

THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER6-2002

**A BY-LAW TO ESTABLISH STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE
TOWN OF ORANGEVILLE**

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

AND WHEREAS the Official Plan for The Corporation of the Town of Orangeville includes provisions relating to property conditions;

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

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

BE IT THEREFORE ENACTED by the municipal Council of The Corporation of the Town of Orangeville as follows:

1 Definitions

In this by-law,

- 1.1 "Accessory Building" means a detached subordinate building or structure, the use of which is incidental to the use of the property and not used for human habitation and which is located on the same property.
- 1.2 "Approved" means acceptance by the Property Standards Officer.
- 1.3 "Balustrade" means a row of balusters or spindles surmounted by a railing.
- 1.4 "Basement" means that portion of a building which is partly below grade but which has at least one-half of its height, from floor to ceiling, above a finished grade.
- 1.5 "Building" means,
 - 1.5.1 a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
 - 1.5.2 a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto;
 - 1.5.3 plumbing not located in a structure;
 - 1.5.4 a sewage system; or
 - 1.5.5 structures designated in the *Ontario Building Code Act*.
- 1.6 "Ontario Building Code Act" means the Ontario Building Code Act, S.O., 1992, c23, as amended.

- 1.7 “Cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.8 “Corporation” means the Corporation of the Town of Orangeville.
- 1.9 “Council” means the Council of the Corporation of the Town of Orangeville.
- 1.10 “Dwelling” means a building or part of a building occupied or capable of being occupied in whole or in part for the purpose of human habitation and includes any accessory building structure.
- 1.11 “Dwelling Unit” means two or more habitable rooms within a building in which sanitary facilities and a separate kitchen are provided and having a private entrance from outside the building from a common hallway or stairway inside the building.
- 1.12 “Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within the building, a floor area, a room, or a contained open space to a public thoroughfare, or an **approved** area of refuge usually located outside the building.
- 1.13 “Guard” means a protective barrier installed around openings in floor areas or on the open sides of a stairway, landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.14 “Habitable Room” means any room in a dwelling or dwelling unit used or intended to be used for sleeping, living, cooking or eating purposes.
- 1.15 “Medical Officer of Health” means the Medical Officer of Health for the Wellington-Dufferin-Guelph Health Unit.
- 1.16 “Motor Vehicle” includes any form of transportation designed to be propelled or driven other than by muscular power but does not include any motor vehicle running only upon rails.
- 1.17 “Non-Habitable Room” means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room, furnace room or other space used for service or maintenance or a dwelling or for access to and vertical between storeys.
- 1.18 “Non-Residential Property” means a building or structure or part of a building or structure not occupied in whole or part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, or erections thereon or therein.
- 1.19 “Officer” means a property standards officer who has been assigned the responsibility of administering and enforcing this by-law.
- 1.20 “Owner” means such persons or corporations that are the registered or beneficial holders of the title of the property and would include the person for the time being, who is 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 shall also include a lessee of an occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property.

- 1.21 "Occupant" means any person or persons over the age of eighteen in possession of the property.
- 1.22 "Person" means a person as defined in *The Interpretation Act*. It includes a individual, firm, corporation, association or partnership.
- 1.23 "Plumbing" means drainage system, a venting system and a water system or parts thereof.
- 1.24 "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, and erections thereon whether heretofore or hereafter erected, and includes vacant property, and is divided into:
 - 1.24.1 "Non-residential property" which means that part of a property not occupied for the purpose of human habitation;
 - 1.24.2 "Residential Property" which means that part of a property occupied or capable of being occupied for the purpose of human habitation and includes a dwelling unit; and
 - 1.24.3 "Vacant Land" which means property upon which there are no structures of any kind other than a fence.
- 1.25 "Tenant" means a person paying rent for the temporary use or occupancy of land or buildings of another person and includes lessee, occupant, subtenant, undertenant, and his and their assigns and legal representatives.
- 1.26 "Toilet room" means a room containing a water closet.
- 1.27 "Town" means the Corporation of the Town of Orangeville.
- 1.28 "Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- 1.29 "Standards" means the standards of the physical condition and or occupancy prescribed for property by this By-law.
- 1.30 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

2 GENERAL DUTIES AND OCCUPANCY STANDARDS

2.1 GENERAL STANDARDS

- 2.1.1 The owner of property in the municipality shall repair and maintain the property in accordance with the standards prescribed by this bylaw.

