The Corporation of the Municipality of Hastings Highlands
Bylaw 2025-031

To Provide Standards for the Maintenance of the Physical Condition and Occupancy of Property in the Municipality of Hastings Highlands

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Whereas the Council of the Corporation of the Municipality of Hastings Highlands deems it necessary to pass a Bylaw pursuant to Section 15.1 (3) of the *Building* Code *Act.* S.O. 1992, c.23 as amended for prescribing standards for the maintenance of property within the Municipality of Hastings Highlands and for requiring property that does not conform with the standards prescribed in the Bylaw to be repaired and maintained so as to comply and conform or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition;

And Whereas Section 15.6 (1) of the *Building Code Act* provides for the establishment of a Property Standards Committee;

And Whereas Section 15.4.1 of the *Building Code Act*, allows Municipalities to establish administrative penalties for Bylaw infractions within their municipality under a Property Standards Bylaw;

And Whereas subsection 15.4.2 of the *Building Code Act* provides than an administrative penalty imposed by a Municipality on a person constitutes a debt of the person to the Municipality and the Municipality may add the debt to the Tax Roll and collect the debt in the same manner as municipal taxes;

And Whereas the Municipality of Hastings Highlands deems it desirable for the protection of the safety, health and wellbeing of the residents of the Municipality of Hastings Highlands to enact this Bylaw;

Now Therefore the Council of the Corporation of the Municipality of Hastings Highlands hereby enacts as follows:

Section 1.0

a) Title of Bylaw

This Bylaw may be cited as the "Property Standards Bylaw".

b) Application

The provisions of this Bylaw shall apply to all property within the boundaries of the Municipality of Hastings Highlands.

c) Scope of Bylaw

i. Where any provision of this Bylaw conflicts with any provision of another

Bylaw in force in the Municipality, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public;

ii. If a court of competent jurisdiction declares any section, or any part of any section, of this Bylaw to be invalid, or to be of no force or effect, it is the intention of the Municipality that every other provision of this Bylaw be applied and enforced in accordance with its terms to the extent possible according to law;

iii. This Bylaw, when referring to the interior of a building, is focused solely on ensuring public safety. This means that the Bylaw applies to conditions or issues within a building, including residential rental units, that may pose risks to the health, safety, or well-being of the public and the tenant, such as fire hazards, structural integrity, or unsafe living conditions. It is not intended to regulate aesthetic or non-safety-related aspects of a building's interior but is specifically concerned with preventing hazards that could harm the public or the surrounding environment;

iv. The provisions of this Bylaw and of the *Building Code Act* and the Ontario Building Code, apply to all property within the Municipality, and any amendments to the *Building Code Act* or the Ontario Building Code apply to this Bylaw which is written pursuant to the provisions in that legislation;

v. Any costs incurred by the Municipality as a result of this Bylaw will be recovered in accordance with this Bylaw, the Municipality's User Fees and Service Charges Bylaw, the Administrative Penalties Bylaw, as amended from time to time, the *Building Code Act*, and any other applicable law.

vi. Nothing in this Bylaw requires repairs to be made to property when repairs are with respect to matters ordered under the *Fire Protection and Prevention Act*, the *Health Protection and Promotion Act*, the *Environment Protection Act* or any other applicable Act.

d) **<u>General Duty to Repair and Maintain Property</u>**

i. Every owner of a building, accessory structure, structure or property shall maintain it, including all appurtenances and mechanical equipment in good repair, and;

(1) in an operative condition; and

(2) free from any unsafe condition.

ii. Despite section 1 (d) (i) of this Bylaw, where the maintenance of any property affected by this Bylaw is by the written terms of a lease or an agreement for occupancy made the responsibility of the occupant, an Officer or another official appointed by the Municipality may, at their discretion, following receipt of a written complaint,

require the occupant to repair and maintain the property (to the extent that the Occupant controls or occupies the property or part thereof) in accordance with the standards prescribed in this Bylaw;

iii. Every owner of a building, accessory structure or structure that shows evidence of decay or deterioration shall repair or replace any materials that are decaying or deteriorating in a manner acceptable to an Officer;

iv. Every owner or occupant shall repair and maintain all property under their care and control in accordance with the standards prescribed in this Bylaw;

v. No person shall occupy or loan to another occupant any property which does not comply with the requirements of this Bylaw.

