chalked titles or messages and restore the surface and adjacent areas to as near as possible prior to when the markings or defacement occurred.

### **Floors, Stairs, Verandas, Porches, Decks, Loading Docks, Balconies, Handrails And Landings**

- 5.31 Every floor, stair, veranda, porch, deck, balcony and every appurtenance and surface finishing attached or laid thereto shall be maintained, reconstructed, repaired, cleaned or replaced so as to properly perform the intended function and be of acceptable appearance.
- 5.32 Without restricting the generality of subsection 5.31 the maintenance, reconstructing or repair includes:
- a) repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet that contain depressions, protrusions, deterioration, or are broken, torn, warped, loose or otherwise defective;
  - b) renewing or strengthening structural members that are rolled, deteriorated or loose;
  - c) providing or renewing balustrades, guardrails and railings;
  - d) restricting openings in and climb ability of guards to which small children have access to the requirements of the *Building Code Act S.O. 1992*, as amended, and Regulations thereunder; and,
  - e) painting or the applying of other equivalent preservative.

### **Pedestrian Access**

- 5.33 A safe pedestrian access shall be provided to the principal entrance of every residential building.

## **Landscaping**

- 5.34 Where landscaping, parking areas, walkways, steps, hedges, trees, fences, curbs, recreational equipment or similar changes to the property have been made, such works shall be undertaken and maintained in living condition or in a good state of repair. The officer may accept alternatives provided the intent of the original approval is maintained.
- 5.35 Property that is deleterious to the surroundings by reason of its appearance, utilization or unsafe condition shall be repaired, replaced or other remedial measures taken so as to be compatible.

## **Lighting**

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

## **Parking Areas, Walks, Driveways**

- 5.37 Areas used for vehicle traffic and parking shall be paved with asphalt, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonable dust free substance, and shall be free from ponding and puddles and otherwise in good repair.
- 5.38 Communal walkways, driveways, ramps, parking areas and outside stairs and landings shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of persons slipping or vehicles skidding on icy surfaces.
- 5.39 Suitable hard surface walkways shall be available leading from the main entrance of each dwelling to the street or driveway and shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth, slip-free and safe surface for pedestrian traffic.
- 5.40 Steps, walkways, driveways, parking spaces and similar areas whether residential or commercial shall be maintained and adequately lighted so as to provide safe passage under normal use and weather conditions.
- 5.41 Artificial lighting standards and fixtures shall be kept in safe condition, in working order and in good visual condition.
- 5.42 Entrances and means of access, excluding driveways and designated parking spaces, shall be kept clear of automobiles, trailers, motorcycles and bicycles and unsafe accumulations of ice and snow, and other debris.

## **Pest Prevention**

- 5.43 All property shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents, vermin, or insects shall be in



accordance with the provisions of the Pesticides Act, R.S.O. 1990, as amended from time to time and all regulations passed pursuant thereto.

- 5.44 Basement and cellar windows or ventilators used or required for ventilation, and any other openings in a basement or cellar including a floor drain that might permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.
- a) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
  - b) the restoring, or replacing of:
    - I. the foundations, walls, columns, beams, floor and floor slabs; and
    - II. components, claddings, finishes, and trims forming a part thereof.
  - c) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building.

## **Roofs**

- 5.45 All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering. The roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building and where necessary shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings
- 5.46 Every roof including related roof structures, eaves troughs, roof gutters, down pipes, and ice guards shall be maintained, repaired or replaced so as to properly perform the intended function and be of acceptable appearance
- 5.47 Without restricting the generality of subsections 5.45 and 5.46, the maintenance and repair include:
- a) removal of obstructions or loose, unsecured objects and materials;
  - b) removal of dangerous accumulations of snow and ice;
  - c) removal of other accident and fire hazards;
  - d) the overhaul or provision of flashings.
- 5.48 Chimneys, smoke or vent stacks and other roof structures shall be maintained in good repair so as to be free from:
- a) loose bricks, mortar, and loose or broken capping;
  - b) loose or rusted stanchions, guy wires, braces and attachments;
  - c) any fire or accident hazard; and,
  - d) unsightly objects and conditions detrimental to the appearance of the building.

