

THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO
BY-LAW NO: 11-2008

It being a By-Law to provide standards for the maintenance of the physical condition and occupancy of property in the Township of Carlow/Mayo

WHEREAS the Council of the Corporation of the Township of Carlow/Mayo deems it necessary and expedient to pass a By-law 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 Township of Carlow/Mayo and for requiring property that does not conform with the standards prescribed in the By-law 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 leveled condition;

AND WHEREAS it is desirable for the protection of the safety, health and well being of the residents of the Township of Carlow/Mayo to enact this By-law'

AND WHEREAS there is in effect in the Township of Carlow/Mayo an Official Plan which includes provisions relating to property conditions;

NOW THEREFORE the Council of the Corporation of the Township of Carlow/Mayo hereby enacts as follows:

SECTION 1 - TITLE, APPLICATION AND SCOPE

(1) TITLE OF BY-LAW

This By-Law may be cited as the "Property Standards By-Law"

(2) APPLICATION

The provisions of this By-Law shall apply to all property within the boundaries of the Township of Carlow/Mayo.

(3) SCOPE OF BY-LAW

- (a) Where any provision of this By-law conflicts with any provision of another By-law 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;
- (b) If any term or provision of this By-law or the application thereof to any person shall, to any extent, be held to be invalid or unenforceable, the remainder of this By-law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable shall not be affected thereby and it is hereby declared to be the intention of the Municipality that each term and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law;
- (c) In this By-law, words importing the neuter gender shall include the feminine gender and masculine gender and vice versa and words importing the singular shall include the plural and vice versa as the context requires.

(4) GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY

- (a) Every owner of property within the Municipality shall repair and maintain the property in accordance with the standards prescribed in this By-law;
- (b) Despite section 1 (4) (a) of this By-law, where the maintenance of any property affected by this By-law is by the written terms of a lease or an agreement for occupancy made the responsibility of the occupant, the Property Standards Officer may, at his discretion, 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 By-Law.
- (c) No person shall occupy or let to another occupancy any property which does not comply with the requirements of this By-Law.

SECTION 2 – DEFINITIONS

In this By-law:

- (1) "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 and which is not intended for human habitation;
- (2) "APPROVED" means, as applied to a grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this By-law or approved by the Building Inspector under the provisions of the Building Code or approved by another authority designated by By-law to give approval to the matter in question.
- (3) "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.
- (4) "BUILDING" means any building or structure, other than an accessory building as herein defined, used or intended to be used for any purpose.
- (5) "COMMITTEE" means the Property Standards Committee, established pursuant to this By-Law.
- (6) "COUNCIL" means the Council of the Corporation of the Township of Carlow/Mayo
- (7) "DWELLING" means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, *and* includes a building that would be or would be intended to be used for such purposes except for its state of disrepair and shall include a mobile home.
- (8) "DWELLING UNIT" means one or more habitable rooms located within a dwelling, occupied or capable of being occupied by one or more persons as an independent and separate housekeeping establishment in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment *with an* independent entrance from outside the building or from a common hall way or stair way inside the building.
- (9) "FIRE RESISTANCE RATING" means the time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity *with* generally accepted standards or as determined by the extension or interpretation of information derived there from.
- (10) "GROUND COVER" means organic or non-organic materials applied to prevent the erosion of the soil such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- (11) "HABITABLE ROOM" means a room designed to provide living, sleeping, kitchen and/or dining accommodation for persons. This definition shall not include any garage, carport, porch, verandah, attic, cellar, bathroom, recreation room, storage room, furnace room, lobby, foyer, stairwell or other space for the service or maintenance of a dwelling.
- (12) "LOT" 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 Township of Carlow/Mayo
- (13) "MUNICIPALITY" means the Corporation of the Township of Carlow/Mayo
- (14) "NOXIOUS" means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation or noise, objectionable odor, dust, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Committee to be noxious or offensive.
- (15) "OCCUPANT" means any person over the age of 18 years in possession of the property.
- (16) "OFFICER" means a Property Standards Officer appointed by the Corporation to administer and enforce this By-Law.