Section 2.0

a) **Definitions**

i. **Acceptable** means acceptable in the opinion of an Officer or other official appointed by the Municipality.

ii. **Accessory Building** means a building or structure, the use of which is incidental or subordinate to the main use of any other building on the same lot or which, if there is no other building on the lot, is incidental to the use of the lot.

iii. **Approved** means, as applied to a grade, material, device or method of construction, approved by an Officer under the provisions of this Bylaw or approved by the Building Inspector under the provisions of the Building Code or approved by another authority designated by Bylaw to give approval to the matter in question.

iv. **Basement** means a storey, or stories of a building located below the first storey, partially or wholly below grade.

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

vi. **Building** means,

(a) 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,

(b) a structure occupying an area of ten square metres or less that contains

plumbing, including the plumbing appurtenant thereto,

(c) plumbing not located in a structure,

(c.1) a sewage system, or

(d) structures designated in the building code.

vii. **Building Code** means the *Building Code Act,1992*, as amended from time to time, in effect on the date of inspection of a Property.

viii. **Certificate of Compliance** means a written opinion of property compliance with the standards contained in this Bylaw issued under Section 15.5 (1) of the *Building Code Act*.

ix. **Chief Building Official** means the Chief Building Official as defined in the *Building Code Act*, the Building Code and as appointed by Council.

x. **Committee** means the Property Standards Committee established pursuant to the *Building Code Act*, and this Bylaw.

xi. **Council** means the Council of the Corporation of the Municipality of Hastings Highlands.

xii. **Demolish** means to do anything in the removal of a building or structure or any material part thereof and "demolition or demolished" has a corresponding meaning.

xiii. **Dwelling, Dwelling Unit or Rental Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

xiv. **Electrical supply system** means a system designed to deliver electricity from a power source (such as a utility company or generator) to buildings, homes, or businesses.

xv. **Fire Resistance Rating** means as defined in the Ontario Building Code.

xvi. **Garbage** includes refuse, rubbish, waste, and other types of debris. Garbage may include the following:

- Unwanted materials, such as discarded items, trash, or waste.
- Discarded materials, broken objects or items with no current use.
- Any material that is no longer needed, used, or wanted, including food waste, packaging, or industrial/institutional/commercial waste.

- Broken pieces of something, typically from a larger object, such as construction debris, vegetation, or glass fragments.

It can encompass a wide range of discarded materials, including old furniture, yard waste, noxious waste, other non-recyclable or non-reusable items.

xvii. **Inoperative** means any type of machinery or equipment that does not operate or is in a wrecked, dismantled, partially dismantled or abandoned condition.

xviii. **Lot (Land)** means a parcel of land under distinct and separate ownership from adjoining lands and being described in a deed or transfer or other similar document legally capable of conveying land and registered at the Land Registry Office having jurisdiction for the lands within the Municipality of Hastings Highlands.

xix. **Municipality** means the Corporation of the Municipality of Hastings Highlands.

xx. **Non-Habitable** means any portion of a dwelling or dwelling unit that does not comply with the standards of fitness for occupancy set out in this Bylaw, and includes bathroom facilities, toilet rooms, laundry facilities, pantries, lobbies, corridors, stairways, closets, boiler rooms or other spaces dedicated and used exclusively for the service and maintenance of the dwelling or dwelling unit.

xxi. **Noxious** means any structure, weed, shrub, animal, insect or rodent which, from its nature, ~~or~~ operation or natural process creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation of noise, objectionable odour, dust, feces or by reason of its unsightly nature or habits.

xxii. **Occupant** means any person or persons over the age of 18 years in possession of the property.

xxiii. **Officer** means the Chief Building Official and/or Bylaw Enforcement Officer appointed by the Corporation to administer and enforce this Bylaw.