## **Signs**

- 5.49 All signs and billboards shall be maintained in good repair and not in a state to cause an unsafe condition and any signs which are weathered or faded or where the paint has peeled or cracked, shall, with their supporting members, be removed or put into a good state of repair

- 5.50 Signs shall be maintained in a vertical plane unless otherwise erected and approved in which case the sign shall be maintained as erected and approved

### **Structural Soundness**

- 5.51 Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject through normal use.
- 5.52 Materials which have been damaged, loose, improperly secured, showing evidence of rot or other deterioration shall be repaired or replaced.
- 5.53 The factors of safety specified in The Building Code Act, S.O. 1992, as amended, and Regulations thereunder are the minimum standards.
- 5.54 Where an owner disputes the need for repairs under this section, he may submit a written report signed and sealed by a professional engineer licensed to practice in the relevant discipline in The Province of Ontario on the matters thereto.
- 5.55 The officer may accept the findings in the report pursuant to subsection 41.4 as the requirements for compliance with the required repairs provided he is satisfied all deficiencies have been identified and appropriately dealt with by the report.
- 5.56 The Property Standards Officer may require an engineer's report of a building if in his opinion the building is not structurally sound. Moreover such a report will be at the expense of the owner(s).

### **Walls, Ceiling And Floors**

- 5.57 Every wall and ceiling finish shall be maintained so as to be free of holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter the concealed space or the collapse of which might cause injury.
- 5.58 Where dwelling units are separated vertically, the divided walls from the top of the footings to the underside of the roof deck, and any space between the top of the wall and the roof deck shall be tightly sealed by caulking, mineral wool or similar non-combustible material, and such walls shall conform to the fire resistance ratings contained in the Ontario Building Code.
- 5.59 The floor of every kitchen or area where food or drink is prepared and every bathroom floor or toilet room floor, where the toilet is in a separate room, shall be maintained so as to be impervious of water and so as to permit cleaning and sanitization.
- 5.60 All hallways, laundry rooms and common areas shall be maintained in a clean and sanitary condition.

## **Property, Lands, Yards And Buildings**

- 5.61 dilapidated or collapsed structures or erections or accumulations o materials
- a) termites, rodents, vermin, pests or other conditions which might result in the harbouring of such pests; and
  - b) dog feces or other animal feces
  - c) Standing water and debris that may contain standing water including abandoned or disused swimming pools.
- 5.62 Any furniture that is manufactured for interior use shall not be placed outside of a dwelling, except that that is stored in a sheltered building at night or covered with "weather proof "covers when not in use.
- 5.63 Furniture outside of a dwelling that becomes dilapidated shall be disposed of.
- 5.64 Appliances including but not limited to refrigerators, stoves and freezers shall not be left in yards, interior stairwells, or hallways and shall not be used as places of storage.
- 5.65 Where a building remains vacant and unattended for a period of more than ninety (90) days, the owner or his agent shall ensure that all utilities serving the property are properly disconnected unless otherwise required for the security or maintenance of the property, to prevent accidental or malicious damage to the building or adjacent property.
- 5.66 The owners of vacant property shall maintain the property in accordance with the By-Law or demolish such buildings and the site left in a graded and level condition in complaint with other parts of the By-Law
- 5.67 All yards and compounds and lands shall be maintained in conditions compatible to its intended use.

## **Noxious Plants**

- 5.68 All properties shall be kept free from noxious plants, including but not limited to ragweed, poison ivy, poison oak and poison sumach and comply with the specifications of the Weed Control Act, R.S.O. 1990 and regulations and by-laws established thereunder.

## **Yards, Industrial And Commercial**

- 5.69 The warehousing of any stored materials or operative equipment or the storage of garbage in receptacles in the yards or compounds shall be neat and orderly so as not to create a fire or accident hazard or any unsightly condition and shall provide clean and easy access for emergency vehicles.
- 5.70 Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be properly enclosed on all sides by a

solid wall or board or metal fence in compliance with Loyalist Township Fence By-Law.

## **Section 6 Residential Standards**

- 6.1 In addition to all General Standards set out in Section 5 of the By-Law, the following regulations shall apply to all Residential Properties.