- (17) "OWNER" includes"
- (a) the person who, for the time being, receives the rent of, or manages, or pays the municipal taxes on the property in question **whether** on his own account or as agent or trustee of any other person, or who would so receive the rent if the property were let; or
 - (b) a purchaser of such land under an agreement for sale who has paid any municipal taxes thereon after the date of execution of the agreement by both the vendor and purchaser; or
 - (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.
- (18) "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.
- (19) "PLUMBING AND PLUMBING FIXTURES" means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment, catch basins, drains, vents, traps, together with all connections to water, gas, sewage, or vent pipes.
- (20) "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 land.
- (21) "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 that a property conforms with the standards established in this By-law.
- (22) "SEWAGE SYSTEM" means a sewage system as defined in the Building Code.
- (23) "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 By-law.
- (24) "SUB-STANDARD" means a standard that is less than that required by this By-law.
- (25) "TOWNSHIP" means the Corporation of the Township of Carlow/Mayo.
- (26) "UNSAFE CONDITION" means any condition that would or could cause hazard to the life or health of any person authorized or expected to be on or about the property.
- (27) "VEHICLE" includes a motor vehicle, trailer, boat, motorized snow vehicle and mechanical equipment, whether operational or not.
- (28) "YARD" means the land (other than publicly-owned land) around and appurtenant to the whole or any part of a building and used, or intended to be used or capable of being used, in connection with the building.

SECTION 3 - MAINTENANCE OF YARDS AND ACCESSORY BUILDINGS (1)

YARDS

All yards shall be kept clean from:

- (a) rubbish, garbage, waste and other debris;
- (b) objects, holes and conditions that are or might create a health, fire or accident hazard;

- (c) wrecked, dismantled, inoperative, unused or unlicensed vehicles, trailers, or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such an undertaking and then only in an arrangement so as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment;
- (d) dilapidated or collapsed buildings, accessory buildings, structures or erections and any unprotected well or other unsafe condition or unsightly condition out of character with the surrounding environment;
- (e) dead, decaying or damaged trees or other similar growth where the branches or limbs may create an unsafe condition

(2) LANDSCAPING

- (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) Suitable ground cover shall be provided to prevent erosion or soil and where grass forms a part of the ground cover, any grass which has died is or no longer growing shall be re-sodded or re-seeded as often as required so as to restore the grass as a suitable form of ground cover;
- (c) Areas within a yard not covered by buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the adjoining properties;
- (d) All privately owned lands used for vehicular traffic, parking or for loading and unloading shall be maintained in good repair, free of pot holes and adequately drained; and
- (e) Lawns, hedges and bushes shall be kept and trimmed to a suitable height in accordance with a standard at least compatible with the adjoining properties.

(3) RUBBISH

- (a) Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes and waste. The receptacles shall be made of watertight construction, provided with a tight fitting cover, and maintained in a clean state.
- (b) Every property shall be kept free of refuse or litter.
- (c) Every non-residential building shall provide sufficient and proper receptacles in good repair and appearance to contain all refuse and litter as may be left by customers or other persons.

(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.

(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 shall be cultivated or protected with suitable groundcover to prevent the erosion of soil.
- (b) No roof drainage or sump pumps shall be discharged on to sidewalks, roadways, stairs, neighboring property.

(6) SEWER

All sewage shall be discharged into a private sewage system approved by the Chief Building Official for the Township of Carlow/Mayo pursuant to the provisions of the Building Code Act and Building Code as amended from time to time

(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.
- (b) Accessory buildings, fences and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform color unless the aesthetic characteristics of said structure are enhanced by the lack of such material.
- (c) Where any accessory buildings, fences and other structures is not maintained in accordance with these standards it shall be removed from the yard.

SECTION 4 - MAINTENANCE OF BUILDINGS

(1) STRUCTURAL CAPABILITY

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. The materials showing damage evidence of decay or other deterioration shall be repaired or replaced. The Property Standards Officer may require an engineer's report for a building to determine if the building is structurally sound and such engineer's report shall be prepared at the expense of the Owner(s) of the property on which the building is situate.

