

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW 074-22

A By-law of The Corporation of the Town of Innisfil being a by-law to prescribe standards for the maintenance and occupancy of property, to establish a Property Standards Committee and to repeal By-law No. 035-18.

WHEREAS Council for The Corporation of the Town of Innisfil deems it desirable to establish standards for the maintenance and occupancy of property within the municipality so that owners and occupants maintain minimum standards for persons who may live at, attend, or otherwise be affected by the condition of the properties;

AND WHEREAS an Official Plan that includes provisions relating to property conditions is in effect in the Town of Innisfil;

AND WHEREAS subsection 15.1(3) of the *Building Code Act 1992*, S.O. 1992, c. 23, authorizes the council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property and for prohibiting the occupancy or use of such property that does not conform to the standards, and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS subsection 15.6(1) of the *Building Code Act, 1992*, provides that a by-law enacted under subsection 15.1(3) shall provide for the establishment of a Property Standards Committee.

NOW THEREFORE, the Council of The Corporation of the Town of Innisfil enacts as follows:

1. DEFINITIONS

Basement means that portion of a **building** from a floor to the underside of a ceiling that is located partially or entirely below the adjacent finished ground level;

Building means any structure used or intended to be used for supporting or sheltering any use or occupancy;

Building Code means the *Building Code Act, 1992* and any regulations made under that Act;

Chief Building Official means the person appointed by **council** for the enforcement of the *Building Code Act, 1992*;

Committee means the Property Standards Committee established under this By-law;

Council means the municipal council for the **Town**;

Dwelling means a house, apartment, a room in a **rooming house**, or other place of residence;

Farm means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998* and includes such an operation that is not carried on with the expectation of gain, but otherwise meets the definition in that Act;

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Good repair means in a state equivalent to its original state, or in the state as originally designed and intended, as determined by an **officer**;

Habitable space means a bedroom, living room, dining room, kitchen, family room, recreation room, **basement**, bath or shower room, toilet room, laundry room and any other space in a dwelling used for living, eating or sleeping;

Heritage attribute means, in relation to real property designated as a **heritage property** and to **buildings** and structures on such real property, a characteristic that contributes to its cultural heritage value or interest of past tradition that is defined or described in the *Ontario Heritage Act*;

Heritage property means real property, including all **buildings** and structures:

- (a) designated by the **Town** under s. 29 of the *Ontario Heritage Act* or designated by the Minister under s. 34.5 of the *Ontario Heritage Act*, or
- (b) located within a heritage conservation district designated by the **Town** under s. 41 of the *Ontario Heritage Act*;

Infestation means when the presence of **pests** occurs in large enough numbers to cause damage or disease;

Landlord means a person who rents a room or apartment to a **tenant**;

Medical Officer of Health means the Simcoe Muskoka District Health Unit’s Medical Officer of Health or designate;

Occupant means any person over the age of eighteen (18) years in possession of a **property**;

Occupancy means the use or intended use of a **building** or part thereof for the shelter or support of persons, animals or **property**;

Officer means an appointed official of the **Town**, or their designate, or any other person designated by **Council** as responsible for the enforcement of this By-law;

Owner means the registered title holder, **property** manager, **landlord**, **tenant**, or **occupant** over the age of eighteen (18) years;

Pest means any injurious or destructive insects such as termites, bed bugs, fleas, wasps, hornets, and any injurious or destructive rodents or vermin;

Property means a **building** or structure, or part thereof, and includes the lands and premises appurtenant thereto, all mobile homes and structures, outbuildings, fences, retaining walls, and, without limiting the generality of the foregoing, also includes vacant land and **heritage properties**;

Rooming house means a **building** in which rooms are rented for living and which may supply shared kitchen and bathroom facilities;

Sanitary sewage means liquid or water borne waste;

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Second dwelling unit means a legally constructed second residential unit associated with a primary residential unit on the same **property**, registered with the **Town**, in accordance with the **Town’s** Second Dwelling Unit By-law;

Sewage system means the **Town’s** storm and sanitary sewers, or a private sewage disposal system approved by the **Town**;

Tenant means a person over the age of eighteen (18) years who occupies a **dwelling** rented from a **landlord**;

Town means The Corporation of the Town of Innisfil or the geographic area of the municipality of the Town of Innisfil; and

Visual barrier means an obstacle intended to obstruct view, consisting of a wall or fence, a continuous planting of suitable and healthy trees or shrubs, an earth berm, or any effective combination.

1.2 Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse also applies, unless the context of the bylaw otherwise requires.

2. SCOPE, GENERAL PROVISIONS

2.1 This By-law applies to all properties in the **Town**, including pre-existing **buildings**, unless otherwise indicated.

2.2 No **owner** shall fail to maintain **property** in conformance with the standards of this By-law.

2.3 An **owner** of a **heritage property** shall repair and maintain the **property** in accordance with the *Ontario Heritage Act*.

2.4 This By-law does not apply to prevent a **farm** from carrying out a normal farm practice as defined under the *Farming and Food Production Protection Act*.

2.5 All repairs and maintenance shall be carried out in a manner and with the materials that are accepted as good workmanship in the trades concerned.