### **Amenities**

- 6.2 Amenities such as mailboxes and storage facilities shall be properly maintained.

### **Basements, Cellars and Crawl Spaces**

- 6.3 Use of a crawl space as habitable room is prohibited.
- 6.4 Every basement and cellar shall have a floor of concrete, masonry, or other impervious material and where a floor drain is necessary it shall be located at the lowest part of the said floor and connected to the storm sewer system if possible, or a sump pump properly installed at the lowest point.
- 6.5 Basements, cellars or crawl spaces which are not served by a stairway leading from the building or from outside the building may have an earth floor provided it is covered with a moisture proof covering and have the required ventilation of one percent of the floor area.
- 6.6 Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar including a floor drain, shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.
- 6.7 Where equipment requiring service such as plumbing, clean outs, traps and burners is located in a crawl space, an access way with a minimum height and width and/or length of 0.61 metres x 0.91 metres (2 feet x 3 feet) shall be provided.

### **Dampness**

- 6.8 The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall, or a roof, or through a cellar basement or crawl space floor.

### **Insulation**

- 6.9 The insulation requirements of the Ontario Building Code as amended from time to time, shall be complied with where necessary and practical.
- 6.10 Every dwelling shall be provided with sufficient thermal insulation and vapour barrier to prevent moisture condensing on the interior surfaces of walls, ceilings

and floors during the winter and to ensure comfortable conditions for the occupants.

### **Disconnected Utilities**

- 6.14 No owner of residential buildings or any person or persons acting on behalf of such owner shall disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration, or water to a dwelling unit occupied by a tenant or lessee, except for such reasonable periods of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

### **Doors, Windows, and Skylights**

- 6.15 Windows, skylights, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free. Maintenance includes painting, replacing damaged doors, door frames and serviceable hardware, weather-stripping, and re-glazing.
- 6.16 In a dwelling unit all windows and skylights intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit without the use of keys or tools.
- 6.17 All shutters on windows shall be maintained in good repair, including painting replacing or other suitable means to prevent deterioration due to weather and insects
- 6.18 All windows and skylights in a dwelling unit that are capable or intended of being opened shall be readily operable under normal applied pressure without jamming or binding so as to perform their intended function and shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components.
- 6.19 Where an opening is used for illumination or ventilation and is not permanently protected by a window, skylight or door so as to exclude rodents, vermin, and insects it shall be adequately screened with wire mesh or other durable material; otherwise protected so as to effectively prevent the entry of rodents, vermin and insects.

### **Egress**

- 6.20 Every required exit from a residential building shall open directly to a street or outer court.
- 6.21 Every dwelling which contains dwelling units located other than on the ground floor shall be provided with a second means of egress.
- 6.22 In the case of a multiple dwelling, wherever there are not two means of egress from each apartment, suitably remote from each other, there shall be ready

access to at least two means of egress leading to separate and independent exits or safe place of rescue.

- 6.23 A required exit shall not pass through an attached garage, or built-in garage or an enclosed part of another dwelling unit.
- 6.24 All commercial, institutional and industrial buildings shall be provided with exits of size and number so as to be in compliance with the requirements of The Ontario Building Code, as amended from time to time for the appropriate group and division.
- 6.25 All commercial, institutional and industrial buildings shall be provided with lighting facilities capable of supplying no less than eleven (11) lux (1 foot candle) of light intensity of the floor surfaces continuously. {1 lux = 1 lumen/sq metre} {1 foot candle = 1 lumen/sq. foot}
- 6.26 All commercial, institutional and industrial buildings shall be provided with clean, clear, unobstructed and readily visible exit signs where such exit signs would be required to locate means of egress.
- 6.27 Storage or accumulation of garbage, appliances, furniture, or other items in a means of egress is not permitted.

### **Electrical Service**

- 6.28 Every dwelling unit shall be wired for and provided with electricity.
- 6.29 An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, stairwell, basement, and cellar.
- 6.31 Elevators intended for use by tenants shall be properly maintained and kept in operation:
  - a) in accordance with the requirements of the *Elevating Devices Act* R.S.O. 1990, the *Building Code Act*, S.O. 1992, as amended, and all Regulations made thereunder;
  - b) with all parts and appendages including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational.
- 6.32 In an apartment building where a voice communication system exists and or where a security locking and release system for the entrance is provided and is controlled from each dwelling unit, such systems shall be maintained in good repair.