2.2 OCCUPANCY STANDARDS

- 2.2.1 No person shall occupy or let to another for occupancy a property which does not comply with the standards prescribed by this bylaw.

3 GENERAL STANDARDS FOR ALL PROPERTIES

3.1 GENERAL STANDARDS

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

3.2 YARDS

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

- 3.2.1.1 rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- 3.2.1.2 wrecked, dismantled, discarded, inoperative, abandoned vehicles which do not have a current validated licence plate or unlicensed machinery, vehicles or objects or parts thereof unless they are necessary for the operation of a business enterprise lawfully situated on the property and an agreement has been made with the Town requiring these articles to be placed, stored or left in such a manner as to avoid an unsafe or unsightly condition out of character with the surrounding environment;
- 3.2.1.3 dismantled, inoperative vehicles which do not have a current validated licence plate, a piece of machinery, and trailers which are being privately renovated, repaired, or restored by their owner will be permitted where such vehicles, a piece of machinery, and trailers are stored within a fully enclosed building and provided it does not create an unsightly condition out of character with the surrounding environment;
- 3.2.1.4 long grass, brush, undergrowth (exceeding 15 centimeters) and noxious weeds as defined by the *Weed Control Act*;
- 3.2.1.5 injurious insects, termites, rodents, vermin or other pests;
- 3.2.1.6 dead, decayed or damaged trees or other natural growth; and
- 3.2.1.7 the warehousing or storage of material or operative equipment that is required for the continuing operation of any industrial, commercial or institutional use of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unconstructive access for emergency vehicles. All such yards shall have a metal fence not less than 1.8 meters (6 ft.) in height surrounding the perimeter of the property and the fence shall be erected and maintained in good repair.

3.3 SURFACE CONDITIONS

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

- 3.3.1.1 prevent ponding of storm water;
- 3.3.1.2 prevent erosion and be cultivated or protected with suitable ground cover.
- 3.3.1.3 prevent accumulations of dust or dirt from spreading to neighbouring properties.
- 3.3.1.4 prevent surface water run-off from entering basements;
- 3.3.1.5 not exhibit an unsightly appearance;
- 3.3.1.6 be kept free from garbage and refuse;
- 3.3.1.7 be free of deep ruts and holes;
- 3.3.1.8 provide for a safe passage under normal use and weather

conditions, day or night.

3.4 SEWAGE AND DRAINAGE

3.4.1 Sewage shall be discharged into the sewage system of the Corporation.

3.4.2 Roof drainage shall not be discharged onto neighboring properties, sidewalks or stairs.

3.5 PARKING AREAS, WALKS AND DRIVEWAYS

3.5.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free from dirt and litter. Notwithstanding the foregoing, where non-residential properties abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or a similar hard surface.

3.5.2 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

3.6 ACCESSORY BUILDINGS AND OTHER STRUCTURES

3.6.1 Accessory buildings and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

3.6.2 Accessory buildings and other structures shall be protected from deterioration by the application of appropriate weather resistant materials.

3.6.3 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and additional load to which it may be subject through normal use, having a level of safety required by the *Ontario Building Code Act*. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

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

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

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

3.6.7 Any new guards shall be installed in accordance with Ontario Building Code standards. Any existing guardrails, balustrades and handrails shall be maintained in a rigid nature.

3.7 GARBAGE DISPOSAL

- 3.7.1 Every building shall have sufficient appropriate receptacles to contain all garbage, rubbish, ashes and trade waste until pick up day.
- 3.7.2 Receptacles shall be standard garbage bags or other garbage containers commercially sold for the purpose and provided with a tight fitting cover.
- 3.7.3 Garbage receptacles including garbage bags, shall be maintained in a clean state and shall not be stored in the front yard.
- 3.7.4 All garbage, refuse and ashes shall be placed in the suitable container and made available for removal in accordance with the Municipality's current *SOLID WASTE MANAGEMENT BYLAW*.

3.8 COMPOST HEAPS

- 3.8.1 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided the compost pile is no larger than one square meter and 1.8 meters in height and is enclosed on all sides by concrete blocks, or lumber which has been pressure treated or in a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.
- 3.8.2 A compost heap shall not be permitted to be created or maintained on either non-residential property or vacant land.