xxiv. **Ontario Building Code** means the Building Code regulations made under section 34 of the *Building Code Act*.

xxv. **Order** means a property standards Order issued by an Officer under Section 15.1 of the *Building Code Act*.

xxvi. **Owner** includes,

(a) the person who owns the land;

(b) the person for the time being managing or receiving the rent of the land or

premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and

(c) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

xxvii. **Penalty Notice** means a formal notification issued by an Officer informing an individual or organization that they have violated a Bylaw in accordance with the Administrative Penalty Systems Bylaw, as amended from time to time.

xxviii. **Person** means and includes any individual, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

xxix. **Pests** are undesirable nuisance organisms, usually insects, rodents, or other animals, that cause harm or damage to property, structures, food, or human health. These pests can include insects such as mosquitoes, ants, and termites, as well as rodents like rats and mice, and wild animals like but not limited to feral cats, raccoons, deer, elk, moose, coyotes and wolves.

xxx. **Pool, hot tub, or ornamental pond**, for the purposes of this Bylaw, can be defined as follows:

- **Pool**: A structure or facility designed for holding water, typically for swimming, recreation, or exercise. This can include in-ground or above-ground pools, whether permanent or temporary and may include a wading pool.
- **Hot Tub**: A small, water-filled tub or spa designed for relaxation, hydrotherapy, or recreational use, typically equipped with heating elements and jets for water circulation.
- **Ornamental Pond**: A man-made or artificial pond or water feature, often designed for decorative purposes, typically containing plants, fish, or other aquatic elements, and generally not intended for swimming.

xxxi. **Plumbing** means a drainage system, a venting system and a water system or parts thereof.

xxxii. **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, out buildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant land.

xxxiii. **Property Standards Committee** is the Committee appointed by Council charged with adjudicating appeals of property standards orders.

xxxiv. **Recreational Vehicle** means motorized or towable vehicles designed for travel, camping, and/or temporary living accommodations and include motorhomes, camper trailers, travel trailers, truck campers, tents, and other similar vehicles.

xxxv. **Repair** includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure the property conforms with the standards established in this Bylaw.

xxxvi. **Residential** refers to areas or buildings primarily designed for people to live in, such as homes, apartments, or other dwellings. It is used to describe properties with existing dwellings intended for personal habitation rather than commercial or industrial use.

xxxvii. **Residential Rental Units** are living spaces, such as apartments, condos, townhouses, or houses, that are leased or rented to tenants in exchange for rent. These units may be part of a larger property or standalone.

xxxviii. **Sewage System** means a sewage system as defined in the Building Code.

xxxix. **Storage Area** means a room within a dwelling or dwelling unit which is non- habitable and is used or intended for use for the storage of goods or materials.

xl. **Storage** refers to the act of keeping or placing items in a designated space for safekeeping, organization, or future use. It can involve any type of facility, container, or area where goods, materials, or possessions are stored, such as storage units, closets, or warehouses.

xli. **Standards** means the standards prescribed for the maintenance and improvement of the physical condition and the fitness for occupancy for properties as set out in this Bylaw.

xlii. **Temporary** refers to a structure, use, or condition that is permitted for a limited duration, often subject to specific time restrictions or conditions. It is not intended to be permanent and may need to be removed or altered after a certain period, in compliance with local regulations and applicable law.

xliii. **Tenant** means an individual or entity that rents or leases a property, such as a residential dwelling unit, from a landlord or property owner. The tenant has the right to occupy and use the property for a specified period in exchange for paying rent, according to the terms of a lease or

rental agreement.

xliv. **Unsafe Condition** means any condition that would or could cause a risk to the life or health of any person.

xlv. **Waterfront Property** means a section of property with frontage adjacent to or abutting on a body of water and includes a waterfront lot.

xlvi. **Vehicle** includes an automobile, motorcycle, motor assisted bicycle, power assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power and includes without limitation, a trailer, a boat, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry, a road building machine and any other similar mechanical equipment, whether operational or not.

xlvii. **Yard** means a vacant or non-vacant lot or parcel of land (other than publicly owned land) used or intended to be used or capable of being used, in connection with a building.

