

THE CORPORATION OF THE TOWN OF HEARST

BY-LAW NO. 37-2020

Being the Property Standards by-law
for the Town of Hearst

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a By-law 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 Hearst includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Town of Hearst 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;

NOW THEREFORE the Council of The Corporation of the Town of Hearst hereby enacts as follows:

1. THAT the Town of Hearst Property Standards By-law, the contents being attached herewith, be hereby adopted.
2. THAT By-law No. 20-82 be hereby repealed.
3. THAT this by-law shall be effective on the date of its final passing.

READ AND PASSED IN FIRST AND SECOND READING IN OPEN COUNCIL
THIS 26th DAY OF MAY, 2020.

MAYOR

CLERK

READ AND PASSED IN THIRD READING IN OPEN COUNCIL
THIS 2ND DAY OF JULY, 2020.

MAYOR

CLERK

TOWN OF HEARST PROPERTY STANDARDS

PART 1 DEFINITIONS

PART 2 GENERAL STANDARDS FOR ALL PROPERTY AND USES

- 2.01** SCOPE
- 2.02** YARDS
- 2.03** OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE
- 2.04** UNENCLOSED PORCH - BALCONY
- 2.05** GRASS-TREES- BUSHES-HEDGES-LANDSCAPING
- 2.06** LOT GRADING-DRAINAGE
- 2.07** WALKWAYS AND DRIVEWAY
- 2.08** PARKING LOTS
- 2.09** EXTERIOR LIGHTING
- 2.10** RETAINING WALL
- 2.11** WELLS - CISTERN-CESSPOOL -PRIVY VAULT-PIT OR EXCAVATION
- 2.12** ACCESSORY BUILDINGS
- 2.13** FENCE
- 2.14** TOWER-GANTRIES-MASTS-ANTENNAE
- 2.15** SIGNS

PART 3 EXTERIOR PROPERTY AREAS

- 3.01** STRUCTURAL ADEQUACY-CAPACITY
- 3.02** FOUNDATION WALLS-BASEMENTS
- 3.03** EXTERIOR WALLS-SURFACES-CLADDING-MASONRY
- 3.04** DOORS-WINDOWS-CELLAR-HATCHWAYS
- 3.05** WINDOW SCREENS
- 3.06** CANOPIES-MARQUESS-AWNINGS
- 3.07** ROOF
- 3.08** EAVES TROUGH SYSTEM- METAL DUCTS-FLASHING
- 3.09** CHIMNEY FLUES
- 3.10** GARAGE-CARPORT

PART 4 INTERIOR OF BUILDINGS STRUCTURES AND DWELLINGS

- 4.01** INTERIOR STRUCTURE-COLUMNS-BEAMS
- 4.02** WALLS-CEILINGS
- 4.03** FLOORS
- 4.04** STAIRS- HANDRAILS-GUARDS
- 4.05** ELEVATORS
- 4.06** MEANS OF EGRESS
- 4.07** HEATING- AIR CONDITIONING
- 4.08** ELECTRICAL
- 4.09** VENTILATION
- 4.10** LIGHTING
- 4.11** PLUMBING
- 4.12** WATER SUPPLY
- 4.13** SEWAGE SYSTEM

PART 5 ADDITION REQUIREMENT FOR RESIDENTIAL OCCUPANCY

- 5.01** OCCUPANCY STANDARDS
- 5.02** TOILET AND BATHROOM FACILITIES

PART 6
NON-RESIDENTIAL PROPERTY STANDARDS

- 6.01** YARDS
- 6.02** GUARDRAILS
- 6.03** VENTILATION
- 6.04** LIGHTING
- 6.05** SALVAGE YARD

PART 7
VACANT-DAMAGED-DEMOLITION

- 7.01** VACANT LAND
- 7.02** VACANT BUILDING
- 7.03** DAMAGE BY FIRE-STORM-OTHER CAUSES
- 7.04** DEMOLISH BUILDING

PART 8
ADMINISTRATION AND ENFORCEMENT

- 8.01** BY-LAW
- 8.02** COMMITTEE
- 8.03** NON-COMPLIANCE
- 8.04** CONFLICTS-BY-LAWS-STANDARDS-REGULATIONS
- 8.05** VALIDITY
- 8.06** PENALTY
- 8.07** SEVERABILITY
- 8.08** TRANSITIONAL RULES
- 8.09** TITLE