### **Emergency Contacts and Apartment Identification**

- 6.33 Every owner shall provide, install, and maintain contact information in a common area in case of an emergency on a 24-hour basis where an authorized person responsible for the property can be reached.

6.34 In buildings having more than one dwelling unit, each dwelling unit door connected to an interior common space, hallway, exit, etc. shall have the unit number posted on or beside the door and be installed in a manner and size that can be easily seen by visitors, service persons and emergency response personnel.

### **Garbage Disposal**

6.35 Every dwelling and every dwelling unit within the dwelling shall have such receptacles as may be necessary to contain all garbage and rubbish and made available for removal or removed in accordance with the regulations of Loyalist Township.

6.36 Where private garbage and refuse containers are provided, such containers shall be placed behind the building line and kept in a neat and tidy condition

6.37 Where garbage, refuse, storage rooms and chutes are provided they shall be in conformity with the *Ontario Building Code* as amended from time to time and maintained in a clean and sanitary condition.

6.38 Without limiting and in addition to the generality of subsection 6.36, the collection, handling, storage, and disposal of refuse shall comply with the following:

- a) it shall facilitate collection and disposal as required by the municipal corporation or private collecting agency, as applicable;
- b) refuse storage facilities shall be readily accessible to all occupants for whom the storage facility is required to be provided, or in the alternative be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto;
- c) refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition;
- d) it shall not obstruct an emergency route, recreation facility, parking area, driveway or walkway; and
- e) it shall not be stored adjacent to any building so as to create a fire hazard to the building or its occupant.

6.39 Where refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage and place for disposal shall:

- a) be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility;
- b) be screened from a public highway, street, walkway, park or residential or non- residential property so as not to be visible from such locations.

6.40 Nothing in this section shall require screening:

- a) whose only purpose is to screen a refuse collection area from another refuse collection area on the same or abutting properties, or;
- b) between each occupancy in a multiple occupancy building, or;

- c) that reduces the width of an access route to less than 10 metres (32.8 feet);
  - d) in regard to the placement of refuse for imminent pickup and disposal in compliance with the refuse collection by-law of the municipality; and
  - e) in relation to a residence building containing less than three dwelling units.
- 6.41 Where an exterior bulk or roll-off container refuse disposal system is used it shall:
- a) be equipped with covers or similar devices which shall be readily openable but not left open except when actively being loaded;
  - b) be large enough to contain all refuse generated between collections by the occupants served; and,
  - c) not be loaded beyond the top of the container.
- 6.42 Subsection 6.41 (a) shall not apply to the storage of industrial or other reclaimable refuse that will not materially deteriorate by weathering or pests.
- 6.43 Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained operative, except that acceptable alternatives may be provided if readily accessible to all occupants.
- 6.44 Refuse shall be deemed to be stored inside a building when:
- a) a bulk or roll-off container is used;
  - b) connected to the building by a system of enclosed chutes such that the loading of refuse thereto is directly from within the building utilizing manual, compaction or other methods of handling; and,
  - c) the components outside the building are screened from view and maintained as prescribed in subsection 5.70.
- 6.45 Notwithstanding the requirements of this section, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:
- a) it is removed frequently and in its entirety from the property;
  - b) it will not cause risk to the health or safety of any persons; and,
  - c) it is not stored in such a manner as to be deleterious to the neighboring environment.
- 6.46 Where garbage, refuse storage rooms and chutes are provided they shall be in conformity with the *Ontario Building Code* as amended from time to time and maintained in a clean and sanitary condition.

### **General Cleanliness**

- 6.47 Every occupant 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 Township By-Laws
- 6.48 Every occupant of a property shall maintain the floor, wall, ceiling and any fixture in any building under their control in a clean and sanitary condition and the



building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazards

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

### **Heating, Ventilating and Mechanical Systems**

- 6.50 Every dwelling and/or dwelling unit shall be provided with a heating system capable of maintaining a temperature in all habitable rooms, bathrooms and toilet rooms as follows:

- a) not less than 21 degrees Celsius (70oF) and 15 degrees Celsius (59oF) in unfinished basements or cellar from the 1st day of October in each year to the 31st day of May in the following year;
- b) not less than 15 degrees Celsius (60oF) 1st day of June in each year to the 30th day of September in the same year; and
- c) Crawl spaces need not be heated.