Section 3.0 - Maintenance of Yards and Accessory Buildings

3.1 <u>Yards</u> - All yards shall be kept clear from:

(a) Garbage;

(b) Objects, holes and conditions that are or might create a health, fire or accident hazard;

(c) Wrecked, discarded, dismantled, partially dismantled, inoperative, abandoned or unlicensed vehicles, or other machinery or any part thereof, except in an establishment licensed or authorized to conduct and operate such an undertaking and then only in an arrangement so as to prevent an unsafe condition;

(d) Dilapidated or collapsed buildings, accessory buildings, structures or erections and any unprotected well or other unsafe condition;

(e) Dead, decaying or damaged trees or other similar growth.

(f) Food scraps and organic waste.

Exception - Subsection 3.1(f) does not apply to:

- Bait used for hunting purposes during lawful hunting seasons and practices; or
- Composting practices that comply with local regulations.

3.2 <u>Landscaping</u>

(a) Hedges, plantings, trees or other landscaping, required by the Municipality as a

condition of development, redevelopment or rearrangement of property, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance;

(b) All privately owned lands used for vehicular traffic, parking or for loading and unloading shall be maintained in good repair; and

(c) Lawns, hedges and bushes shall be maintained so as to prevent noxious conditions.

3.3 Rubbish

(a) Every owner and occupant of a property shall provide sufficient receptacles to contain all garbage, that may accumulate on their property and to prevent such material from encroaching onto neighbouring properties; and

(b) Every non-residential building shall provide sufficient and proper receptacles in good repair and appearance to contain all garbage and litter as may be left by customers or other persons.

3.4 Passageways

(a) Steps, walks, driveways, parking spaces and similar uses of a yard shall be maintained so as to afford safe passage for persons and vehicles under normal use and weather conditions.

3.5 Drainage

(a) Exterior property areas shall be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of storm water or surface water thereon, and to minimize the erosion of soil;

(b) Roof drainage or sump pumps shall not be discharged on to sidewalks, roadways, stairs, or neighbouring properties.

3.6 Sewage

(a) All sewage must be directed into an approved sewage system. ~~for the~~

3.7 Accessory Buildings, Fences and Other Structures

(a) Accessory buildings, fences and other structures shall be kept in good repair and free from health, fire and accident hazards;

3.8 Pools, Hot Tubs and Ornamental Ponds

(a) Every owner of a property shall maintain any pool, hot tub, ornamental pond and any appurtenance thereto in good repair, and free from any unsafe condition;

(b) Every owner of a property which contains a derelict or abandoned pool, hot tub or ornamental pond shall,

i. in the case of a hot tub or wading pool, drain and remove the hot tub or wading pool from property;

ii. in the case of a pool or ornamental pond, drain and fill the pool or ornamental pond and leave the property in a graded and levelled condition.

(c) Every owner of a property that contains a pool, hot tub or ornamental pond shall ensure the area containing the pool, hot tub or ornamental pond is enclosed in a safe manner and in accordance with all other applicable laws.

3.9 Commercial Parking Areas

(a) Every owner of a property with a business establishment and a designated parking space or lot for customers, employees, or visitors including driveways, loading areas, and bays, shall:

i. provide curb stops or other restraining devices to prevent vehicles from damaging fences, lamp standards, or other structures in the parking area or neighbouring properties;

ii. maintain the surface in a state of good repair, free of potholes, large cracks, ruts or other hazards; and

iii. provide and maintain light fixtures serving the parking area to provide the level of lighting necessary to maintain safety and security for the use of the property.

Section 4.0 - Repair, Maintenance and Demolition Standards of Buildings

4.1 Structural Capability

(a) Every building, accessory building or any part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use. Any materials showing damage, evidence of decay or other deterioration shall be repaired or replaced.