PART 1 DEFINITIONS

1.01 In this By-law:

- 1) **"Accessory Building"** - means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property;
- 2) **"Act"** - means an enactment or statute of the Province of Ontario;
- 3) **"Approved"** - means acceptance by the Property Standards Officer;
- 4) **"Basement"** - shall mean that portion of a building between two floor levels, which is partly underground, and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- 5) **"Building"** - means any structure used or intended to be used for supporting or sheltering any use or occupancy;
- 6) **"Building Code"** - means the Building Code Act, 1992 , c.23 and any regulations made under that Act;
- 7) **"Chief Building Official"** - means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, c. 23 and having jurisdiction for the enforcement thereof;
- 8) **"Citation - Property Standards By-law"** This Chapter may be cited as the "Property Standards By-law";
- 9) **"Code"** - means a regulation of the Province of Ontario known,
 - a) with respect to matters relating to building, as the Building Code;
 - b) with respect to matters relating to electricity, as the Electrical Safety Code;
 - c) with respect to matters relating to fire, as the Fire Code; and
 - d) with respect to matters relating to plumbing, as the Plumbing Code.
- 10) **"Committee"** - means a Property Standards Committee established under this By-law;
- 11) **"Council"** - shall mean the Council of the Corporation of the Town of Hearst;
- 12) **"Dwelling"** - means a building structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- 13) **"Dwelling unit"** - means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment;
- 14) **"Exterior property area"** - means the building lot excluding buildings;

- 15) "**Fence**" - means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen;
- 16) "**First Storey**" - means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (5.9 feet) above grade;
- 17) "**Ground cover**" - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping;
- 18) "**Guard**" - means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a 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;
- 19) "**Habitable room**" - means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- 20) "**Non-habitable space**" - means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy;
- 21) "**Non-Residential Property**" - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein;
- 22) "**Occupant**" - means any person or persons over the age of eighteen (18) years in possession of the property;
- 23) "**Officer**" - means a Property Standards Officer who has been assigned by the Council the responsibility of administering and enforcing the provisions of this By-law;
- 24) "**Owner**" - includes the owner in trust, a mortgagee in possession, 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 his 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 shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- 25) "**Person**" - means and includes any person, firm, partnership, corporation, company, association, or organization of any kind;
- 26) "**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, fences and erections thereon whether heretofore or hereafter erected and includes vacant property;
- 27) "**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;

- 28) "**Safe condition**" - means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition;
- 29) "**Sewage system**" - means the Corporation of the Town of Hearst system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the Corporation of the Town of Hearst;
- 30) "**Sign**" - means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use;
- 31) "**Town**" - shall mean The Corporation of the Town of Hearst unless the context requires otherwise;
- 32) "**Vehicle**" - includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment, whether operable or not;
- 33) "**Visual barrier**" - shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Property Standards Officer or Chief Building Official;
- 34) "**Waste**" - means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather;
- 35) "**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.

PART 2

GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

1. No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
2. The owner of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards in this By-law or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded and leveled condition.
3. 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.
4. All new construction or extensive repairs shall conform to the *Ontario Building Code, 1992, S.O. 1992, c.23* where applicable.
5. This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1*, from carrying out a normal farm practice as provided for and defined under that *Act*.

2.02 YARDS

Yards shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire or accident hazard.

1. Every property shall be kept free from garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property
2. Without restricting the generality of this Section, such maintenance includes the removal of:
 - a) rubbish, garbage, waste, litter and waste;
 - b) trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;
 - c) wrecked, dismantled, inoperative or discarded vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant by-laws, chapters or statutes; and
 - d) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

2.03 OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE

No machinery or parts thereof, or other object or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building material such as lumber, masonry material or glass, other than that intended for immediate use on the property, shall be stored or allowed to remain on an exterior property area.

2.04 UNENCLOSED PORCH - BALCONY

Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste, or appliances.

2.05 GRASS-TREES- BUSHES-HEDGES-LANDSCAPING

Grass, trees, bushes, hedges, and other landscaping, shall be maintained to prevent overgrowth in relation to the neighbouring environment.