3.9 STRUCTURAL SOUNDNESS

- 3.9.1 Every part of a building or structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subject through normal use, having a level of safety required by the *Ontario Building Code Act*. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

4 RESIDENTIAL STANDARDS

4.1 GENERAL CONDITIONS

- 4.1.1 Every owner, tenant or occupant of a residential property shall maintain the said property which he or she occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with the municipality's current *SOLID WASTE MANAGEMENT BYLAW*.
- 4.1.2 Accumulations of storage of garbage refuse, appliances, or furniture in a means of egress shall not be permitted.

4.2 PEST PREVENTION

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

4.3 FOUNDATIONS

- 4.3.1 Foundations walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints and floors.
- 4.3.2 Every dwelling except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.
- 4.3.3 Exterior walls of a dwellings and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

4.4 WINDOWS AND DOORS

- 4.4.1 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casing, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.4.2 In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to permit locking or securing from inside the dwelling unit.
- 4.4.3 Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 4.4.4 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with a approved safety device that shall prevent any part of the window from opening greater than would permit the passage of a 100mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

4.5 ROOFS

- 4.5.1 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 4.5.2 Where eavestroughing and roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.
- 4.5.3 Where eavestroughing and roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.6 WALLS, CEILINGS AND FLOORS

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

4.6.3 Every floor in a bathroom, toilet room, kitchen, shower room and laundry room shall be maintained so as to be impervious to water and readily cleaned.

4.7 STAIRS, PORCHES AND BALCONIES

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

4.8 KITCHENS

4.8.1 Every dwelling unit shall contain a kitchen area equipped with:

- 4.8.1.1 a sink that is served with hot and cold running water;
- 4.8.1.2 a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections; and
- 4.8.1.3 a counter or work area at least 610mm (2ft.) in width by 1,200 mm (4ft.) in length exclusive of the sink.

4.9 TOILET AND BATHROOM FACILITIES

4.9.1 Every dwelling unit shall contain a toilet room or bathroom with operational plumbing fixtures consisting of at least:

- 4.9.1.1 toilet;
- 4.9.1.2 sink; and
- 4.9.1.3 a bathtub or shower

4.9.2 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using the said room.

4.9.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

4.9.4 Every bathroom and toilet room shall be provided with a sufficient supply of hot and cold running water.

4.9.5 Each bathroom and toilet room shall be located inside and be accessible from within the dwelling unit which it serves.

4.10 PLUMBING

4.10.1 Each washbasin, bathtub or shower and kitchen sink shall be equipped with an adequate supply of hot and cold running water.

4.10.2 Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

4.10.3 All plumbing including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

- 4.10.4 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbor germs or impede thorough cleansing.
- 4.10.5 All plumbing fixtures shall be connected to the sewerage system through water seal traps.

4.11 ELECTRICAL SERVICE

- 4.11.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 4.11.2 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations Act*, as amended.
- 4.11.3 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 4.11.4 Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

4.12 DISCONNECTION OF SERVICE

- 4.12.1 No owner of an occupied dwelling which is used for the purpose of human habitation or an occupant thereof shall disconnect, shut-off, remove, otherwise discontinue or clause or permit the discontinuance of any gas, water, steam, electric power, fuel oil or other service or utility serving a dwelling, except when action is necessary in order to safely make repairs, replacements or alterations in, at or upon the dwelling and then only during the reasonable minimum time that such is necessary.
- 4.12.2 Without limiting the generality of the foregoing, a person liable for the rates for gas, water, steam, electric power, fuel oil or other service or utility who fails to pay such rates with the results that the gas, water, steam, electric power, fuel oil, or other service or utility is disconnected, shut-off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance.

4.13 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 4.13.1 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 f.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.13.2 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended or other applicable legislation.

- 4.13.3 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation in other parts of the dwelling used for habitation. Such separations shall conform to the *Ontario Building Code Act*.
- 4.13.4 All fuel burning appliances, equipment and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent-pipe, chimney flue or other approved method.
- 4.13.5 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 4.13.6 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

4.14 EGRESS

- 4.14.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling unit to the outside at street or grade level.

