

**THE TOWNSHIP OF CAVAN MONAGHAN**

**BY-LAW NUMBER 2008-58**

**PROPERTY STANDARDS BY-LAW**

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**CORPORATION OF THE TOWNSHIP OF CAVAN MONAGHAN**  
**By-Law Number 2008-58**

**BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE  
MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWNSHIP  
OF CAVAN MONAGHAN**

**WHEREAS** under Section 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing 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 TOWNSHIP OF CAVAN MONAGHAN includes provisions relating to property conditions as required by section 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

**AND WHEREAS** it is deemed expedient to establish standards for the maintenance and occupancy of property in the TOWNSHIP OF CAVAN MONAGHAN;

**NOW THEREFORE** the Council of the TOWNSHIP OF CAVAN MONAGHAN hereby enacts as follows:

**1.0 DEFINITIONS**

For the purpose of this by-law:

**“Accessory Building”** means a detached building that is clearly incidental, subordinate and exclusively devoted to a main building or use and located within the same lot.

**“Agricultural Equipment”** means implements and machinery commonly used for farming.

**“Balustrade”** means a row of balusters or spindles surmounted by a railing.

**“Basement”** means that portion of a building between two floor levels which is partly underground, but which has at least one half of its height from finished floor to finished ceiling above the average adjacent finished grade.

**“Bathroom”** means a room containing at least a toilet, bathtub or shower, or two rooms that contain in total at least one toilet and one bathtub or shower.

**"Bedroom"** means a habitable room used for sleeping purposes.

**"Building"** means any structures used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.

**"Building Code"** means the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, and includes the regulations made thereunder.

**"Chief Building Official"** means the official employed by the Municipality as appointed under the Building By-law, and shall include any inspector likewise appointed.

**"Committee"** means a Property Standards Committee established under this by-law.

**"Corporation"** means the TOWNSHIP OF CAVAN MONAGHAN.

**"Council"** means The Council of the TOWNSHIP OF CAVAN MONAGHAN.

**"Dwelling"** shall mean a building consisting of one or more dwelling units but shall not include a mobile home, recreational motor home or recreational travel trailer, as herein defined.

**"Dwelling Unit"** means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building.

**"Farm"** means land used for the tillage of soil and the growing of vegetables, fruits, grains and other staple crops including livestock raising, dairying, or wood lots.

**"Fire Code"** means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, and includes the regulations made thereunder.

**"Habitable Room"** means a room in a dwelling which is used or intended for living, sleeping, eating or food preparation, but does not include a bathroom, toilet room, storage or laundry room, and corridor.

**"Hazardous Building or Structure"** means a building or structure, whether or not structurally unsafe within the meaning of the Building Code, that has sustained damage of any kind to the whole or any part of the building or structure by reason of fire, storm or other cause, and the damage has not been repaired.

**“Heating Appliance”** means a device to convert fuel into heat energy, and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code.

**“Lot”** means a parcel or tract of

- a) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 50 of The Planning Act, c. 13, R.S.O. 1990, as amended from time to time, or
- b) which is a separate parcel of land without any adjoining lands being owned by the same owner or owners directly or indirectly as of the date of passing of this by-law, and which is described in a deed or other document legally capable of conveying an interest in land, or the description of which is the same as in a deed which has been given consent pursuant to Section 50 of The Planning Act, c. 13, R.S.O. 1990, as amended from time to time, or
- c) is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to Section 50 of The Planning Act, c. 13, R.S.O. 1990, as amended from time to time, but for the purposes of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been acquired by the Township or other government agency.

**“Maintenance”** means the preservation and keeping in repair of a property.

**“Mobile Home”** means a transportable, factory-built, single detached dwelling unit designed in one or more units to be towed on its own chassis by a special towing vehicle or transported on a railway flat and assembled on the site into one integral unit, and which is designed for continuous occupancy on a year-round basis.

**“Multiple Dwelling”** means a building lawfully containing three or more dwelling units.

**“Non-habitable Space”** means any room or space in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, pantry, lobby, corridor, stairway, closet, storage room, cellar, furnace room, garage, or space for service and maintenance, or space that does not comply with the minimum standards for residential occupancy.

**"Non-residential Property"** means a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation, and includes those lands and premises appurtenant thereto.

**"Occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or chattels.

**"Occupant"** means any person or persons over the age of eighteen years in possession of a property.

**"Owner"** includes the person for the time being managing or receiving the rent of land or premises in connection with which the word "owner" is used whether on his own account or as agent or trustee of any person, or would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property in accordance with the standards of this by-law, and the person designated as owner on the assessment roll of the municipality.