2.06 LOT GRADING-DRAINAGE

1. All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion, or the entrance of water into a basement or crawlspace.
2. No roof, driveways or other surface drainage, and the drainage of water from swimming pools shall be discharged on an entranceway, walkway, sidewalk, stair, steps or adjacent property, or on to any highway, or in such a manner that it will penetrate or damage a building, structure or property.
3. Every roof drainage system shall be discharged onto the ground at least 1 meter from the building or structure, providing that it does not damage adjacent properties, or cause erosion.
4. No fill shall be allowed to remain in an unleveled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.

2.07 WALKWAYS AND DRIVEWAY

Surface conditions of walkways, driveways and yards shall be installed and maintained in a safe condition with non-organic ground cover so as to:

- a) prevent ponding of storm water;
- b) be kept free of garbage and waste;
- c) provide for safe passage under normal use and weather conditions, day or night.

2.08 PARKING LOTS

1. Parking lots, driveways and other similar public access areas of a yard shall be maintained so as to afford safe passage under normal use and be free from health and other hazards.
2. Parking lots, driveways and other similar public access areas of a yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire or accident hazard.

2.09 EXTERIOR LIGHTING

1. Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
2. All underground parking areas and common areas shall be illuminated so as to provide safe passage under normal use.
3. Facilities for lighting shall be maintained in a good working order.

2.10 RETAINING WALL

All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

2.11 WELLS-CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

2.12 ACCESSORY BUILDINGS

The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:

- a) constructed with suitable materials;
- b) maintained in good repair;
- c) protected from deterioration by the application of paint, cladding or other suitable protective material.

2.13 FENCE

A fence erected on a property or separating adjoining properties shall be maintained:

- a) in good repair; (free from loose or insufficiently secured, rotten, warped, or broken materials);
- b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
- c) shall be free of dangerous objects, and;
- d) reasonably plumb, unless specifically designed to be other than vertical.

2.14 TOWER-GANTRIES-MASTS-ANTENNAE

Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained:

- a) reasonably plumb, unless specifically designed to be other than vertical;
- b) in good repair; and
- c) in a safe and structurally sound condition.

2.15 SIGNS

A sign and any structure connected therewith shall be installed and maintained:

- a) in good repair;
- b) in a safe and structurally sound condition; and
- c) in a reasonably vertical plane unless otherwise approved by the Corporation of the Town of Hearst. An unused or discarded sign shall be removed from the property or shall be stored within a building.

PART 3 EXTERIOR PROPERTY AREAS

3.01 STRUCTURAL ADEQUACY-CAPACITY

1. All repairs and maintenance of property required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
2. Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and
 - d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

3.02 FOUNDATION WALLS-BASEMENTS

1. All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
2. Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent or control the leakage of water into the building.

3.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weather tight, free from loose or unsecured objects and maintained in good repair for greater clarity, good repair includes, but is not limited to:

1. Being free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects; and
2. Being so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weather tight finishing, or the installation of termite shields, if required; and,
3. All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated; and,
4. Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

3.04 DOORS-WINDOWS-CELLAR- HATCHWAYS

1. Windows , skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building.
2. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from inside and outside the dwelling unit.

3. All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building and at least one entrance door shall have hardware as to be capable of being locked from inside and outside.
4. All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

3.05 WINDOW SCREENS

1. When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:
 - a) mesh screening, metal grills, or other equivalent durable rust proof material; or
 - b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

3.06 CANOPIES-MARQUEES-AWNINGS

All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust by application of weather-coating material.

3.07 ROOF

1. Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
2. Without restricting the generality of this Section, such maintenance includes:
 - a) removal of loose, unsecured or rusted objects or materials;
 - b) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - c) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

3.08 EAVESTROUGH SYSTEM- METAL DUCTS-FLASHING

1. Eavestrough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.
2. Every eaves trough, roof gutter, rainwater pipe, downspout and flashing shall be properly secured and be kept in good repair, free from obstructions and health hazards.
3. Metal eavestroughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
4. Every roof drainage shall be discharged onto the ground at least 1 meter from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

3.09 CHIMNEY FLUES

1. Chimneys, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
 - a) the entrance of smoke or gases into a building;
 - b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
 - c) fire, health or other hazards.

2. Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

3.10 GARAGE-CARPORT

Garages and carports, including floors, shall be maintained in good repair and free from hazards.