(2) FIRE AND ACCIDENT PREVENTION

- (a) When, because of the existence of a building or accessory building or the contents thereof, an unsafe condition exists to persons on or about the exterior areas of a property, the Building Code shall apply to the extent necessary to abate the unsafe condition.
- (b) In the event that strict application of the regulations in the Building Code is not practical, the Property Standards Office may accept alternative measures provided the standard of safety that results is generally equivalent to the standard provided by the Building Code regulations
- (c) 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 damage building or accessory building compatible with its surrounding environment. Without restricting the generality of the foregoing, such measures include make 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. In the event the building or accessory building is beyond repair, the land shall be cleared of all remains and left in the graded, level, and tidy condition within 60 days of the fire or other disaster.
- (d) Materials of an inflammable nature shall be safely stored or removed at once from a property.

(3) PEST PREVENTION

All buildings shall be maintained free from rodents, vermin and pests at all times and methods used for extermination rodents, vermin or pests or both shall conform to the provisions of The Pesticides Act R.S.O. 1990, C.p-11.

(4) VENTILATION AND LIGHTING

- (a) Every habitable room and every bathroom and toilet room shall have adequate ventilation.
- (b) Where an aperture such as a 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.

(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.
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 appearance of the building;
 - (vi) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports; and
making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment.
- (b) Every basement, cellar and crawl space in a building shall be adequately drained, and have a Vapor Barrier/Ground Cover with its edges overlapped and taped or pinned with rocks or other suitable means.

(6) EXTERIOR WALLS

- (a) All exterior walls and components thereof shall be maintained in good repair, weather tight and free from loose, rotten, warped, broken or unsecured objects and materials and in a manner to prevent deterioration due to weather, dry rot, insects, pests or vermin.
- (b) without limiting the generality of section 4(6) (a) of this By-law, the maintenance of exterior walls includes;
- (i) the applying of paint or materials to preserve all exterior wood and metal work;
 - (ii) the applying of paint or materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighborhood;
 - (iii) the resorting, repairing or replacing of the wall, the bricks and mortar, the stucco, shingles or cladding, the coping, the flashing and the waterproofing and the caulking of the wall and joints; and
 - (iv) by installing or repairing termite shields.

(7) ROOFS

- (a) Roofs of buildings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- (b) The roofs of buildings and accessory buildings shall be kept clear of accumulation, of ice or snow or both.
- (c) Where eavestroughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

(8) EXTERIOR DOORS AND WINDOWS

- (a) Exterior doors and windows on a building shall be maintained in good repair, reasonably draft free and weather tight.

- (b) Without limiting the generality of Section 4 (8) (a) of this By-Law, the maintenance of exterior doors and windows includes painting, repairing or renewing damaged, decayed or deteriorated weather-stripping, doors, door frames, cases and thresholds, windows, window sashes, window frames, window casings, and window screens and refitting or replacing defective or missing door and window hardware, rescreening, reglazing doors and windows and using other suitable means of weatherproofing.
- (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.
- (d) Materials used for protection or for maintenance in accordance with Section 4 (8)(b) of this By-law shall be provided with an application of paint, varnish or other approved coloring or preservative on the exterior to maintain an appearance commensurate with adjoining properties.

(9) WALLS AND CEILINGS

- (a) Interior walls and ceilings in a building shall be maintained in good condition and free of holes or cracks and loose plaster or other material.
- (b) Without restricting the generality of Section 8 (9)(a) of this By-law, maintenance includes the repairing or filling of holes and cracks in walls and ceilings and the removing and the replacing of loose or defective parts of walls and ceilings.

(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 which are or may create health, fire or accident hazards.
- (b) Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts which creates or may create a health or accident hazard.
- (c) Lavatory or washroom floors, shower-room floors, toilet room and bathroom floors shall be maintained reasonably impervious to water and in such condition as to permit easy cleaning.
- (d) Without restricting the generality of Sections 4 (10) (a), (b) and (c) of this By-law, maintenance includes installing, repairing, refmishing and replacing a floor or floor covering to meet the required standards.

(11) STAIRS AND PORCHES

- (a) Any inside or outside stair, balcony, porch or canopy shall be maintained so as to be free of holes, cracks and other defects which may constitute possible safety hazards.
- (b) Without restricting the generality of Section 4 (11)(a) of this By-Law, maintenance includes repairing or replacing treads or risers that show excessive wear or are broken, warped or loose or otherwise defective and supporting or replacing structural members that are rotted or deteriorated and includes painting or coating with a preservative unless constructed of material inherently resistant to deterioration.
- (c) 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 three risers.