(b) The Chief Building Official may require an engineer's report for a building to determine if the building is structurally sound and such an engineer's report shall be prepared at the expense of the Owner(s) of the property on which the building is situated.

4.2 Building Safety and Damage Management

(a) In the event of fire or other disaster to a building or accessory building,

measures shall be taken as soon as possible and in any event within 90 days of such fire or disaster to make the damaged building or accessory building compatible with the surrounding environment. Without restricting the generality of the foregoing, such measures include making the building or accessory building safe, repairing any damaged surfaces exposed to view preventing unauthorized entry and refinishing so as to be in harmony with adjoining undamaged surfaces and the surrounding environment;

(b) In the event the building or accessory building is beyond repair, the land shall be cleared of all remains and left in a graded, level, and tidy condition within 60 days of the fire or other disaster;

(c) Materials of a flammable nature shall be safely stored or removed at once from a property.

4.3 Pest Prevention

(a) All buildings and properties shall be maintained free from rodents, vermin and pests and free from conditions which may encourage infestation by rodents, vermin and pests.

(b) Any methods used for the extermination of rodents, vermin or pests or any of them shall conform to the provisions of *The Pesticides Act* R.S.O. 1990, C.p-11 and other applicable law.

4.4 Ventilation and Lighting

(a) Every habitable room and every bathroom and toilet room shall have adequate ventilation;

(b) Where an aperture such as window, skylight or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, closed and kept closed;

(c) Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading to outside the building has been installed in a building, the system shall be maintained in good working order;

(d) Every dwelling unit shall be provided with adequate artificial light in all rooms, stairways, halls, storage areas, garages and basements.

4.5 Foundations

(a) The foundation walls and the basement, cellar or crawl space floor of a building or an accessory building shall be maintained in good repair;

(b) The maintenance of a foundation includes:

i. the jacking, underpinning or shoring of the foundation where necessary;

ii. installing subsoil drains at the footing where such would be beneficial and practical;

iii. the grouting of masonry cracks;

iv. waterproofing the wall and joints;

v. the carrying out of such other work as may be required to overcome any existing settlement detrimental to the structural safety of the building;

vi. repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports; and

vii. making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment.

(c) Every basement, cellar and crawl space in a building shall be adequately drained.

4.6 Exterior Walls

(a) All exterior walls and components thereof shall be maintained in good repair and free from any unsafe condition.

4.7 Roofs

(a) Roofs of buildings and their components shall be maintained in a watertight condition, free from loose or unsecured objects or materials that may present a safety hazard;

(b) Where eaves troughs and roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.8 Exterior Doors and Windows

(a) All exterior doors, windows and skylights shall be maintained in good repair that ensures their proper operation and so that they are weatherproof;

(b) All repairs, maintenance and refinishing work required for any exterior walls, cladding and openings shall be completed in such a manner so as to maintain a uniform and neat appearance with the surrounding walls, cladding or openings of any building; or

(c) Nothing in this Section shall be construed as preventing doors, windows and other openings in an unoccupied building or accessory building from being protected from damage or to prevent entry and this section does not apply to barns, silos and structures intrinsic to the operation of a farm on an agricultural property that is actively being used for agricultural purposes.

4.9 Walls and Ceilings

(a) Interior walls and ceilings in a building shall be maintained in good repair.

4.10 Floors

(a) Floors in a building or accessory building shall be maintained in a reasonably clean, smooth and level condition and free of loose, warped or decayed boards, depressions, protrusions, holes, deterioration or other defects;

(b) Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts;

(c) Floors in all rooms with plumbing fixtures shall be maintained reasonably impervious to water and in such condition as to permit easy cleaning.

4.11 Stairs, Porches, Awnings, Canopies, Marquees and Signs

(a) Any inside or outside stair, balcony, porch, awning, canopy, marquee or sign shall be maintained in good repair and free from any unsafe condition;

(b) A handrail or banister shall be installed so as to guard against accident or injury on the open side of a balcony, landing stairwell and stairway having more than two risers.