4.15 VENTILATION

- 4.15.1 Sufficient ventilation shall be provided and maintained in every building, including kitchen, bathroom and toilet rooms.
- 4.15.2 All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- 4.15.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

5 VACANT LANDS AND BUILDINGS

5.1 VACANT LANDS

- 5.1.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the *Ontario Building Code Act* where applicable.
- 5.1.2 Vacant land shall be maintained to the standards as described in Part III, Article 3.2, of this bylaw.
- 5.1.3 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

5.2 VACANT BUILDINGS

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

- 5.2.2 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer. At a minimum, the owner or agent of a vacant building shall cover all openings through which entry may be obtained with at least 12.7mm (0.5inch) weatherproof sheet plywood securely fastened and painted or colour compatible with the surrounding walls.

6 ENFORCEMENT AND ADMINISTRATION

6.1 ENFORCEMENT

- 6.1.1 No person shall occupy any property which does not comply with the provisions of this By-law.
- 6.1.2 Where an owner or occupant of property fails to demolish or to repair in accordance with the final and binding order, the Corporation shall have the right to demolish or to repair the property.
- 6.1.3 For the purposes of demolishing or repairing under Section 6.1.2 of this Section, an agent, employee or servant of the Corporation may enter upon the property of the occupant or owner and shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under the provisions of this Section.
- 6.1.4 When demolition or repairs have been taken by the Corporation under this Section, the Corporation may recover all the expenses incurred in respect thereof, including legal fees, by any of all methods available by statute.
- 6.1.5 In addition to Part VI, Article 6.1(2) above, the Corporation may cause a prosecution to be brought against any person in breach of a final and binding Order in accordance with the provision of Section 36 of the *Ontario Building Code Act*.

6.2 PROPERTY STANDARDS COMMITTEE

- 6.2.1 There shall be appointed by Council a Property Standards Committee composed of 3 members who shall each be appointed for a two year term.
- 6.2.2 The Committee shall elect a Chairman and any member of the Committee may hold this position except for an Officer. When the Chairman is absent through illness or otherwise, the Committee may appoint another member as acting Chairman.
- 6.2.3 In the event of a vacancy in the membership of the Committee, Council shall forthwith fill the vacancy by appointment and the person so appointed shall sit for the remainder of the term of the person that he or she has replaced.
- 6.2.4 Two members of the Committee constitutes a quorum.
- 6.2.5 The members shall provide for a secretary for the Committee.
- 6.2.6 The secretary shall keep on the file records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and Section 74 of the *Municipal Act* applies with the necessary modifications to the minutes and records.
- 6.2.7 The Committee may, subject to Subsection (7), adopt its own rules of procedure and any member may administer oaths.

- 6.2.8 When the Committee is required to give Notice it shall provide or direct that Notice be given of the hearing of an appeal to such person or persons as the Committee considers advisable.

6.3 PROPERTY STANDARDS OFFICER

- 6.3.1 The Council may from time to time appoint officers to carry out the administrative functions of this bylaw including the enforcement thereof.
- 6.3.2 Any Building or Plumbing Inspector, Fire Prevention Officer, for the Corporation is hereby authorized and directed to act as an assistant to the Officer.

6.4 INSPECTION

- 6.4.1 All officers shall possess all powers of inspection as prescribed in the *Ontario Building Code Act*.

6.5 ORDER

- 6.5.1 When the Officer, after an inspection, is satisfied that the property does not conform to the standards contained in this by-law, he/she shall serve or cause to be served personally or by registered mail an Order to Remedy.
- 6.5.2 The Order made under Subsection (1) shall:
- 6.5.2.1 set out the Municipal address or legal description of the subject property;
 - 6.5.2.2 contain reasonable particulars of the repairs to be effected or a statement that the property is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - 6.5.2.3 set out the time period within which there must be compliance with the terms and conditions of the Order;
 - 6.5.2.4 give notice that if such repair or clearance is not done within the time set out, the Corporation may carry out the repairs or clearance at the expense of the owner; and
 - 6.5.2.5 advise the person of his right of appeal to the Property Standards Committee in accordance with the provisions of Subsection 15.3 (1) of the *Ontario Building Code Act* and advise as to the last date for such appeal.

6.6 EMERGENCY ORDERS

- 6.6.1 All officers shall possess all powers to issue emergency orders and invoke emergency powers pursuant to the *Ontario Building Code Act*.