(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 from loose bricks, mortar and loose or broken capping.
- (b) Without restricting the generality of Section 4 (12) (a) of this By-law, maintenance includes clearing the flue of obstructions, sealing open joints and repairing masonry.

- (c) 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.
- (d) Without restricting the generality of Section 4 (12) (c) of this By-law, maintenance includes securing the connection of the fireplace to the chimney that complies with the standards of this By-law and conformity with any other applicable legal requirement as well as lining, repairing and relining with fire resistant material, and where it is necessary, installing and repairing and replacing the hearth.

SECTION 5 - STANDARDS OF FITNESS FOR OCCUPANCY

(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 shall be provided with an adequate supply of potable water.
- (c) All buildings shall have the sanitary facilities of those buildings connected to a sewer system approved by the Chief Building Official.
- (d) Within a dwelling unit there shall be provided, accessible and available for all occupants, a bathroom or toilet room with provision for privacy, having at least:
 - (i) one toilet;
 - (ii) one bathtub or shower or combination bathtub and shower; and
 - (iii) one wash basin, other than a kitchen sink, located in or immediately adjacent to every room containing a toilet or urinal.
 that are:
 - (iv) in good working order;
 - (v) served with hot and cold running water (cold water connecting only to toilets and urinals); and
 - (vi) connected to an approved drainage system.
- (e) the hot water serving the wash basin and bathtub or shower required by subsection 5 (1) (d) shall be served at such a temperature that it may be drawn from the tap at a temperature of not less than forty-three degrees (43) Celsius and not more than forty-nine degrees (49) Celsius.
- (f) Rooms containing sanitary conveniences and toilet facilities shall:
 - (i) be regularly cleaned so as to be maintained in a clean and sanitary condition;
 - (ii) have smooth surfaces reasonably impervious to water.
- (g) No facilities for the preparation, cooking, storage or consumption of food, or for sleeping, shall be contained within a room that contains a toilet.

(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 F) in all habitable rooms, bathrooms and toilet rooms, from the first day of October in 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) Rigid connections shall be kept between all heating equipment burning gaseous fuels and the supply line.
- (e) A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- (f) 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.
- (g) 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.

(3) 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 following requirements:
 - (i) the dwelling unit or habitable room meets all requirements for ingress and egress, light, ventilation set out in this By-Law;
 - (ii) the floors and walls are constructed so as to be impervious to leakage of underground and surface water;
 - (iii) each habitable room shall be separated from the heating equipment, or other similarly hazardous equipment by a partition having a fire resistance rating of at least one hour; and
 - (iv) access to each habitable room shall be gained without passage through a furnace room or boiler room.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT (1)

PROPERTY STANDARDS COMMITTEE

- (a) The creation of a Property Standards Committee is hereby authorized to consist of six (6) ratepayers of the Municipality to be appointed by the Council with any three (3) appointed members to constitute an acting committee.
- (b) The terms of office for each member of the Committee shall be a one year term expiring annually. When a member ceases to be member before the expiration of this or her term, the Council shall appoint another person for the unexpired portion of his or her term.
- (c) A member of Council or an employee of the Municipality or a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this Section.
- (d) The members of the Committee shall be paid such compensation as the Council may provide by resolution.
- (e) The members of the Committee shall:
 - (i) elect one of themselves as Chairperson and the Committee may appoint another member to act as temporary Chairperson where the Chairperson is absent through illness or otherwise; and
 - (ii) appoint one of themselves from within the Committee to act as recording secretary.

- (f) The recording secretary shall keep on file the minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 74 of THE MUNICIPAL ACT, R.S.O. 1990, c.M-45 applies with necessary modifications to such documents.
- (g) A majority of the Committee constitutes a quorum, and the Committee may adopt its own rules of procedure, but before hearing an appeal under Section 6(3) (a) of this By-law, shall give notice or direct that notice be given of such hearing to such persons as the Committee directs.
- (h) Any member of the Committee may administer oaths.