2.6 All **owners** who are not permanent residents of the **Town** are requested to provide the **Town** with emergency contact information (telephone number equipped with voice-mail and email address) to allow for notice of emergency conditions such as fire, storm damage, or an order respecting non-compliance with this By-law. Failure to comply with this provision only, does not constitute an offence.

3. HERITAGE PROPERTIES

3.1 In addition to the standards applicable to all properties under this By-law, all **heritage properties** shall be maintained and repaired subject to the provisions of the *Ontario Heritage Act*.

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- 3.2** Where compliance can be met by means of repair, the **heritage attribute** shall not be replaced, and the repair shall be undertaken in a manner that minimizes damage to the **heritage attribute**.
- 3.3** Where compliance cannot be met by means of repair, the **heritage attribute** shall be replaced with material of the same type as the original and in keeping with the design, colour, texture and other distinctive feature as the original or replaced in such a manner as to replicate the original feature.
- 3.4** Any portion of a **building** comprising a **heritage property** that supports or protects a **heritage attribute**, such as a foundation, retaining wall, roof, floors, walls, and without which the **heritage attribute** may be at risk of deteriorating or being damaged, such portion shall be maintained to be structurally sound and to properly perform its intended function, and maintained in a manner that minimizes damage to the **heritage attribute**.

4. VACANT, DAMAGED HERITAGE PROPERTIES

- 4.1** Where a **building** on a **heritage property** remains vacant for a period of more than ninety (90) days, the owner shall ensure that appropriate utilities serving the **building** are connected as required to provide, maintain, and monitor proper heating and ventilation to prevent damage caused to the **building** by fluctuating temperatures and humidity.
- 4.2** Where a **building** on a **heritage property** is vacant or damaged by accident, storm, fire, neglect or otherwise, the owner shall protect the **building** against the risks described in Section 3.4, and shall effectively prevent the entrance of all unauthorized person by closing and securing openings to the **building** with boarding:
- (a) which completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (b) on the window openings, which is painted a matte black to resemble window glass;
 - (c) on door openings, which is painted a colour that matches the colour of the original door;
 - (d) on an opening other than a window or door opening, which is painted or otherwise treated so that the colour matches the colour of the surrounding exterior of the **building**; and
 - (e) which is fastened securely with screws at least 2 inches in length and installed at appropriate intervals on centre.
- 4.3** At any time where there are circumstances to support a more secure option, the **owner** shall supply such more secure option as may be required by a property standards order.
- 4.4** No window, door or other opening shall be closed or secured in accordance with Section 4.2 with brick, concrete blocking or any other masonry units and mortar, except where required by a property standards order.

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- 4.5** No **building** or structure on a **heritage property** may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.

5. VACANT, DAMAGED BUILDINGS

- 5.1** Where any **building** is vacant or is damaged by accident, storm, fire, neglect or otherwise, the **owner** shall protect such **building** against damage arising from the entry of unauthorized persons or infestation of **pests** by closing and securing openings to the **building** with weather resistant material that completely covers the opening and is securely fastened. Acceptable materials consist of wood sheathing at least ½ inch thick, metal sheathing, or brick or concrete block and mortar.
- 5.2** The exterior walls and other surfaces of a vacant or damaged **building** shall be maintained to **property** perform their intended function.
- 5.3** Where a **building** remains vacant or unoccupied for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the **building**, that are not required for safety or security, are properly disconnected.
- 5.4** No **owner** shall permit a **building** to remain boarded up for more than one (1) year. After which, the **owner** shall obtain a building permit to either restore the **building** to a safe and usable condition or to demolish the **building** leaving the lands in a cleared, graded and levelled condition. If, after six (6) months after the building permit issuance, the construction or demolition has not been seriously commenced, the **Town** may take further action and cause the **building** to be demolished, at the **owner's** expense.

6. EXTERIOR OF BUILDINGS, STRUCTURES

- 6.1** A roof and its components and attachments including the fascia board, soffit, cornice and flashing shall be maintained to properly perform their intended functions, including but not limited to being in a weather-tight condition able to prevent leakage of water into the **building**.
- 6.2** The roofs of **buildings** shall be kept clear of dangerous accumulations of ice or snow.
- 6.3** An exterior wall, chimney, roof or other parts of a **building**, fence or retaining wall, including mobile structures, shall be free from loose or insufficiently secured, rotten, warped, or broken materials and object and said broken materials or objects shall be removed, repaired or replaced.
- 6.4** All exterior surfaces of a **building**, structure, fence or retaining wall, including mobile structures, shall be of materials resistant to deterioration by weather or have a weather resistant coating applied, except that a **farm building** may have unprotected wood surfaces.
- 6.5** The exterior of a **building** shall be maintained to prevent the entry of **pests** and birds.

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- 6.6** An exterior wall and its components and attachments shall be repaired of damage and maintained to prevent deterioration by painting, restoring or repairing the wall, coping or flashing or by waterproofing the wall itself.
- 6.7** All overhanging extensions including canopies, marquees, signs, awnings, fire escapes, stand pipes, exhaust ducts shall be:
- (a) maintained in **good repair**, be properly anchored to keep in a secure and sound condition; and
 - (b) protected from the elements and against decay and rust by the periodic application of an effective weather coating material such as paint or other protective treatment.
- 6.8** All fire escapes shall be maintained in **good repair**, free from obstructions and be accessible through a door or an openable window meeting egress requirements of the **Building Code**.
- 6.9** Where the exterior of a **building** is opened or replaced, it shall be insulated to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the **Building Code**.