**"Person"** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors, or other legal representatives of a person to whom the same can apply according to law.

**"Property"** means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and retaining walls, and erections thereon, whether heretofore or hereafter erected, and includes vacant property.

**"Property Standards Officer"** means a person designated as such by a resolution or by-law of Council.

**"Recreational Travel Trailer"** shall mean any vehicle that is at any time drawn upon a highway by a motor vehicle as a separate unit, and capable of being utilized for the seasonal or temporary living, sleeping or eating accommodation of persons.

**"Refuse or Debris"** means, but is not limited to, garbage, ashes, rubbish, builder's or building contractor's waste or scrap material, inoperative vehicles and motor vehicle parts and accessories.

**"Repair"** means 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.

**“Sewage”** means liquid or water borne waste of industrial, commercial or domestic origin, including human body waste, toilet or bathroom waste, shower, tub, culinary, sink or laundry waste and car wash water, but does not include storm water.

**“Sewage Treatment Facility”** means a building or structure, approved by the Ministry of the Environment, where domestic and/or industrial waste is treated.

**“Sewage System, Sanitary”** means a system of underground conduits, operated by the Municipality or their agents or by the Ministry of the Environment, which carries sewage to a sewage treatment facility which is in accordance with the standards of the Ministry of the Environment.

**“Sewer System, Storm”** means a sewer which carries storm surface water and storm drainage, but does not carry sewage or industrial waste.

**“Standards”** means the standards prescribed in this by-law.

**“Storm Water”** means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.

**“Unsafe Condition”** means a condition that poses or constitutes a fire hazard or a hazard or risk to life, limb or health of any person.

**“Vehicle”** means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, motorized snow vehicle, mechanical equipment or any vehicle drawn, propelled or driven by any kind of power but does not include Agricultural Equipment.

**“Waste Disposal Area”** means a place where garbage, refuse or domestic or industrial waste, exclusive of liquid industrial waste, is disposed of, dumped or incinerated.

**“Yard”** means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, except as may be expressly permitted in this by-law, and in determining yard measurements, minimum horizontal distance from the respective lot lines are to be used.

## 2.0 GENERAL STANDARDS FOR ALL PROPERTY

2.1 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 requirements of the Building Code and Fire Code.

### Yards

2.2 Every owner of residential property shall keep their yard, including vacant lots, clean and free from:

- (a) refuse or debris, rubbish or conditions that may create an unsafe condition;
- (b) wrecked, dismantled, or inoperative vehicles or other machinery or any part thereof, and junk and refuse of any kind except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe or unsightly condition. This subsection shall not apply to agricultural farm equipment, a permitted automobile sale and service establishment or a salvage yard;
- (c) unlicensed vehicle(s), except where such unlicensed vehicle or vehicles are stored within a garage or building;
- (d) dilapidated, collapsed or partially constructed structures which are not currently under construction.

### Sewage and Drainage

2.3 Yards shall be maintained so as to:

- (a) ensure that storm water is drained from the yard so as to prevent recurrent or excessive ponding or the entrance of water into a basement; such drainage shall be in accordance with any subdivision agreement, subdivision grading plan or lot grading plan as applicable.
- (b) ensure that no roof drainage is discharged onto sidewalks, stairs or neighbouring property, nor on any surface within the road allowance, and to
- (c) ensure that sewage is discharged into a sewage system.

### Parking Areas, Walks and Driveways

2.4 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.

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

### **Garbage Disposal**

**2.6** All garbage, refuse, debris and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipality's garbage collection by-law.

### **Compost Heaps**

**2.7** The occupant of a residential property may provide for a compost heap, provided that the compost pile covers an area no larger than 1 sq. m (10.76 sq. ft), is no more than 1.8m (6 ft) in height and is enclosed on all sides by concrete block or lumber, or is in a container or an enclosed commercial plastic container designed for composting.

### **Fences**

**2.8 (1)** No person shall maintain a fence unless such fence is constructed of chain link, wood, wood fibre, composite wood/resin materials, stone or masonry, except where such fence is erected on a property zoned for agricultural uses.

(2) Fences constructed of materials that may deteriorate or rot shall be protected from such deterioration by the application of appropriate weather resistant materials, including but not limited to, paint or other suitable preservatives.