- 6.51 The heating system required by Section 6.51 shall be maintained in good working conditions so as to be capable of heating the dwelling safely to the required standard.

- 6.52 Any heating appliance or device shall be located with reference to clear space requirements on all sides in accordance with the *Building Code Act*, S.O. 1992, as amended and Regulations made thereunder nor placed so as to impede the free movement of persons within the room where it is located.

- 6.53 A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.

- 6.54 Where a heating system, or part of it, or any auxiliary heating system burns solid or liquid fuel, a space or receptacle for the storage of the fuel or residue shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.

- 6.55 Fuel burning equipment shall be vented to a duct by means of a connection leading to a chimney or a vent or flue which conforms to building and safety standards.

- 6.56 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the dwelling.

- 6.57 All flues shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry shall be repaired.

- 6.58 Fireplaces and similar construction used or intended to be used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.

- 6.59 In multiple dwellings provided with a central heating system, the heating unit shall be located in a separate room having walls, ceilings and doors all of which shall have the appropriate fire resistance ratings as required by the *Ontario Building Code*. The room shall be provided with sufficient combustion air directly from the outside.
- 6.60 In all commercial, institutional or industrial buildings provided with a central heating system, the heating unit shall be located in a separate room, having walls, ceilings and doors, all of which have the appropriate fire resistance rating as required by the *Ontario Building Code*.
- 6.61 Thermal insulation and vapour barrier shall be provided to prevent moisture condensation on the interior surfaces of walls, ceilings and floors during the winter and to minimize heat loss.
- 6.62 Heating, ventilating and mechanical systems including factory-built stoves, fireplaces and chimneys, fans, pumps, filtration and other equipment provided to supply heat or other services shall be maintained:
- a) operational in accordance with manufacturers specifications;
  - b) for spaces provided for human habitation, with a heating capacity in accordance with the indoor/outdoor design temperatures as required by the *Building Code Act*, S.O. 1992, as amended, and Regulations made thereunder; and,
  - c) free of hazards that could cause an accident.
- 6.63 Emergency systems shall be:
- a) regularly cleaned and maintained in good repair, working order and in a safe condition at all times; and,
  - b) in conformance with the requirements of the *Building Code Act*, S.O. 1992, as amended, and Regulations made thereunder; and the *Fire Marshals Act*, R.S.O. 1990, and the Fire Code thereunder.

## **Ventilation**

- 6.64 Every habitable room shall have an opening or openings for natural ventilation from the outside. Such opening or openings shall have a minimum aggregate unobstructed area of 0.28 square metres (3 feet) and shall be located in the exterior walls or through openable parts of skylights.
- 6.65 Openings for natural ventilation may be omitted from a kitchen, living or living-dining room, basement, cellar and crawl space if mechanical ventilation is provided which changes the air once every hour.
- 6.66 Every bathroom or room containing a water closet, shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights except said openings may be omitted where a system of mechanical ventilation has been provided, such as an electrical fan with a duct leading to outside the dwelling.

- 6.67 All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- 6.68 Every basement, cellar, and unheated crawl space shall be adequately vented to the outside air by means of screened windows which can be opened or by louvres with screened openings.
- 6.69 In multiple dwellings, every laundry room, garbage room, corridor, boiler room, storage garage and all parts of the building used by the tenants in common shall be adequately ventilated and where a system of mechanical ventilation is used, it shall be maintained in good working condition.
- 6.70 Where insulation is installed so that there is a space between the insulation and the roofing, such space shall be ventilated.