7. STRUCTURES, FOUNDATIONS, BASEMENTS

- 7.1** Every **building**, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers. Footings, foundation walls and piers shall be of concrete, masonry, or other material acceptable for construction under the **Building Code** and shall be sound, reasonably plumb and adequate to carry the loads imposed and to protect against hydrostatic pressure.
- 7.2** Every part of a **building** shall be maintained in a structurally sound condition and in **good repair** capable of sustaining safely its own weight and any additional weight that may be put on it through normal or permitted use, and having a factor of safety as required by the **Building Code**.
- 7.3** Every beam, column, joist, truss or other structural member or assembly showing signs of deterioration or distress shall be repaired, reinforced or replaced in accordance with the **Building Code**.
- 7.4** A foundation wall, **basement**, or crawl space floor shall be maintained to properly perform its intended function, which may include the extension of the foundation walls below grade, or re-grading to provide adequate frost cover in compliance with the **Building Code**, or installing subsoil drains to overcome conditions detrimental to the **building** or adjacent properties.
- 7.5** A **basement** or crawl space shall be maintained in a watertight condition to prevent leakage of water into the **building**.

8. ATTACHED GARAGES

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- 8.1 A garage shall be maintained to prevent gas fumes and carbon monoxide from entering a **dwelling**.
- 8.2 The primary entrance for a **second dwelling unit** shall not be located or accessed through an attached garage unless adequate fire separation, by the standards set in the **Building Code**, is provided.

9. DOORS, WINDOWS, SKYLIGHTS, VENTILATION

- 9.1 A door, window, skylight, hatch or other opening and its frame shall be maintained to properly perform its intended function and repaired or replaced if damaged, leaking, or allowing unreasonable drafts.
- 9.2 A lock on a door, window or other opening that is designed to be unlocked, shall be maintained to properly perform its intended function and repaired or replaced if damaged.
- 9.3 An exterior door or an entrance door to a **dwelling** shall have hardware to be capable of being locked from the outside and locked or otherwise secured from the inside.
- 9.4 A window designed to be opened shall have hardware capable of being locked or otherwise secured from the inside.
- 9.5 A window designed to be opened shall be fitted with screens to prevent the entrance of vermin and maintained to properly perform their intended function.
- 9.6 Natural or mechanical ventilation in a **building** shall be in compliance with the **Building Code** and maintained to properly perform its intended function.
- 9.7 A vent shall be designed and maintained to prevent the entry of rain, snow and vermin.

10. STAIRWAYS, LANDINGS, BALCONIES, PORCHES, GUARDS

- 10.1 A stairway, landing, balcony, porch, ramp or guard shall be maintained to provide clear and safe means of access and egress.
- 10.2 A stairway, landing, balcony, porch, ramp or other means of access or egress shall be maintained to be free of holes, cracks and other defects which may constitute a possible safety hazard.
- 10.3 A tread or riser of any stairway that shows excessive wear or is broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 10.4 Guards shall be installed and maintained wherever there is a vertical drop of more than 24 inches, including along the open sides of stairs, ramps, balconies, mezzanines and landings, as would be required for new construction under the **Building Code**, to provide protection from accidental falls.

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- 10.5** An exterior stairway with more than three (3) risers and less than seven (7) risers, or an interior stairway in a **dwelling** with more than two (2) risers, shall have at least one (1) handrail sufficient to prevent an accidental fall, and such handrail shall be repaired or replaced if damaged.
- 10.6** Alternately to Section 10.5, an exterior stairway with more than three (3) risers and less than seven (7) risers may have a partial or short wall on either side sufficient to prevent an accidental fall off the side of the stairway, and such walls shall be repaired or replaced if damaged.

11. INTERIOR STRUCTURAL COMPONENTS – FLOORS, CEILINGS, WALLS

- 11.1** A **basement** shall have a floor of concrete or other material acceptable under the **Building Code** to ensure water drainage and to guard against dry rot, hydrostatic pressure and the entry of vermin.
- 11.2** A floor, ceiling or wall shall be kept free from water penetration and dampness and maintained in a condition free from mould or from conditions that may cause mould to accumulate.
- 11.3** A floor shall be smooth and level and maintained, repaired or replaced to be free of all loose, warped, protruding, broken or rotten material that may create an unsafe surface or condition.
- 11.4** A wall or ceiling shall be maintained in a condition free from holes, leaks, open cracks, loose coverings, deteriorating materials, mould, mildew or other substantial defects.
- 11.5** A protective finish shall be applied to all repairs made to walls and ceilings.
- 11.6** A bathroom, kitchen, laundry or shower room shall have a floor covering of water-resistant material.
- 11.7** Those portions of a **building** used for **habitable space**, including common areas, shall be maintained to minimize heat loss due to air infiltration.