(3) Where the provision of any site plan agreement, subdivision agreement or any other agreement entered into by the municipality under authority of the Municipal Act, 2001, or the Planning Act, conflict with this section, the provisions in the agreement shall prevail.

(4) Where the provisions of this section conflict with any provision in a "fence by-law" passed by the municipality subsequent to the passage of this by-law, the provisions of the "fence by-law" shall prevail.

## **3.0 RESIDENTIAL STANDARDS**

### **General Conditions**

**3.1** Every owner of a residential property shall:

- (a) maintain their property and every part thereof, in a clean, sanitary and safe condition;
- (b) maintain every floor, wall, ceiling and fixture, including hallways, entrances, laundry rooms, utility rooms, and other common areas in a clean, sanitary and safe condition;
- (c) not allow accumulation or storage of garbage, refuse, appliances or furniture in a means of egress.

### **Pest Prevention**

**3.2** Dwellings shall be kept free from rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*, R.S.O.1990, c. P.11, as amended.

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

### **Structural Soundness**

**3.4** A building, or any part thereof, shall be capable of sustaining its own weight, together with the loads that may be applied thereto by reason of its use and occupancy, and natural causes as set out in the Building Code.

**3.5** If the Chief Building Official deems it necessary for the structural capacity of a building or any part thereof to be proven to meet the minimum standard, he may require, and the owner of the building shall submit, a report prepared, sealed and signed by a professional engineer who is qualified in the field and licensed by the Professional Engineers of Ontario, attesting to the structural capacity and soundness of the building or any part thereof.

### **Foundations**

**3.6** Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Required maintenance may include the shoring of the walls to prevent settling, installing sub soil drains at footings, grouting masonry cracks, damp-proofing and waterproofing walls, joints

and floors; any maintenance activity shall be conducted under authority of a validly issued building permit as required by the *Building Code Act*.

### **Exterior Surfaces**

**3.7** Exterior surfaces of a dwelling and their components, including soffit and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco or other defective cladding or trim. Paint or some other suitable preservative coating shall be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

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

**3.9** Exterior walls of a dwelling and their components shall be free of unauthorized signs, graffiti and similar defacements.

**3.10** Appropriate measures shall be taken to remove any markings, stains or other defacement occurring on an exposed exterior surface, and to restore same, as nearly as possible, to its appearance before the markings, stains or defacement occurred.

### **Windows and Doors**

**3.11** The owner shall ensure that exterior windows, doors and hatchways are maintained in good repair so as to prevent the entrance of wind or rain into the building.

**3.12** Rotted, ill-fitting or damaged doors, door frames, window frames, sashes and casings shall be renewed or replaced. Defective window hardware, weather stripping and broken window glass shall be replaced.

**3.13** In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.

**3.14** Every window in a dwelling unit located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would be permitted by the Building Code.

## **Roofs**

**3.15** A roof, including the fascia board, soffit, cornice and flashing, shall be maintained in a watertight condition.

**3.16** Where eavestrough and roof gutters are provided, they shall be kept in good repair and free from obstructions, and shall be properly secured to the building.

## **Walls, Ceilings and Floors**

**3.17** 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.

**3.18** Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of loose, warped, protruding, broken, or rotted boards or other material that might cause an unsafe condition or allow the entrance of rodents and other vermin or insects.

**3.19** Every floor in a bathroom, kitchen, and laundry room shall be maintained so as to be impervious to water.

## **Stairs, Porches and Balconies**

**3.20** Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects that may constitute an unsafe condition. Existing stair treads or risers that are broken, warped or loose, and any supporting structural members that are rotted or deteriorated, shall be repaired or replaced.

**3.21** Outside stairs, porches, balconies and landings shall be protected from deterioration by the use of paint or other suitable protective material.

## **Guards and Handrails**

**3.22** A guard, handrail or banister shall be installed so as to prevent accident or injury as required by the Building Code. A handrail shall be installed and maintained in good repair in all stairwells. Guards shall be installed and maintained in good repair around all landings, porches and balconies. Guards, handrails or banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to intense use.

**3.23** Outside guards, handrails or banisters shall be protected from deterioration by the use of paint or other suitable protective material.

### **Kitchens**

**3.24** Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold water, storage facilities, counter top work area and space for a stove and refrigerator.

**3.25** Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.

**3.26** There shall be at least 76 cm (30") clear space above any exposed cooking surface.

**3.27** A splash back or counter top having an impervious surface shall be provided around a kitchen sink.

### **Bathroom and Toilet Facilities**

**3.28** Every dwelling unit shall contain a bathroom consisting of at least one fully operational toilet, lavatory and bathtub or suitable shower unit. Every lavatory and bathtub or shower shall have an adequate supply of hot and cold running water. Every toilet shall have a suitable supply of running water.