4.12 Chimneys and Fireplaces

(a) Every chimney, smoke pipe and flue actually in use or available for use, shall be maintained so as to prevent gases from leaking into the building, and at all times, shall be kept in good repair and maintained free of defects;

(b) Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible material and structural members shall not be heated to unsafe temperatures.

4.13 Demolition

(a) Immediately after demolishing a building, accessory structure, structure or fence, the property where the building, accessory structure, structure or fence was located shall be cleared of all rubbish, debris, refuse, masonry, lumber and other materials and the property shall be left in a graded and

level condition;

(b) Immediately after partially demolishing a building, accessory structure or structure the following shall be required:

i. maintain the remaining portion of the building, accessory structure or structure in compliance with all requirements of this Bylaw;

ii. parge or otherwise treat the walls of the building, accessory structure or structure to prevent the entrance of water into the building, accessory structure or structure; and

iii. ensure that all parge or similar treatments are applied in a manner that presents neat and uniform appearance, free from the outlines of partitions, stairs, doors, floors and from areas of multi-coloured paint or wallpaper.

(c) Every owner who is demolishing or partially demolishing a building, accessory structure or structure shall,

i. take every precaution to protect neighbouring property;

ii. take every precaution to protect members of the public; and

iii. if necessary, to protect neighboring property or members of the public, erect fences, barricades, covered ways for pedestrians and any other means of protection.

Section 5.0 - Standards of Fitness for Occupancy

5.1 Plumbing and Plumbing Fixtures

(a) All installed plumbing, including plumbing fixtures, drains, vents, water pipes, water closets and connecting lines to water and sewer systems, shall be maintained in good working order and repair free from any leaks or other defects;

(b) Every dwelling unit shall be provided with an adequate supply of potable water;

(c) All buildings with sanitary facilities shall be connected to an approved sewage system;

(d) The hot water serving the wash basin and bathtub or shower shall be served at a temperature in compliance with the Ontario Building Code;

(e) No facilities for the preparation, cooking, storage or consumption of food, or for sleeping, shall be contained within a room that contains a

toilet.

5.2 Heating System

(a) Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of 21 degrees Celsius (70 degrees Fahrenheit) in all habitable rooms, bathrooms and toilet rooms, from the first day of October each year to the first day of June of the following year;

(b) The heating system required by Section 5.2 (a) shall be maintained in good working condition so as to be capable of heating the dwelling unit safely;

(c) Permanently sealed connections shall be kept between all heating equipment involving combustion and a chimney or flue, which provides sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire or accident hazard;

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

(e) No room heater shall be placed so as to create a fire hazard to walls and curtains and furniture, or so as to impede the free movements of persons within the room where the heater is located;

(f) Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as not to create a fire or accident hazard;

5.3 Electrical Services

(a) Every dwelling unit shall be connected to and have maintained a connection to an adequate electrical supply system;

(b) Electrical installations, including the service capacity of the installations and the number and distribution of circuits, shall conform to the Ontario Electrical Safety Code;

(c) Every habitable room except for a kitchen shall contain at least one electrical duplex convenience outlet. Additional duplex convenience outlets shall be provided in accordance with the requirements of the *Building Code Act,* R.S.O. 1992 and regulations; made thereunder and the Ontario Electric Safety Code;

(d) Fuses or overload devices shall not exceed limits set by the Ontario Electric Safety Code;

(e) An electrical light fixture shall be installed in every bathroom, toilet room, laundry room, furnace room, kitchen, hallway, stairwell, basement and

cellar;

(f) The electrical wiring and all electrical fixtures located or used in any building shall be installed and maintained in good working order and in conformity with the Ontario Electrical Safety Code;

(g) Smoke alarms shall be installed in each dwelling unit on each sleeping floor and shall be maintained in operable condition and in conformity with the *Ontario Fire Protection and Prevention Act*.

5.4 Occupancy Standard

(a) A non-habitable room shall not be used as a habitable room;

(b) No basement or cellar space shall be used as a dwelling unit or as a habitable room unless it is otherwise permitted, and it meets the requirements of the Ontario Building Code.