PART 4

INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS

4.01 INTERIOR STRUCTURE-COLUMNS-BEAMS

In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

4.02 WALLS-CEILINGS

1. Interior surfaces and finishes of walls and ceilings shall be maintained:
 - a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned;
 - b) free of holes, cracks, loose plaster or other material;
 - c) in a safe condition; and
 - d) so as to possess the fire resistant properties required by the Building and Fire Codes.

2. In any bathroom the walls to a height of 106.68 cm (42 inches) above a bathtub equipped with a shower or 1.82 metres (6 feet) above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

4.03 FLOORS

1. Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

2. Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

3. Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

4. Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

4.04 STAIRS- HANDRAILS-GUARDS

1. Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.

2. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.

3. Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.

4. All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

4.05 ELEVATORS

1. Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
2. All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:
 - a) in good working order and good repair; and
 - b) in a safe condition.

4.06 MEANS OF EGRESS

1. In every **multi-residential dwelling** where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
2. Where a **non-residential building** contains **dwelling units** located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
3. All means of egress within a **non-residential property** shall be provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

4.07 HEATING

1. Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21°Celsius.
2. It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
3. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
4. No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
5. Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
6. If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
7. Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.
8. Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

4.08 ELECTRICAL

1. Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

2. The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.
3. Extension cords are not permitted on a permanent basis.

4.09 VENTILATION

1. Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
2. Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
3. When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this By-law.
4. An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
5. Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

4.10 LIGHTING

1. Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.
2. Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

4.11 PLUMBING

1. All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
2. Plumbing systems on a property shall be provided, installed and maintained:
 - a) in compliance with the respective requirements of any applicable Act or By-law;
 - b) in good working order and good repair; and
 - c) in a safe condition.
3. All plumbing fixtures shall be connected to the sewage system through water seal traps.

4.12 WATER SUPPLY

1. Every dwelling and every building to which water is available under pressure through piping shall be provided with:
 - a) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius shall be provided and maintained in all dwelling units; and
 - b) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
 - c) piping for cold water connected to every toilet and hose bib.

4.13 SEWAGE SYSTEM

1. Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
2. Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

PART 5
ADDITIONAL REQUIREMENTS FOR RESIDENTIAL
OCCUPANCY

5.01 OCCUPANCY STANDARDS

1. A non-habitable room shall not be used as a habitable room.
2. No kitchen shall be used as a bedroom.
3. No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - b) each habitable room shall comply with all the requirements for ingress, egress;
 - c) light, ventilation, and ceiling height set out in this By-law;
 - d) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water.

5.02 TOILET AND BATHROOM FACILITIES

1. Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
2. All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.
3. All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
4. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

PART 6

NON-RESIDENTIAL PROPERTY STANDARDS

6.01 YARDS

1. Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain to the standards as described in Part 2 of this By-law and:
 - a) in a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - b) free from objects conditions which are health, fire or safety hazards; and
2. 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 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 unrestrictive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (5.9 feet) in height and maintained in good repair.

6.02 GUARDRAILS

A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (2 feet) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades, and handrails shall be constructed and maintained rigid in nature.

6.03 VENTILATION

1. All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions deleterious to their health or safety.
2. Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
3. Mechanical ventilating equipment and the supports shall be maintained in good repair and in safe mechanical condition.

6.04 LIGHTING

All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

6.07 SALVAGE YARD

Salvage yards shall be effectively screened from public view.

PART 7 VACANT- DAMAGED-DEMOLITION

7.01 VACANT LAND

Vacant land shall be maintained to the standards as described in Part 2 of this By-law.

7.02 VACANT BUILDING

1. If any building is unoccupied for more than 90 days, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.
2. The owner or agent 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 with at least 12.7 mm (0.5 inches) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.
3. If a building remains vacant for a period of more than **ninety (90) days**, the owner or agent thereof, shall ensure that all utilities serving the building are properly disconnected or otherwise secured and secure the building to prevent accidental or malicious damage to the building or adjacent property, but this provision shall not apply where such utilities are necessary for the safety or security of the building.

7.03 DAMAGE BY FIRE-STORM-OTHER CAUSES

1. In the event of fire or explosion, damaged or partially burned material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed **ninety (90) days**.
2. Fire damaged buildings, or portions thereof, shall be repaired to their original condition or shall be demolished accordingly within **ninety (90) days**.

7.04 DEMOLISH BUILDING

1. Where a building, accessory building, fence, or other structure is demolished and removed of all containments, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition immediately upon demolition.
2. Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

PART 8 ADMINISTRATION AND ENFORCEMENT

8.01

This By-law shall apply to all properties within the limits of the municipality.