**3.29** Every required bathroom shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the person using the room.

**3.30** Where 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 facilities.

### **Plumbing**

**3.31** Each lavatory, bathtub or shower and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees Fahrenheit) and not more than 49 degrees Celsius (120 degrees Fahrenheit).

**3.32** Every dwelling unit shall be provided with an adequate supply of potable running water.

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

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

### **Electrical Service**

**3.35** Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

**3.36** The electrical wiring, fixture, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporation Act*, R.S.O. 1990, c.P.18, as amended.

**3.37** Every bathroom, kitchen, laundry room, furnace room, basement and non-habitable room or storage area shall be provided with permanent light fixtures.

**3.38** 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 an unsafe condition in normal use.

### **Heating, Heating Systems, Chimneys and Vents**

**3.39** 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 22 degrees Celsius (72 degrees Fahrenheit) in 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.

**3.40** All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the *Technical Standards and Safety Act*, 2000, S.O. 2000, c.16, as amended, and the applicable regulations thereunder or other applicable legislation.

**3.41** Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as not to create an unsafe condition.

**3.42** 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 into other parts of the dwelling used for habitation. Such separations shall conform to the Building Code and Fire Code.

**3.43** All fuel burning appliances, equipment, and accessories in a dwelling unit shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method as required by the Fire Code.

**3.44** Every chimney, smoke-pipe, flue and vent shall be maintained in good repair so as to prevent smoke, fumes or gases from entering a dwelling unit. Maintenance shall include the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

**3.45** Every chimney, smoke-pipe, flue and vent shall be maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

#### **Fire Escapes, Alarms and Detectors**

**3.46** All fire escapes, alarms and detectors shall conform to the requirements of the Building Code and the Fire code.

**3.47** Buildings using a fire escape as a secondary means of egress shall keep the escape in good condition, free from obstructions and easily reachable through an operable window or door.

#### **Egress**

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

#### **Lighting**

**3.49** Every habitable room, except for a kitchen or bathroom, shall have a window or windows, skylights or translucent panels that face directly to the outside, with an unobstructed light transmitting area of not less than 10% of the floor area of such rooms where practicable. The glass area of a sash door may be considered as a portion of the required window.

**3.50** All public hallways and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage.

## **Ventilation**

**3.51** Every habitable room in a dwelling unit and every bathroom shall have openings for ventilation providing an unobstructed free flow of air as required by the Building Code.

**3.52** All systems for mechanical ventilation shall be maintained in good working order.

**3.53** All enclosed areas including basements, crawl spaces and attics or roof spaces shall be adequately ventilated.

## **4.0 VACANT LANDS AND BUILDINGS**

**4.1** 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 Building Code as amended.

**4.2** Vacant land shall be maintained to the standards as described in Section 2.2 of this by-law.

**4.3** Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water on said lot or neighbouring property.

**4.4** 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.

**4.5** The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained. The boarding shall consist of at least 12.7mm (0.5 in) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

**4.6** Buildings boarded up for more than 6 months shall be either restored to conform with the standards of this by-law or where deemed necessary by the Chief Building Official, will be ordered to be demolished in accordance with this by-law.

## **5.0 NON-RESIDENTIAL PROPERTY STANDARDS**

**5.1** 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 Building Code, as amended.

### **Yards**

**5.2** Every owner of non-residential property shall maintain his or her property to the standards as described in Section 2.2 of this by-law.

**5.3** Every owner of non-residential property where the warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property, shall maintain their property in a neat and orderly fashion so as not to create an unsafe condition, and shall provide unobstructed access for emergency vehicles. Where a validly enacted site plan agreement applies to a property and includes requirements concerning outside storage, such requirements or provisions shall be deemed to be standards applicable to the subject property, and in addition to any remedies under such agreement, the Municipality may also enforce the failure to maintain such standard as a violation of this property standards by-law.

### **Parking Areas and Driveways**

**5.4** 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. Notwithstanding the foregoing, on non-residential properties that abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface or shall be treated to prevent dust.

**5.5** All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

### **Structural Soundness**

**5.6** A building, or any part thereof, shall be capable of sustaining its own weight together with the loads that may be applied thereto by reason of its use and occupancy, and natural causes as set out in the Building Code.