Section 6.0 – Regulations for Camping Vehicles, Shelters, and Tents

6.1 Recreational Vehicles

(a) The use of recreational vehicles shall be prohibited in all zones except for a Resort Recreational Commercial Zone.

(b) The erection or use of a temporary shelter shall be prohibited in all zones.

(c) A maximum of one recreational vehicle shall be permitted to be parked or stored on a residential lot.

(d) No recreational vehicle shall be used for human habitation, except in a Resort Recreational Commercial Zone.

(e) No recreational vehicle shall be used in any zone for carrying on business without the consent of the Municipality.

(f) Notwithstanding sub-section 6 (a), a recreational vehicle may be used only where a building permit to construct a dwelling unit has been issued on the lot on which the recreational vehicle is proposed to be used, and provided that

(i) the septic system is installed within three months of the date of building permit issuance; and

(ii) reasonable progression (a minimum of 70%) of the construction of the proposed dwelling within one year of issuance of the building permit occurs. If it is not possible to complete the dwelling unit within one year of building permit issuance, then a written request to the

Chief Building Official is required in order to extend the exemption to use an RV on the lot. Issuance of any extension is at the discretion of the Chief Building Official.

Section 7.0 - Administration and Enforcement

7.1 Property Standards Committee

(a) A Property Standards Committee shall be established in accordance with section 15.6 (1) of the *Building Code Act, as amended,* to hear appeals of orders issued under this Bylaw, from time to time. A Committee Terms of Reference shall be passed by Council.

(b) Membership of the Property Standards Committee shall be as set out in the Property Standards Committee Terms of Reference.

(c) An assigned staff member of the Municipality shall serve the role of Secretary to the Committee, as set out in the Property Standards Committee Terms of Reference.

(d) The Property Standards Committee has its members appointed for a term equivalent to Council's term of office or until reappointed;

(e) The Property Standards Committee has the powers and duties prescribed by the *Building Code Act;* and

(f) The Secretary shall keep and file the minutes and records of all applications and the decisions thereon and of all other official business of the Committee;

7.2 Administration, Orders and Enforcement

(a) An Officer is responsible for the administration and enforcement of this Bylaw.

(b) An Officer and any person acting under their instructions may, at all reasonable times, without a warrant for the purpose of inspecting a property and upon producing proper identification, enter into and inspect any property to determine;

i. whether the property conforms with the standards prescribed in this Bylaw; or

ii. whether an order made under this Bylaw has been complied with.

(c) If, after inspection, an Officer is satisfied that, in any respect, a property does not conform to the standards prescribed in this Bylaw, he or she may serve or cause to be served to the owner of the property or such other persons affected as an Officer determines an order:

i. stating the municipal address or legal description of such property;

ii. giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

iii. indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair of clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the Owner's expense; and

iv. indicating the final date for giving notice of appeal from the order. Such notice may be posted on the property to which the order applies.

(d) The Municipality may charge the owner of a property a fee pursuant to the Municipality's User Fees and Service Charges Bylaw, to conduct an inspection, including increased fees for multiple inspections.

(e) Where an Officer has reasonable grounds to believe that an offence has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

(f) No person shall obstruct or attempt to obstruct an officer or any person acting under an officer's instructions in the exercise of any power pursuant to this Bylaw;

(g) An owner or occupant who has been served with an 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 by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the Order;

(h) The notice of appeal shall include:

(i) the name, address, telephone number and email address of the appellant;

(ii) the date and number of the Order issued by an Officer;

(iii) the reasons for the appeal; and

(iv) the appeal fee as set out in this Bylaw.

(i) An order that is not appealed within the fourteen (14) days after being served with the order shall be deemed to be confirmed;

(j) An Order may be registered in the proper Registry or Land Titles Office 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 date on which the Order was served;

(k) When the requirements of the order have been satisfied, an Officer shall forthwith register in the proper Registry of Land Titles Office, a Certificate of Compliance that such requirements have been satisfied, which shall operate as a discharge of such Order.