6.7 APPEALS BEFORE THE COMMITTEE

- 6.7.1 Every person who initiates an appeal of an Order made by an officer shall submit a Notice of Appeal in the time frame and manner as prescribed in the *Ontario Building Code Act*.
- 6.7.2 Before conducting a hearing the Committee shall give Notice to such persons or direct that Notices are to be given to such persons as the Committee considers are required to receive Notice. The Notice shall be provided in the manner directed by the Committee.

6.7.3 After hearing an appeal the Committee may confirm, modify or quash the Order or the Committee may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this bylaw has been maintained.

6.7.4 The proceedings at the hearing shall be in accordance with the provisions of the *Statutory Powers Procedures Act*.

6.8 APPEALS BEFORE THE SUPERIOR COURT OF JUSTICE

6.8.1 A corporation or the Owner or occupant or any person affected by the Order of the Committee may appeal the Order to a Judge of the Superior Court of Justice pursuant to the *Ontario Building Code Act*.

6.9 EFFECT OF FINAL ORDER

6.9.1 The order shall be final and binding:

- 6.9.1.1 upon the time expiring for the appeal to the Property Standards Committee and there being no appeal; or
- 6.9.1.2 in the event there is an appeal to the Property Standards Committee, upon the Property Standards Committee confirming of modifying the Order and the time for the appeal to the Superior Court of Justice having expired and there being no appeal; or
- 6.9.1.3 in the event there is an appeal to the Superior Court of Justice, upon the Judge of the Superior Court of Justice confirming or modifying the Order.

6.10 SERVICE

6.10.1 A Notice or Order issued pursuant to this By-law may be served by personal service or by 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.

6.10.2 If a Notice or Order is served by registered mail, the service shall be deemed to have been received on the fifth day after the day of mailing unless the person or persons on whom service is being made established that he/she did not, acting in good faith, through absence, accident, illness, or other cause beyond his/her control, receive notice or order until a later date.

6.11 REGISTRATION

6.11.1 Where an Order has been made pursuant to this By-law, a copy may be registered in the proper Land Registry Office.

6.11.2 The Clerk of the Corporation shall forthwith register, in the proper Land Registry Office, a certificate declaring that there has been compliance with the registered Order after the Clerk is satisfied that there has, in fact, been compliance with the Order.

6.12 PENALTY

6.12.1 The Corporation may cause a prosecution to be brought against any person who is in breach of such an Order made pursuant to this by-law and upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his or her territorial jurisdiction, a penalty of not more than twenty-five thousand dollars (\$25,000.00) for the first offence and not more than

fifty thousand dollars (\$50,000.00) for any subsequent offence, and if a corporation is convicted, the maximum penalty shall be not more than fifty thousand dollars (\$50,000.00) for the first offence and one hundred thousand dollars (\$100,000) for any subsequent offence.

6.13 VALIDITY

6.13.1 If an article of this Bylaw is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

6.13.2 Where a provision of this Bylaw conflicts with the provision of another Bylaw in force within the Town of Orangeville, the provisions that establish the higher standards to protect the health, safety and welfare or the general public shall prevail.

7 REPEAL

Bylaw 104-99 is hereby repealed.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 21st DAY OF JANUARY, 2002.

Drew Brown

Drew Brown, Mayor

Cheryl Johns

Cheryl Johns, Clerk

CORPORATION OF THE TOWN OF ORANGEVILLE

“INFORMAL NOTICE”

Date

Address

Dear

RE:

Town of Orangeville

Be advised that on _____, an inspection of your property, as noted above, revealed certain violations of the Town's Property Standards By-Law No. _____.

Schedule “A” attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the By-Law.

Also be advised that the By-Law gives authority for the issuance of an **Order to Demolish or Repair** pursuant to the *Ontario Building Code Act*.

A reinspection of this property will take place on or about _____ to ascertain compliance. Should you require further information pertaining to this matter please feel free to contact the undersigned during normal business hours.

Property Standards Officer
(519) 941-0440

Note: An informal notice is not required under Provincial Statute. However, it may be given as a courtesy.

CORPORATION OF THE TOWN OR ORANGEVILLE

ORDER TO DEMOLISH OR REPAIR

Date:

Dear

RE:
ORANGEVILLE, ONTARIO

WHEREAS on__ you were informed that your Property, as noted above, revealed certain violations of the Town of Orangeville's Property Standards By-law No. ____ as noted in Schedule "A".