### **Kitchens**

- 6.71 In every room in which meals can be prepared, or are prepared, there shall be installed and maintained:
- a) a suitable enclosed cupboard or shelving unit for storing food with not less than 0.226 cubic metres (8 cubic feet) of space;
  - b) a space provided for cooking with approved gas or electric or other fuel supply for cooking purposes and there shall be at least 76 centimetres (30 inches) clear space above any exposed combustible cooking surface, clear space may be reduced in compliance with the requirements of the *Building Code Act*, S.O. 1992, as amended, and Regulations Made thereunder.
  - c) A space provided for refrigeration appliances
  - d) work surfaces at least 1.2 metres (4 feet) in length x 60 centimeters (2 feet) in width, exclusive of a sink, that are impervious to moisture and grease and easily cleanable so as not to impart any toxic or deleterious effect to food; and;
  - e) a sink that:
    - i. is surrounded by surfaces impervious to water and grease including at least the lower 127mm (5 inches) of adjacent wall; and
    - ii. is served with hot and cold running water.

### **Light**

- 6.72 Every habitable room, except for a kitchen, shall have a window or windows, skylights or translucent panels that face directly outside at least 1x5 centimetres (6 inches) above the adjoining finished grade with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.
- 6.73 Every hall, stairway, entrance and exit in all buildings shall be illuminated at all times so as to provide safe passage and the level of illumination, at floor level, shall not be less than 50 lux (4.6 foot candle power).

- 6.74 Whenever walls or other portions of structures are located on the outside less than 0.91 metres (3 feet) from a window, such a window shall not be deemed to face directly to the outside and shall not be included as contributing to the required minimum window area of the room.
- 6.75 Every bathroom, toilet room, laundry room, furnace room, basement, cellar or non-habitable work room and kitchen shall be provided with a permanent electrical light fixture
- 6.76 Lighting equipment provided shall be installed and maintained throughout to provide sufficient illumination

### **Occupancy Standards**

- 6.77 The number of occupants residing on a permanent bases in an individual dwelling unit shall not exceed the maximum occupant load as prescribed by the *Building Code Act*, S.O. 1992 c. 23 as amended
- 6.78 Every occupant of a dwelling, and every part of the dwelling they control shall:  
a) maintain all plumbing, cooking, refrigerating appliances, and fixtures and all storage facilities and other equipment in a clean and sanitary condition  
b) keep all exits clean and unobstructed
- 6.79 A dwelling shall be at all times kept free of rodents, vermin and insects which may be deleterious to safety or health and from conditions which may encourage infestation by such pests.
- 6.80 In a residence unit, openings in the exterior walls or roof shall be fitted and maintained as to protect all habitable space from water and weather entry and so as to make such space reasonably free from drafts. Every floor, wall, ceiling fixture and appliance in a dwelling unit shall be maintained in a clean and sanitary condition and the dwelling shall be kept free from rubbish, garbage, debris or conditions which constitute a fire, accident or health hazard.
- 6.81 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 6.82 A bedroom shall be a habitable room and no kitchen, bathroom or hallways shall be used as a bedroom.
- 6.83 Food shall not be stored or prepared in a room that contains a water closet.
- 6.84 Every room in which meals are prepared shall have a sink.
- 6.85 No portion of a building shall be occupied if it does not meet the requirements of this by-law

### **Plumbing**

- 6.86 Sewage or organic waste shall be discharged into the sewage system or a system approved by the Chief Building Official or Medical Officer of Health. 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.
- 6.87 All plumbing, drainpipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order, free from leaks and be protected from freezing.
- 6.88 The plumbing system shall provide an adequate and potable hot and cold water supply, drainage, venting and operation of fixtures.
- 6.89 Every water heater shall have sufficient capacity to provide an adequate supply of hot water at a temperature of not less than 43oC (109.4oF) at all times in all parts of every building, dwelling unit, or shared facility.
- 6.90 All plumbing fixtures and piping shall conform to all Federal and Provincial legislation and regulations and to municipal by-laws.
- 6.91 Where washing machines and plumbing fixtures are provided, they shall be maintained in good working order and in accordance with the manufacturer's recommendations or be removed.