(2) PROPERTY STANDARDS OFFICER

- (a) The office of Property Standards Officer is hereby created, and the person appointed from time to time to this office shall be responsible for the administration and enforcement of this By-law.
- (b) The Officer and any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter into and inspect any property provided however that he or she shall not enter into any room or place actually used as a dwelling unit without requesting and obtaining the consent of the occupant after having first informed the occupant that the right of entry may be refused and entry may be made only under the authority of a search warrant.
- (c) If, after inspection, the Officer is satisfied that, in any respect a property does not conform to the standards prescribed in this By-Law, he or she shall serve or cause to be served to the owner of the property or such other persons affected by the order as the 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 leveled condition;
 - (iii) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or 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) No person shall obstruct or attempt to obstruct the *officer* or any person acting under the officer's instructions in the exercise of any power pursuant to this By-law.
- (e) An owner or occupant who has been served with an order made pursuant to Section 6 (2) (c) above 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.
- (f) An order that is not appealed within the time referred to in Section 6 (2) (e) above shall be deemed to be confirmed.
- (g) 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 and when the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper Registry of Land Titles Office, a certificate that such requirements have been satisfied, which shall operate as a discharge of such Order.

(3) APPEAL

- (a) When an owner or occupant upon whom a Order has been served is not satisfied with the terms or conditions of that Order, he or she may appeal to the Committee by sending notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after service of the Order, and in the event that no appeal is taken, the Order shall be deemed to have been confirmed.
- (b) Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order or may modify or quash it or may extend the time for complying with the Order provided that, in the opinion of the Committee, the general intent and purpose of this By-Law and of the Corporation's Official Plan are maintained.
- (c) The Committee may adopt its own rules of procedure but before hearing an Appeal the Committee shall give notice or direct that notice be given of such Hearing to such persons as the Committee considers should receive such Notice.
- (d) The Committee shall send a copy of its Decision to the Appellant and any other person who has requested notice of the Committee's decision and to any other person that the Committee determines should receive notice of its decision and the Notice of Decision shall specify the rights of Appeal set out in Section 15.3(4) the **Building Code Act, S.O. 1992, c.23** and where no Appeal is taken within the prescribed time limits, the Decision of the Committee shall be deemed to have been confirmed.

(4) POWER OF THE CORPORATION TO DEMOLISH OR REPAIR

- (a) Where an Order of the Officer is deemed to have been confirmed pursuant to Section 6 (3) of this By-law 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 Collector's 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 By-Law.

(5) PENALTIES

- (a) Any person who contravenes any provision of this By-law or fails to comply with an Order, Direction or other requirement made pursuant to this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$50,000.00 for a first offence and to a fine of not more than \$100,000.00 for a subsequent offence.
- (b) Despite subsection 6 (5) (a) above, if a Corporation is convicted of any offence under this By-law, the maximum penalty that may be imposed upon the Corporation is \$100,000.00 for a first offence and \$200,000.00 for any subsequent offence and not as provided in subsection (a) above.

- (c) For the purpose of subsections (a) and (b) above, an offence is a subsequent offence if there has been a previous conviction under this by-law.

(6) EMERGENCIES

- (a) Despite any other Section of this By-law to the contrary, if upon the inspection of a property the Officer is satisfied that there is non-conformity with the standards prescribed in this By-law to such an extent as to pose an immediate danger to the health or safety of any person, the Officer may make an Order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.
- (b) After making an Order under subparagraph (a) above, the Officer may either before or after the Order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger and for this purpose, the Municipality has a right through its employees and agents to enter in and upon the property from time to time.
- (c) The provisions of Section 15.7 of the **Building Code Act, S.O., 1992, c.23** shall apply with the necessary modifications.

(7) SERVICE

- (a) A Notice or Order required by this By-law to be served, may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.
- (b) If a Notice or Order is served by registered mail, the service shall be deemed to have been made on the 10th 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.

(8) GENDER

This By-law and every section, clause and provision hereof shall be read with all changes of gender or number as required in the circumstances.

(9) HEADINGS

The headings used in this By-law are included solely for the convenience of reference and are not to be considered part of this By-law *and* are not intended to be full or accurate descriptions of the contents of any section, clause or provision of this By-law.

(10) EFFECTIVE DATE

This By-law shall come into force and take effect upon final passing hereof.

READ a first, second *and* third time and finally passed this 4th day of *March 2008*.

David Panabaker

Reeve

Arlene Cox

Clerk-Administrator