8.02 COMMITTEE

1. A Property Standards Committee shall be appointed by Council and shall consist of three (3) resident Hearst ratepayers.
2. Should a member vacate the Committee, Council shall appoint a resident Hearst ratepayer as soon as practicable.

8.03 NON-COMPLIANCE

1. The owner of any property which does not conform to the standards as set out in this By-law shall repair and /or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, waste or refuse and left in a levelled and graded condition.
2. Where any person fails to comply with an order issued, the Municipality may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

8.04 CONFLICTS-BY-LAWS-STANDARDS-REGULATIONS

Where a provision of this Chapter conflicts with the provisions of another By-law, Act, or Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the general public, shall prevail.

8.05 VALIDITY

If any provision or article of this By-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provisions or article shall remain in effect until repealed.

8.06 PENALTY

An owner who fails to comply with an order that is final and binding under this By-law 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*.

8.07 SEVERABILITY

It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8.08 TITLE

This By-law may be referred to as 'The Property Standards By-law'.

Service Use and Activity Charges

Service or Activity Fee

Appeal Property Standards Order

Where the order is not entirely quashed on appeal, for each order issued pursuant to this Chapter in respect of any property.

Fee \$100.00

Inspections where owner fails to comply with an Order

Owner who failed to comply with a confirmed Order shall pay the fee for each inspection to determine if contraventions of this By-law observed on an initial inspection have been corrected where the contraventions have not been remedied by the time provided for in the said Order.

Fee \$100.00 for each additional inspection

Order has been registered and required discharged

Where a property standards order has been registered, an owner or occupant may apply for an inspection of the property in respect of the order and shall pay a fee at the time of application; this fee includes the registration of a discharge where compliance with the order is found.

Fee \$100.00

Town undertakes to complete the work

Where the Town undertakes to complete the work 100% of the required to comply with any final order, for cost of the all work performed necessary work, plus a further administrative fee of an additional.

Fee 10% of overall cost

Certificate of Compliance

Where after inspecting a property, an officer, may, or on the request of the owner, issue the owner a certificate of compliance.

Fee \$50.00

Corporation of the Town of Hearst NOTICE OF VIOLATION

*Owner's
Name and
Address*

Date

Dear Sir/ Madam

RE: Description and Location of Property in Violation

Be advised that on (Date of Inspection) an inspection of your property, as noted above, revealed certain violations of the Municipality'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.

Be advised that By-law No. _____ gives the municipality the authority to issue an **ORDER TO COMPLY** pursuant to Section 15.2-(2), *Ontario Building Code Act, S.O . 1992, c.23*.

It is desired that you will comply with this informal notice that the aforementioned procedural step will not be necessary.

A re-inspection of this property will take place on (Date) or in about 14 days to ascertain compliance.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer
Telephone Number

**Corporation of the Town of Hearst
ORDER
Pursuant to Section 15.2 of the
Ontario Building Code Act, S.O. 1997, c.23**

*Owner's
Name and
Address*

Date

Dear Sir/ Madam

RE: Description and Location of Property in Violation

BE ADVISED that on (Date of Inspection) an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law No.

The violation(s) are set out in **Schedule "A"**, attached hereto, and forms part of this

ORDER

IT IS HEREBY ORDERED THAT the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law No.____on or before: ***Date***

TAKE NOTICE that if such violation(s) are not remedied within the time specified in this order, the municipality may commence legal action and/or correct such violations at the expense of the owner.

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 appeal may to the Property Standards Appeals 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 be final and binding..

FINAL DATE FOR APPEAL:

Date _____

Property Standards Officer
Telephone Number

**NOTICE OF APPEAL
TO PROPERTY STANDARDS COMMITTEE
Pursuant to Section 15.1 of the
Ontario Building Code Act**

*To the Secretary
Property Standards Appeal
Committee Corporation of
the Town of Hearst formal
address*

Date

RE: Order to Remedy Violation of Standards of Maintenance and Occupancy at:

Description and Location of Property in Violation

TAKE NOTICE of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on

Name (Owner or Agent) Address:
Telephone Number:

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 appeal may to the Property Standards Appeals 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 be final and binding.

Ontario Building Code Act, S.O. 1992, Chapter 23, Section 15.3(1)

Signature of Owner or Authorized Agent