(l) An Order that has been registered or discharged in the Proper Registry or Land Title Office will be subject to fees pursuant the Municipality's User Fees and Services Charges Bylaw.

7.3 Power of the Corporation to Demolish or Repair

(a) Where an Order is deemed to have been confirmed pursuant to Section 7.2 (h) of this Bylaw or is confirmed or deemed to be confirmed or modified by the Committee or, in the event of an Appeal to a Judge the Order is confirmed or modified by the Judge, it shall be final and binding upon the Owner and Occupant and the Owner or Occupant shall make the repair or effect the demolition within the time and in the manner specified in the Order or Decision;

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

i. the Corporation shall have the right to demolish or repair the property accordingly and for this purpose its servants and agents from time to time may enter in, on and upon the property; and

ii. the Corporation shall apply the cost of the repairs or demolition, if not so paid, to the Collectors Roll or Taxes for the property for the current year and the amount so entered shall be collected as municipal taxes; and

iii. the Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation pursuant to the provisions of this Bylaw.

7.4 Service

(a) The order shall be served to the owner of the property and such other persons affected thereby as an officer determines such as personally, or by email to the last known email address of the person to be served, or by registered mail sent to the last known address of the person to be served, or to the person's agent for service.

(b) A copy may be posted on the property;

(c) If a Notice or Order is served by registered mail to the recipient's last known address, the service shall be deemed to have been made on the 5th day after the day's mailing unless the person to whom the Notice or Order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

(d) If a Notice or Order is served by email to the recipient's last known email address, the service shall be deemed to have been made on the day it is served, unless served after 5 PM, in which case it shall be deemed to have been served the next day unless the person to whom the Notice or Order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

7.5 Offences and Penalties

(a) No person shall,

i. use or occupy, or allow the use or occupancy of any property which does not comply with the provisions of this Bylaw;

ii. obstruct the visibility of or remove a copy of an order posted under this Bylaw unless authorized to do so by an Officer; or

iii. prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an Officer.

(b) Every person or Corporation who contravenes any provision of this Bylaw or fails to comply with an order, direction or other requirements made pursuant to this Bylaw is guilty of an offence under subsection 36(1) of the *Building Code Act* and upon conviction is liable to a fine as established in the said Act.

(c) An Officer may issue a penalty notice to a person in accordance with the Administrative Penalty System Bylaw when an Officer is satisfied has failed to comply with:

(i) any provision of this Bylaw; or

(ii) an Order issued in accordance with Section 7.2 of this Bylaw as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge.

(d) Upon issuance of a third or subsequent penalty notice, the person may be liable

to pay an administrative penalty to the Municipality in accordance with the Administrative Penalty System Bylaw, as amended from time to time.

(e) After an Order has been issued and lapsed, each day the offence continues, shall be treated as a separate offence and additional penalties may apply.

7.5 Severability

(a) If any section, clause or provision of this Bylaw hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the bylaw as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that the remaining sections, clauses or provisions of the Bylaw shall remain in full force and effect.

7.7 Effect of Pre-existing Bylaws

(a) Any Bylaw which was in effect in the Municipality on the date of passage of this Bylaw which covers the same subject matter as this Bylaw shall remain in effect only for the purposes of the completion of any procedure that was commenced under that.

7.8 Repeal of Bylaw

(a) Except for the purposes identified in Section 7.7 of this Bylaw, that Bylaw 2018-086 is hereby repealed;

(b) That Bylaws 2010-76 and 2011-031are hereby repealed;

(c) All Orders issued pursuant to Bylaw 2018-086 shall remain in full force and effect, notwithstanding that Bylaw 2018-086 is hereby repealed, and all such Orders may be enforced or acted upon by the Municipality as if the Order was made under Section 7.2 of this Bylaw.

7.9 Effective Date

This Bylaw shall come into force and take effect upon final passing hereof.

Read a first time on 21st of May 2025.

Enacted and **Passed** this 21st day of May, 2025.

Tony Fitzgerald, Mayor

Suzanne Huschilt, Municipal Clerk