12. PLUMBING SYSTEMS

- 12.1** The plumbing system and every plumbing fixture in a **building** shall be maintained to properly perform its intended function and to be free from leaks and defects.
- 12.2** All piping used to supply or drain water and all related accessories shall be protected from freezing.
- 12.3** A **building** to which water is available under pressure through piping, shall provide hot water to the faucet at a minimum temperature of 113°F to a maximum of 120°F, and cold water connected to every kitchen, bath or shower room, and laundry room plumbing fixture. Cold water shall be connected to every toilet and hose bib.

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- 12.4** Every **dwelling** shall be supplied with an adequate supply of potable water. Private wells must be tested in accordance with the standards set by by the **Medical Officer of Health**.
- 12.5** Where provided for on private **property**, water for firefighting purposes shall be maintained so that an adequate supply of water and adequate water pressure shall be available for firefighting.
- 12.6** A plumbing fixture connected to the sewage system shall be connected through a water seal trap.
- 12.7** Sanitary sewage shall be discharged into the **Town’s** sanitary sewer system where such a service exists, unless a properly functioning, code compliant private sewage system is in place and operating at the time servicing becomes available. Otherwise, sanitary sewage shall be disposed of in a manner in accordance with the **Building Code** requirements for on-site sewage systems.
- 12.8** A new on-site, private sewage system will not be permitted on properties where **Town** servicing is available.
- 12.9** Where the **Town’s** sewage system is not available, and the **property** area and soil conditions are such that a septic tank system or equivalent can be provided in compliance with all applicable laws and regulation, a tank system shall be provided for each **dwelling** on the **property** and approved by the **Town**.
- 12.10** Where a septic system on a **property** ceases to function, such system shall be repaired or replaced as approved by the **Town** unless the **Town’s** sanitary sewage system is located within 100 feet of the **property** line. In that case, every **building** on the **property** requiring the use of a sewer shall be connected.

13. KITCHEN, BATH, SHOWER AND TOILET ROOMS

- 13.1** A **dwelling** shall contain a kitchen, bath or shower room and a toilet room all of which must be in good working condition.
- 13.2** No toilet or urinal shall be located within a room used for living, eating or sleeping.
- 13.3** A hand wash basin shall be located in the same room as each toilet or in an adjoining bath or shower room, and no kitchen sink shall be considered a hand wash basin.
- 13.4** A kitchen shall contain:
- (a) a sink serviced with potable running water and a water and grease resistant backsplash;
 - (b) a work surface of at least 8 square feet that is impervious to grease and water;

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- (c) storage facilities for food, dishes and cooking utensils having an interior capacity of at least 8.6 square feet of sufficient strength to not tip, collapse or detach when filled; and
- (d) space sufficient to accommodate a cooking range or countertop cooking unit and refrigerator without placing such appliances in a location that prevents access or egress from the room.

13.5 A bath, shower room, and toilet room shall:

- (a) be constructed with a floor and walls of water resistant covering;
- (b) be located within and accessible from the interior of the **building**;
- (c) be fully enclosed, having a door capable of being closed and providing privacy;
- (d) have a permanently installed working artificial lighting fixture; and
- (e) be maintained to properly perform its intended function.

14. HEATING SYSTEMS

- 14.1** Heating systems, including stoves, heating appliances, fireplaces intended for use, chimneys, fans, pumps and filtration equipment shall be operated and maintained in a good state or repair and in a safely operable condition.
- 14.2** A heating system shall be installed capable of supplying sufficient heat to maintain a temperature of not less than 68°F measured at 5 feet above floor level and 3 feet from exterior walls in all **habitable spaces**.
- 14.3** The minimum temperature shall be provided during all periods of occupancy between October 1st and June 1st of the following year.
- 14.4** A heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed and located receptacle for fuel storage or a place for fuel storage to be free from fire or accident hazard.
- 14.5** Fuel burning appliances or equipment used in a **building** shall be properly vented to the outside air by means of a Canadian Standards Association approved or **Building Code** or *Technical Standards & Safety Act* compliant chimney, flue or vent pipe.
- 14.6** Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 14.7** A wood burning appliance shall be inspected by a WETT certified technician to ensure compliance with current safety codes.
- 14.8** A chimney, flue or vent pipe shall be maintained to prevent gases from leaking into a **building**. Maintenance shall include cleaning obstructions, filling open joints and repairing masonry.

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- 14.9** A space that contains heating equipment that burns fuel shall have a natural or mechanical means of supplying the air required for combustion.
- 14.10** No furnace or boiler shall be located in a hallway or other means of access or egress.
- 14.11** Except in an emergency, no occupied **building** shall be equipped with portable heating equipment as the primary source of heat.

15. ELECTRICAL

- 15.1** An electrical service shall comply with the *Ontario Electrical Safety Code* as enforced by the Electrical Safety Authority.
- 15.2** A supply of electrical power shall be provided to all **habitable space**.
- 15.3** Wiring and receptacles necessary to provide electrical power shall be maintained free of conditions dangerous to persons or **property**.
- 15.4** Every kitchen shall have outlets suitable for a refrigerator and a cooking appliance.
- 15.5** Extension cords shall not be maintained, placed or attached through any doorway or transom, nor to any door frame, window frame, ceiling, wall or floor.