#### **Toilet and Bathroom Facilities**

- 6.92 Every dwelling unit except as provided in subsection 6.94 hereof, shall contain plumbing fixtures consisting of at least:
- a) water closet,
  - b) a kitchen sink,
  - c) a wash basin; and
  - d) a bathtub or shower
- 6.93 In a boarding or lodging house there shall be a water closet, wash basin and bathtub or shower for not more than eight persons and these facilities shall be located on the same storey as, or on the next storey up or down from the storey on which the room or dwelling unit is located.
- 6.94 Every commercial, institutional, and industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 6.95 All bathrooms and toilet rooms shall be located within and be accessible from within the building which it serves.
- 6.96 Where practical a wash basin shall be located in the same room as the water closet, or shall be conveniently adjacent to the room containing the water closet.
- 6.97 No facilities for the preparation, cooking, storage or consumption of food or for sleeping shall be within a room that contains a toilet.

- 6.98 In a building containing dwelling units, the sanitary conveniences and toilet facilities used in connection with the residential portion of the building shall be separated from any facilities and conveniences used in connection with any non-residential portion unless the occupants of the residential portion are also the occupants of the non-residential portion.
- 6.99 Rooms containing sanitary conveniences and toilet facilities shall:
- a) be regularly cleaned so as to be maintained in a clean and sanitary condition; and
  - b) have smooth surfaces reasonably impervious to water.

### **Walls, Ceiling, and Floors**

- 6.100 Every floor, wall and ceiling in a dwelling shall be maintained in a clean and sanitary condition.
- 6.101 Every floor in a dwelling shall be acceptably level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards, and cracks. "acceptable level" shall be defined as not more than 75 mm (3 inches) slope in 3 metres (10feet) and not more than 25mm in 610 mm (1 inch in 2 feet).
- 6.102 Floors above an unheated space or a non-insulated basement, cellar, or crawl space shall have existing insulation maintained
- 6.103 where necessary, interior walls shall have baseboards that shall be maintained in good repair and tight fitting so as to prevent the accumulation of dust and garbage.
- 6.104 All bathroom walls surrounding bathtubs and showers shall be waterproof and floors shall be water-resistant.

### **Section 7 Non-Residential Property Standards**

- 7.1 In addition to General Standards set out in Section 5, the following regulations shall apply to all non-residential properties.

#### **Floors**

- 7.2 Every floor shall be smooth and level, unless otherwise designed, and maintained so as to be free of cracks, holes and protrusions in concrete floors, also free of all loose, warped, protruding, broken or rotten boards that might cause an accident or allow dirt to accumulate.
- 7.3 All defective floorboards shall be replaced and where floor covering has become worn or torn, the floor covering shall be repaired, replaced, or removed.

## **Garbage Disposal**

- 7.4 Every building shall be provided with sufficient receptacles as may be necessary to contain all garbage and rubbish and made available for removal or removed in accordance with the regulations of Loyalist Township.
- 7.5 Receptacles shall be covered at all times and shall be located in the rear yard when space can accommodate them, or otherwise in a side yard, but in any event, these receptacles shall not be located in a front yard.
- 7.6 Receptacles shall be placed as close to the building which they serve as is practical but shall not be placed within 3 metres (10 feet), either vertically or horizontally, of any opening in the building
- 7.7 Receptacles shall be acceptable plastic bag or other containers,
- a) made of water-tight construction,
  - b) provided with a tight-fitting cover; and
  - c) maintained in a clean state.
- 7.8 Where garbage receptacles, as described above, are offensive to view, the area where the receptacles are stored shall be enclosed on all sides by a solid masonry wall, board or metal fence that shall be 1.82 metres (6 feet) in height.
- a) such wall or fence shall contain an adequate door or gate to allow for the removal of the garbage;
  - b) all walls and fences and the doors or gates contained therein shall be maintained in good repair; and
  - c) containers shall be made available for disposal or refuse which may be discarded by customers and the lands and surrounding property shall be kept free of such refuse.

## **Plumbing**

- 7.9 All plumbing, drainpipes, water pipes and plumbing fixtures in every building and every connecting line to the sewerage system shall be maintained in good working order, free from leaks and be protected from freezing.
- 7.10 All waste pipes shall be connected to a sewage system through water seal.