AND WHEREAS you have failed to remedy the noted violations(s) as set out in Schedule "A", be remedied and the property brought into a condition of compliance with the prescribed standards as set in the Property Standards By-law No ____ sub section ____ on or before_____.

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

TAKE NOTICE that if the above violations are not remedied on or before date the municipality can correct such violation at the expense of the owner of said property.

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL:

Officer

Property Standards Officer

NOTICE OF APPEAL
TO THE PROPERTY STANDARDS COMMITTEE
Ontario Building Code Act

Date

*To the Secretary
Property Standards Appeal Committee
Corporation of the Town of Orangeville
87 Broadway
Orangeville, Ontario
L9W 1K1*

RE: Order to Demolish or Repair at:

Town of Orangeville

TAKE NOTICE of appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced Order to Demolish or Repair.

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order, the owner or occupant may appeal to the committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the Committee within fourteen (14) days after service of the Order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

The Ontario Building Code Act -----

Signature of Owner of Authorized Agent

FINAL DATE FOR APPEAL:

Property Standards Officer
(519) 941-0440

CORPORATION OF THE TOWN OR ORANGEVILLE

EMERGENCY ORDER TO DEMOLISH OR REPAIR

Date

Address

Dear Sir/Madam:

RE:

Orangeville, Ontario

WHEREAS on _____ an inspection of the above noted premises revealed non-conformity with the Town of Orangeville's Property Standards' By-law Number _____ as listed in Schedule "A".

AND WHEREAS the non-conformity posed an immediate danger to the health or safety of persons.

TAKE NOTICE that the non-conformity listed on Schedule "A" must be remedied IMMEDIATELY in order to terminate the danger.

AND TAKE FURTHER NOTICE that the officer or an authorized agent may, at any time, take any measures necessary to terminate the danger.

AND TAKE FURTHER NOTICE that if remedial work is performed by the officer or an authorized agent, pursuant to this Order, the cost of such remedial work may be recovered by way of lien on the real property and may be collected in the same manner and with the same priorities as municipal property taxes.

Date:

Property Standards Officer
(519) 941-0440

TABLE OF CONTENTS

1. Definitions
2. General Duties and Occupancy Standards
 - 2.1 General Standards
 - 2.2 Occupancy Standards
3. General Standards for all Properties
 - 3.1 General Standards
 - 3.2 Yards
 - 3.3 Surface Conditions
 - 3.4 Sewage and Drainage
 - 3.5 Parking Areas, Walks and Driveways
 - 3.6 Accessory Buildings and other Structures
 - 3.7 Garbage Disposal
 - 3.8 Compost Heaps
 - 3.9 Structural Soundness
4. Residential Standards
 - 4.1 General Conditions
 - 4.2 Pest Prevention
 - 4.3 Foundations
 - 4.4 Windows and Doors
 - 4.5 Roofs
 - 4.6 Walls, Ceilings and Floors
 - 4.7 Stairs, Porches and Balconies
 - 4.8 Kitchens
 - 4.9 Toilet and Bathroom Facilities
 - 4.10 Plumbing
 - 4.11 Electrical Service
 - 4.12 Disconnection of Service
 - 4.13 Heating, Heating Systems, Chimneys and Vents
 - 4.14 Egress
 - 4.15 Ventilation
5. Vacant Land and Buildings
 - 5.1 Vacant Lands
 - 5.2 Vacant Buildings
6. Enforcement and Administration
 - 6.1 Enforcement
 - 6.2 Property Standards Committee
 - 6.3 Property Standards Officer
 - 6.4 Inspection
 - 6.5 Order
 - 6.6 Emergency Order
 - 6.7 Appeals Before Committee
 - 6.8 Appeals Before the Superior Court of Justice
 - 6.9 Effect of Final Order
 - 6.10 Service
 - 6.11 Registration
 - 6.12 Penalty
 - 6.13 Validity
7. Repeal
8. Forms
 - 8.1 Informal Notice
 - 8.2 Order to Demolish or Repair
 - 8.3 Notice of Appeal to Property Standards Committee
 - 8.4 Emergency Order to Demolish or Repair