**5.7** If the Chief Building Official deems it necessary that the structural capacity of a building or any part thereof be proven to meet the minimum standard, he/she

may require, and the owner of the building shall submit, a report, prepared, sealed and signed by a professional engineer who is qualified in the field and licensed by the Professional Engineers of Ontario, attesting to the structural capacity and soundness of the building or any part thereof.

### **Exterior Walls**

**5.8** Exterior walls of a building or a structure and their components, including soffit, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, or 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.

### **Guards and Handrails**

**5.9** A guard shall be installed and maintained in good repair on the open side of any stairway or ramp, as required by the Building Code.

**5.10** A handrail shall be installed and maintained in good repair in all stairwells.

**5.11** Guards shall be installed and maintained in good repair around all landings, porches and balconies.

**5.12** Guardrails, handrails and banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to the intended use.

### **Lighting**

**5.13** All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises, or as may be required by the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, as amended, for industrial and commercial properties.

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

## **6.0 ADMINISTRATION AND ENFORCEMENT**

**6.1** This by-law shall apply to all property within the limits of the Municipality.

**6.2** The imperial measurements contained in this by-law are given for reference only.

## **Property Standards Officers**

**6.3** (a) The Chief Building Official and the By-Law Enforcement Officer are hereby appointed as Property Standards Officers, and shall have the responsibility for administering and enforcing this By-law.

(b) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, so as to provide for:

(i) repair of the property; or

(ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, where the cost of doing the work does not exceed \$50,000.

(c) Where the cost of doing the work exceeds \$50,000, the Chief Building Official shall seek the authorization from Council to carry out the requirements of the order.

(d) Upon completion of the work, the Municipality shall have a lien on the land for the amount spent on repair or demolition. The amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the Municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

## **Property Standards Committee**

**6.4** For the purposes of this by-law, there is hereby established a Property Standards Committee that shall be composed of all members of Council.

## **7.0 STANDARDS**

**7.1** The standards for the maintenance and occupancy of property set out in this by-law are prescribed and adopted as the minimum standards for all property in the Township of Cavan Monaghan.

## **8.0 CERTIFICATE OF COMPLIANCE**

**8.1** If, in the Property Standards Officer's opinion, a property is in compliance with the standards set out in this by-law, upon the request of an owner for such certificate and upon payment of the fee prescribed herein for such certificate, the Property Standards Officer shall issue to the owner, a certificate of compliance.

8.2 The prescribed fee for a certificate of compliance shall be in accordance with the User Fees and Charges by-law for the Township at the time of issuance of a certificate of compliance.

## 9.0 COMPLIANCE

9.1 All owners or occupants of property shall comply with the standards prescribed in this by-law and any Property Standards Order as confirmed or modified.

9.2 All property within the municipality that does not conform with the standards contained in this by-law shall be repaired and maintained to conform with the standards or that the site be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

9.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Property Standards Officer, and in a good and workmanlike manner for the trades concerned.

9.4 All new construction or repairs shall conform to the Building Code and any other applicable legislation.

## 10.0 PENALTIES

10.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a penalty or penalties as provided in the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

10.2 An owner who fails to comply with an Order that is final and binding is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c. 23, and is liable to a penalty or penalties as set out in Section 36 of that Act, as may be amended from time to time.

## 11.0 VALIDITY AND SEVERABILITY

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

11.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

11.3 Without limiting the generality of Section 11.2, notwithstanding that a property may be determined to be in compliance with the standards set out herein, such compliance shall not be construed, constructed or deemed to mean that there is compliance with other municipal by-laws, including but not limited to the Municipality's Comprehensive Zoning By-Law.

## 12.0 REPEAL AND TRANSITION

12.1 Except as provided by Section 12.2 hereof, the following by-laws are hereby repealed:

Township of Cavan	86-27 and 93-58
Village of Millbrook	87-8
Township of North Monaghan	1992-47
The Township of Cavan-Millbrook-North Monaghan	2005-61

12.2 Notwithstanding Section 12.1 hereof, the provisions of the by-laws, as amended, referenced in Section 12.1 shall continue to apply to any properties in respect of which an Order has been given under the said by-law until such Order has been completed or any enforcement proceeding in respect of such an Order has been concluded.

## 13.0 EFFECTIVE DATE

13.1 This by-law shall come into force on the day of the final passing thereof.

Read a first, second and third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Reeve Neal Cathcart

\_\_\_\_\_  
Clerk Gail Empey