16. LIGHTING

- 16.1** A stairway, exterior exit and entrance doorway, bath or shower room, toilet room, kitchen, corridor, **basement**, laundry room and utility room, and parking garage in a **building** shall have permanently installed working lighting that shall be maintained to properly perform its intended function.
- 16.2** Lighting required as a condition of site development shall be maintained to properly perform its intended function and in accordance with the recommended horizontal illuminance as set out under the *I.E.S. Lighting Handbook*.
- 16.3** Indoor and outdoor lighting that can be seen outdoors shall be placed and maintained, or have a barrier placed and maintained, to prevent or block direct illumination of the interior of a **dwelling** on an adjacent **property** regardless if such **dwelling** has window coverings.
- 16.4** Section 16.3 does not:
- (a) apply to lighting located by a road authority;
 - (b) apply to a **property** owned by a government;
 - (c) require lighting used for commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time when the use is actually

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occurring, but may require the redirection, relocation or placing of a barrier to comply.

17. WALKWAYS, PARKING AREAS

- 17.1** The principal entrance of a **building** shall be accessed by a walkway leading to a hard-surfaced area such as a driveway, sidewalk or road.
- 17.2** Curbs shall be installed where parking spaces are adjacent to a **property** line to protect fences and adjoining properties from damage.
- 17.3** An area used for vehicle traffic or parking shall be paved with bituminous, concrete or equivalent surfacing or surfaced with crushed stone or other suitable and reasonably dust-free substance and shall be maintained to properly perform its intended function.
- 17.4** Surfaces of walkways, driveways, parking lots and similar areas shall be maintained to provide safe passage under their normal use, including clearing of snow and ice.
- 17.5** Parking garages shall be maintained to prevent the accumulation of toxic fumes and the escape of toxic fumes into a **building**.
- 17.6** Parking areas that are intended to be secured, shared locker rooms and shared storage rooms, shall be provided with doors equipped with security devices that prevent access to persons other than the owners.
- 17.7** Crushed stone surfaces shall be maintained free of dust and spillover onto sidewalks or grass surfaces.

18. COMMON AREAS

- 18.1** Exterior common areas shall be maintained in a condition suitable for their intended use and free of hazards.
- 18.2** Fire hydrants shall be regularly tested and maintained and kept free from accumulations of snow and ice.
- 18.3** All interior common areas, including, but not limited to, laundry rooms, garbage rooms, corridors, lobbies, vestibules, boiler rooms, parking garages, storage areas and recreation rooms, shall be kept clean and free of hazards.
- 18.4** Locker and storage rooms shall be kept free of dampness and mildew.
- 18.5** Where voice communication systems and security locking and release systems for the entrance are provided between individual **dwelling**s and the lobby of a **building**, such systems shall be maintained in **good repair**.
- 18.6** With respect to waste disposal:

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- (a) in a **building** containing more than one (1) individual **dwelling**, one (1) or more suitable containers or compactors shall be provided for garbage collection;
- (b) any waste storage area, including a waste chute, shall be kept clean and in a sanitary condition free from obnoxious odours, and maintained in good working order;
- (c) garbage in a container or compactor shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person; and
- (d) a container or compactor shall be maintained in a clean and sanitary condition, shall be accessible and shall not obstruct an emergency route, driveway or walkway.

18.7 An elevator shall:

- (a) comply with the *Technical Standards and Safety Act* and its regulations as enforced by the Technical Standards and Safety Authority;
- (b) be maintained to properly perform its intended function, including of the parts of an elevator, including lighting, buttons, floor indicators, communication systems, and ventilation fans; and
- (c) be properly maintained and kept in operation except for such reasonable time as may be required to repair or replace it.

19. LANDSCAPING

- 19.1** Where drainage, grading, landscaping, parking areas, walkways, steps, hedges, trees, fences, curbs, or similar changes to a **property** have been required by the **Town** as a condition of development approval or, in the case of drainage or grading by an approved grading plan, such works shall be repaired or maintained to ensure continuous compliance with the **Town's** development approval requirements or the approved grading plan.

20. DRAINAGE

- 20.1** Storm water, including discharge from a roof, shall be drained to prevent recurrent standing water, erosion or other damage on any **property**.
- 20.2** Discharge from a sump pump or an air conditioner shall not be permitted to discharge on adjacent properties, a sidewalk, road or stairway.
- 20.3** An eavestrough or downspout shall be maintained watertight, free from leaks and obstructions, in a stable condition securely fastened, and to properly perform its intended function by discharging onto a splashpad in a manner that shall not be permitted to discharge on adjacent properties, a sidewalk, road or stairway.