## **Section 8 Enforcement**

### **Property Standards Order**

- 8.1 An Officer who determines that a Property does not conform with any of the Standards prescribed in this by-law may issue an order pursuant to Section 15.2 of the *Building Code Act, 1992, S.O. 1992, c.23* as amended.
- 8.2 In accordance with Section 15.4 *Building Code Act, 1992, S.O. 1992, c.23* as amended, if an order made pursuant to Section 4.3 of this By-Law is not complied with in accordance with the order as deemed confirmed or as confirmed

or modified by the Appeals Committee or a judge, the Township may cause the Property to be repaired or demolished accordingly.

- 8.3 The remedial work necessary to meet the requirements of this By-Law may be undertaken by the Township and the Owner will be responsible for the payments of the cost of such work, including an administrative fee as set out in the Township Miscellaneous Fees and Charges By-Law 2020-022 or as amended from time to time with the cost added to their municipal tax bill.

### **Offense And Penalty Provisions**

- 8.6 Any owner who fails to comply with an order issued under the provisions of this by-law, which is final and binding, or who contravenes any other provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and to a fine of not more than \$10,000 for any subsequent offence.
- 8.7 Notwithstanding Section 8.6, if a corporation is convicted of an offence under the provisions of this by-law, the maximum penalty that may be imposed upon the corporation is \$10,000 for the first offence and \$50,000 for any APPLICATION.
- 8.8 Forthwith after the requirements of subsection 9.5 or 9.6 have been complied with the officer shall apply to a judge of the Ontario Court (General Division) of the judicial district in which the property is situate for an order confirming the order made under subsection 9.1 and:
- a) the judge shall, in writing, appoint a day, time and place for the hearing of the application.
  - b) the appointment shall be served in the manner prescribed by the judge;
  - c) the judge in disposing of the application may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

### **Section 9 Emergency Procedures**

#### **9.1 Emergency Order**

Despite any other provisions of this section, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health or safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

#### **9.3 Emergency Powers**

After making an order under sub-section 4.3, the officer may either before or after the order is served, take or cause to be taken any measures he considers necessary to



terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

#### 9.4 Compensation

The officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection 9.3.

#### 9.5 Service of Order and Statement

Where the order was not served before measures were taken by the officer to terminate the danger as mentioned in subsection 9.3, the officer shall forthwith after the measures have been taken, serve or send copies of the order in accordance with subsections 4.3 and 4.8 on or to the owner of the property and all persons mentioned in subsection 4.4 and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

#### 9.6 Separate Service of Statement

Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection 9.5 in accordance with subsections 4.3, 4.8 and 4.9 on or to the owner of the property and all persons mentioned in subsection 4.4.

#### 9.7 Application

Forthwith after the requirements of subsection 9.5 or 9.6 have been complied with the officer shall apply to a judge of the Ontario Court (General Division) of the judicial district in which the property is situate for an order confirming the order made under subsection 9.1 and:

- a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- b) the appointment shall be served in the manner prescribed by the judge; and
- c) the judge in disposing of the application may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

#### 9.8 Disposition By Judge

The disposition of the application under Clause 9.7 c) is final and binding.

#### 9.9 Recovery of Expense

Where a municipality demolishes or repairs property or takes measures to terminate a danger as mentioned in subsection 9.3, the municipality may recover the expenses incurred in respect thereof by any or all of the methods provided for in Section 326 of the Municipal Act, except that such amount, if any, as is to be borne by the municipality as a result of a determination under Clause 9.7 c) may not be recovered.

### **Section 10 Issuance Of Certificate Of Compliance**

- 10.1 Following the inspection of a property, the Property Standards Officer may, or on the request of the 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.
- 10.2 If a certificate of compliance is issued at the request of the owner, the owner shall pay a fee of fifty (\$50.00) dollars.

### **Repeal:**

By-laws 2002-34 and 2009-040 is repealed.

### **Effective Date**

This By-law shall come into effect on the date of passing, thereof.

### **Title of By-law**

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

Enacted and passed this 27th day of February 2024

The Corporation of Loyalist Township

**Jim Hegadorn**   
Signed with ConsignO Cloud (2024/02/29)  
Verify with verifio.com or Adobe Reader.

Jim Hegadorn, Mayor

**Anne Kantharajah**   
Signed with ConsignO Cloud (2024/02/29)  
Verify with verifio.com or Adobe Reader.

Anne Kantharajah, Clerk