21. FENCES, BARRIERS, RETAINING WALLS

- 21.1** A fence, barrier or retaining wall shall be maintained to properly perform its intended function.
- 21.2** For the purposes of this By-law, where any portion of a fence or retaining wall:
- (a) does not conform to the standards under this By-law, and
 - (b) is located touching or on the **property** line between adjoining properties at the adjacent finished ground level,
- that portion of the fence or retaining wall is deemed to be owned in equal shares by the **owners** of the adjoining properties.
- 21.3** Where available, the most recent survey obtained under Section 26.4 in accordance with the *Surveys Act* showing a fence or retaining wall shall be deemed to be conclusive evidence of the location of the fence or retaining wall.
- 21.4** Where provision is made for ownership of or responsibility for a fence or retaining wall that touches or is on the **property** line between adjoining properties under a **Town** by-law other than this By-law, or under any other **council** approved document, then that provision applies for the purposes of this By-law. A hearing before and decision of the **Committee** under Section 31, and for the purposes of a determination of the amount of a lien under Section 32.4.
- 21.5** The owner of a **property** with a **building** containing three (3) or more single-tenancy **dwellings** or a **building** used or intended to be used for commercial, institutional or industrial purposes shall install and maintain a **visual barrier** between their **property** and an adjoining **property** where their **property** is used for:
- (a) the parking, access or egress of vehicles by **tenants**, employees or customers;
 - (b) the operation of equipment;
 - (c) the storage of goods; or
 - (d) an exterior bulk or roll-off container disposal system.
- 21.6** A **visual barrier** shall be:
- (a) required when the uses can be seen from the ground level of the adjoining **property**;
 - (b) not less than 4 feet in height for the uses listed in Sections 21.5 (a), (b), and (c);
 - (c) not less than 6 feet 6 inches in height for the use listed in Section 21.5 (d).
- 21.7** Adjoining **property** means a **property** that contains at least one **dwelling** and is not used for a commercial, institutional or industrial purpose, except if it is a home business as defined in any **Town** zoning by-law.

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- 21.8** No **visual barrier** shall be required within 10 feet of a front **property** line or in contravention of any other applicable law.
- 21.9** Where any **Town** zoning by-law, site plan or subdivision agreement requires a visual barrier, that requirement prevails over the requirements of Section 21.6.

22. PESTS

- 22.1** A **dwelling** shall be kept free from **infestation** by **pests**.
- 22.2** A **property** within the **Town’s** settlement area shall be kept free of **infestation** by **pests**.
- 22.3** Openings and holes in a **building** containing a **dwelling** shall be screened or sealed to prevent the entry of rodents, vermin, insects and other **pests**.
- 22.4** The methods used for exterminating rodents and insects shall be in accordance with professional industry protocols.

23. ADDITIONAL REQUIREMENTS FOR RENTAL UNITS

- 23.1** Fuel supplied to a rental unit shall be supplied continuously in adequate quantities.
- 23.2** Utilities supplied to a rental unit shall be supplied continuously.
- 23.3** The supply of fuel and utilities may be interrupted for such reasonable period of time as may be required for the purpose of repair or replacement.
- 23.4** Section 23.1 and 23.2 do not apply if a tenancy agreement makes the **tenant** responsible for the supply of fuel or utilities and the supply has been discontinued because of arrears in payment.
- 23.5** If a rental unit has a meter for electricity for the purpose of billing the **tenants**, the meter and electrical panel shall be properly maintained and kept accessible to the **tenants**.
- 23.6** Any utility, service, appliance, built-in fixture provided at the time of rental shall be maintained, repaired or replaced to provide for ongoing, continuous use.
- 23.7** Appliances supplied by the **landlord** of the rental unit shall be maintained in a good state of repair and in a safely operable condition. Appliances may include refrigerators, stoves, clothes washers, clothes dryers, dishwashers and hot water tanks.
- 23.8** Upon written request of a **tenant** of a rental unit in which children under the age of ten (10) years are **occupants**, the **landlord** of the rental unit shall provide and install, within seven (7) days, a protective device on any window listed in the written request that:
- (a) has a moveable sash; and

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(b) is more than 6 feet above the adjacent finished ground level.

23.9 Protective window devices shall be installed and secured in a manner to prevent opening a window to any amount greater than 4 feet.

23.10 Every cabinet, cupboard, shelf and counter top provided by the **landlord** of a rental unit shall be maintained in a structurally sound condition, free from cracks and deterioration.

23.11 A **rooming house** shall contain at least a hand wash basin, a toilet and a bathtub or shower, all of which must be in good working condition.

24. ADDITIONAL REQUIREMENTS FOR MOBILE HOME PARKS, LAND LEASE COMMUNITIES

24.1 Roads within a mobile home park or land lease community shall be kept free of holes, cleared of snow, ice and obstructions, maintained to control dust and kept passable.

24.2 Excavations made for repairs shall be filled in and the ground returned to its previous condition.

24.3 Mailboxes and the approaches to them shall be kept free of snow and other obstructions.

24.4 Where the distance between mobile homes is 10 feet or more, that distance shall not be reduced to less than 10 feet through the addition of a deck or ramp or by any other means, unless a lesser distance still provides an adequate degree of fire safety.

24.5 Sewage holding tanks in a mobile home park or land lease community shall be emptied whenever necessary and regularly inspected and maintained by a licensed professional.

24.6 Sewage connections and other components of a sewage system shall be permanently secured to prevent a discharge of sewage.

24.7 Electrical supply and connections in a mobile home park or land lease community shall be maintained free of conditions dangerous to persons or **property**.

25. OCCUPANCY STANDARDS

25.1 Every **owner** shall keep their **property** free of any condition that may constitute a health or safety hazard.

25.2 Every **owner** shall install and maintain smoke alarms on every storey of a dwelling and outside every sleeping area.

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- 25.3** No room or space within a **building** shall be used for a purpose that is not in compliance with the **Building Code** and any **Town** zoning by-law.
- 25.4** A living room, dining room, kitchen and bedroom shall have a minimum room height of:
- (a) 6 feet over the required floor area in any location that would normally be used as a means of egress; or
 - (b) 6 feet 6 inches over at least 50% of the required floor area;

provided that any part of the floor having a clear height of less than 4 feet 6 inches shall not be considered in computing the required floor area.

- 25.5** A bedroom for one (1) person shall have a floor area of at least 60 square feet and a bedroom for two (2) or more persons shall have a floor area of at least 35 square feet per person, calculated from the inside faces of its walls, exclusive of the floor area of any storage space.
- 25.6** A bedroom shall have a minimum width of 6 feet.

26. ADMINISTRATION AND ENFORCEMENT

- 26.1** The **Chief Building Official** and any **officers** have the authority to, and are assigned the responsibility of, administering and enforcing this By-law and the applicable provisions of the **Building Code**.
- 26.2** An **officer** acting under this By-law may, at any reasonable time and upon producing proper identification, enter upon a **property** without a warrant to inspect the **property** to determine:
- (a) whether the **property** conforms with the standards prescribed in this By-law; or
 - (b) whether a **property** standards order has been complied with.
- 26.3** An **officer** shall not enter or remain in any room or place actually used as a **dwelling** unless:
- (a) the consent of the **owner** or **occupant** is obtained, the **owner** or **occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the *Building Code Act, 1992*;
 - (b) a warrant issued under the *Building Code Act, 1992* is obtained;
 - (c) the delay necessary to obtain the consent of the **occupant** or a warrant would result in immediate danger to the health or safety of any person;
 - (d) the entry is necessary to terminate a danger under s. 15.7(3) of the *Building Code Act, 1992*, or;

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(e) the entry is necessary to repair or demolish and within a reasonable time before entering the room or place to be repaired or demolished, the officer serves the **occupant** with notice of intention to enter.

26.4 For the purposes of an inspection under Section 26.2, an **officer** may:

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

26.5 Any cost incurred by the **Town** in exercising its authority to inspect including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the **owner** or **occupant** of the **property** where the inspection takes place.

26.6 An employee or agent of the **Town** may enter **property** at any reasonable time without a warrant for the purposes of causing the **property** to be repaired or demolished in accordance with a final and binding property standards order.

27. COMPLIANCE

27.1 An **owner** or **occupant** of a **property** shall:

- (a) comply with all standards prescribed in this By-law;
- (b) comply with a property standards order or any other order made under this Bylaw;
- (c) ensure that compliance with this By-law is carried out in a manner that avoids conditions dangerous to the **owner**, **occupants** or visitors to the **property** or that adequate warning is given where such dangerous conditions are unavoidable.

27.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, the **Chief Building Official** or an **officer** exercising a power or performing a duty under this By-law and any person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the **Chief Building Official** or **officer**

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immediately upon request. Failure to do so shall be deemed to have obstructed or hindered the **Chief Building Official** or **officer** in the execution of their duties.

28. OFFENCES, PENALTIES

- 28.1** Any person, other than a corporation, who contravenes any provision in this By-law is guilty of an offence.
- 28.2** Any person who fails to comply with an order that is final and binding under this By-law is guilty of an offence.
- 28.3** A person convicted of an offence under this By-law shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for any subsequent offence.
- 28.4** A corporation that is convicted of failing to comply with a property standards order which is final and binding, any other order, a direction or a requirement made under this By-law, shall be liable to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$200,000 for any subsequent offence.
- 28.5** An offence of failing to comply with a property standards order which is final and binding under this By-law constitutes a continuing offence and, in addition to any other penalties or fines imposed, a person or corporation so convicted shall be liable to a fine of not more than \$10,000 per day for every day or part of a day that the offence continues after the time given for complying with the property standards order has expired.

29. PROPERTY STANDARDS ORDER

- 29.1** If, after inspection, an **officer** is satisfied that in some respect the **property** does not conform with the standards prescribed in this By-law, the **officer** may issue a property standards order and such order shall be served on the **owner** of the **property** and may be served on such other persons affected by it as the **officer** determines and a copy of the order may be posted on the **property**.
- 29.2** The property standards order shall:
- (a) state the municipal address or the legal description of the **property**;
 - (b) give reasonable particulars of the repairs to be made or state that the **property** is to be cleared of all **buildings**, structures or debris and left in a graded and levelled condition;
 - (c) except that a property standards order stating that a **heritage property** is to be altered, cleared, removed, demolished or relocated, must be done in accordance with the *Ontario Heritage Act*;
 - (d) indicate the time for complying with the terms and conditions of the property standards order and give notice that, if the repair or clearance is not carried out

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within that time, the municipality may carry out the repair or clearance at the **owner’s** expense;

- (e) indicate the final date for giving notice of appeal from the property standards order; and
- (f) be served or caused to be served:
 - (i) by personal service; or
 - (ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person’s agent for service.

29.3 “Last known address” of the **owner** includes but is not limited to the address provided to the **Town** for the payment of **property** taxes for the **property** or the address for service on the title document for the **property**.

30. APPEAL OF A PROPERTY STANDARDS ORDER

30.1 An **owner** or **occupant** who has been served with a property standards order and who is not satisfied with the terms or conditions of the order may appeal to the **Committee** by sending a notice of appeal, including grounds for the appeal and the applicable fee as set out in the **Town’s** Fees and Charges By-law, by registered mail to the Secretary of the **Committee** within fourteen (14) days after being served with the order.

30.2 A property standards order that is not appealed within the specified time, is deemed to be confirmed.

30.3 If an appeal is taken, the **Committee** shall hear the appeal and shall have all the powers and functions of the **officer** who made the property standards order, and may:

- (a) confirm, modify or rescind the order to demolish or repair, or
- (b) extend the time for complying with the order,

if, in the **Committee’s** opinion, the general intent and purpose of this By-law are maintained.

30.4 The **Town** or an **owner** or **occupant** or person affected by a decision under Section 30 may appeal to a judge of the Superior Court of Justice, who has the same powers and functions as the **Committee**, by notifying the **Town’s** Clerk in writing and by applying to the Superior Court of Justice for an appointment within fourteen (14) days after the sending of a copy of the decision.

30.5 A property standards order that is confirmed or modified by the **Committee** or by a judge, 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.

31. PROPERTY STANDARDS COMMITTEE

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- 31.1** A **Committee** to be known as the Property Standards Committee of the **Town** of Innisfil, is established.
- 31.2** The **Committee** shall consist of seven (7) residents of, or **property** owners in the **Town**, to be appointed by **council** with a four (4)-year term, or such shorter term as may be determined by **council**.
- 31.3** A member of the **Committee** shall hold office until his or her successor has been appointed.
- 31.4** Any vacancy on the **Committee** shall be filled as soon as is reasonably practicable.

32. POWER OF TOWN TO REPAIR OR DEMOLISH

- 32.1** If the **owner** or **occupant** of a **property** fails to comply with a final and binding property standards order, the **Town** may cause the **property** to be repaired or demolished in accordance with such order.
- 32.2** The **Town** or a person acting on its behalf is not liable to compensate the **owner**, **occupant** or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers.
- 32.3** No **building** or structure on a **heritage property** may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.
- 32.4** Upon completion of the work necessary for compliance with the property standards order the **Town** shall have a lien on the **property** for the amount spent on the repair or demolition and the amount shall have priority lien status as described in s. 1 of the *Municipal Act, 2001* which, amongst other things, means the amount may be added to the tax roll for the **property** and collected in the same manner as **property** taxes.
- 32.5** Where the **Town** incurs the cost of remediation, all direct labour and service costs, as well as an additional % as a cost recover fee, will be charged in accordance with the **Town's** Fees & Charges By-law.

33. CERTIFICATE OF COMPLIANCE

- 33.1** When, after an inspection, an officer is of an opinion that a property is in compliance with this By-law:
- (a) an **owner** of the **property** shall; or
 - (b) any other person may, be issued a certificate of compliance upon submitting a completed application form and paying the applicable fee as set out in the **Town's** Fees and Charges By-law.

34. REGISTRATION OF PROPERTY STANDARDS ORDER

- 34.1** A final and binding property standards order may be registered in the land registry office on title to the **property** to which it applies and, upon such registration, any person acquiring any interest in the **property** subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under Section 29.1.
- 34.2** Where an officer determines there is compliance under this By-law with a property standards order issued and registered on the title to a **property**, the **Chief Building Official** on behalf of the **Town** Clerk shall immediately register in the land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- 34.3** An **owner** or **occupant** may apply for a discharge of a property standards order issued and registered on title to a **property** by submitting a completed application form and paying the applicable fee as set out in the **Town's** Fees and Charges By-law and where, upon inspection of the **property** by an **officer**, compliance with the order is found, the discharge shall be registered by the **Chief Building Official** on behalf of the **Town's** Clerk.

35. SEVERANCE, CONFLICT

- 35.1** If a court of competent jurisdiction declares to be invalid, unenforceable, illegal or beyond the powers of **council** to enact, any provisions or parts of any provision of this By-law, it is the intention of **council** in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- 35.2** Where a provision of this By-law conflicts with the provision of another by-law, Act or regulation in force within the **Town**, the provision that establishes the higher standard to protect the health and safety of persons prevails.
- 35.3** Any reference to a statute, regulation, by-law or other legislation or statutory instrument in this By-law shall include such statute, regulation, by-law or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

36. ORDERS, PROCEEDINGS AND OTHER ACTIONS CONTINUED

- 36.1** Despite Section 37, any order issued, proceeding being conducted or other action being carried out under By-law No. 075-02 shall be deemed to be continued under this By-law, and any reference to By-law No. 075-02 in such order, proceeding or other action shall be deemed to refer to this By-law.

37. REPEALS

By-law No. 035-18 and its amendments are hereby repealed.

This By-law comes into force and takes effect on the day it is passed.

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PASSED THIS 22nd day of June, 2022.

Lynn Dollin Mayor

Lee Parkin Clerk