



MUNICIPALITY OF **West Elgin**

The Corporation Of The Municipality Of West Elgin

By-Law No. 2018-70

Being a by-law regarding Property Standards in the Municipality of West Elgin

Whereas Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, as amended, provides that 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 Municipality of West Elgin includes provisions relating to property conditions; and

Whereas the Council of The Municipality of West Elgin is desirous of passing a by-law under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, as amended; and

Whereas Section 15.6(1) of the *Building Code Act*, S.O. 1992, c.23, as amended 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 Municipality of West Elgin hereby enacts the following:

Part I

General

- 1.01** This By-law may be cited as the "Property Standards By-Law".
- 1.02** In this By-law, the word "shall" is mandatory and not discretionary, words in the plural include the single number and words in the present tense include the future tense.
- 1.03** The provisions of this By-law shall apply to all properties within the boundaries of the Corporation of the Municipality of West Elgin.
- 1.04** No property within the Municipality of West Elgin shall be used and no building or structure shall be erected, altered, enlarged, maintained or used for any purpose except in conformity with the provisions of this By-law.

Part II

Definitions

In this by-law:

- 2.01 "Accessory Building"** means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 2.02 "Apartment Dwelling"** means a building containing more than four dwelling units with individual access from an internal corridor system.
- 2.03 "Approved"** means acceptance by the By-Law Enforcement/Property Standards Officer.

- 2.04 "Basement"** means that portion of a building between two floor levels which is partly below finished grade level but which has fifty percent (50%) or more of its height from finished floor to finished ceiling above grade level.
- 2.05 "Bathroom"** means a room containing a bathtub or shower with or without a water closet and basin.
- 2.06 "Boarding House"** means any house or building or portion thereof in which the proprietor supplies for hire or gain, lodgings with or without meals, to other persons.
- 2.07 "Cellar"** means that portion of a building between two floor levels which has more than fifty percent (50%) of its height from finished floor to finished ceiling below adjacent grade level.
- 2.08 "Committee"** means the Property Standards Committee herein established pursuant to the authority of Section 15.6 of the *Building Code Act*.
- 2.09 "Crawl Space"** means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1.8 M (5' 11") in height.
- 2.10 "Commercial Property"** means a property used for the sale of goods or services and for the purposes of this By-law shall include office buildings, public halls, licensed premises and private clubs, and any building that is used in conjunction with commercial uses.
- 2.11 "Dwelling"** means a building or structure or part of a building or structure, occupied or capable of being occupied, for the purpose of human habitation.
- 2.12 "Dwelling Unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 2.13 "Finished Grade Level"** means the average elevation of the finished surface of the ground abutting the external walls of a building or structure, exclusive of any embankment in lieu of steps.
- 2.14 "Fire-Resistance Rating"** means 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 extension or interpolation of information derived therefrom.
- 2.15 "First Story"** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 M (5' 11") above grade.
- 2.16 "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.
- 2.17 "Habitable Room"** means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 2.18 "Industrial Property"** means a property for the manufacturing or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.
- 2.19 "Lot"** means a parcel of land which has continuous frontage on a street, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.
- 2.20 "Lot Line Front"** means a lot line that divides a lot from a street, provided that in the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that so abuts shall be deemed to be the side lot line of the lot.
- 2.21 "Lot Line Rear"** means the lot line opposite the front lot line.
- 2.22 "Lot Line Side"** means any lot lines other than the front lot line and the rear lot line.

- 2.23 "Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 2.24 "Multiple Dwelling"** means a building containing three (3) or more dwelling units.
- 2.25 "Motor Vehicle"** means any form of transportation for humans, designed to be propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running upon rails.
- 2.26 "Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- 2.27 "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.
- 2.28 "Occupant"** means any person or persons over the age of eighteen (18) years in possession of a property.
- 2.29 "Owner"** includes 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 so receive the rent if such land and premises were let and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property, and includes the assessed owner and, for the purposes of this By-law, all persons shown by the records in the Registry Office or the Land Titles Office, to have an interest in said property.
- 2.30 "Person"** means an individual, firm, corporation, association or partnership.
- 2.31 "Property Standards Officer"** means any Property Standards Officer or By-Law Enforcement Officer who may, from time to time, be appointed by the Council of the Corporation of the Municipality of West Elgin to administer and enforce this By-law.
- 2.32 "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, retaining walls and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 2.33 "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 standard established in this By-law. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.
- 2.34 "Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

2.35 "Sewage System"

- (a) "Sanitary Sewer" means a sewer, the purpose of which is to carry sewage and to which storm and surface water shall not be admitted.
- (b) "Storm Sewer" means a sewer, the purpose of which, as certified by the Municipality, is to carry storm and surface water and drainage, but not sewage.
- (c) "Sewage" means any one or any combination of sanitary sewage or industrial wastes or both.

- (d) "Private Disposal System" means a system designed for the collection and disposal of sanitary sewage on private property and approved by the Medical Officer of Health.
- (e) "Plumbing System" means, severally and individually, the water distribution system, all fixtures and fixture traps, drainage system, the building sewer and private sewage disposal system, all leaders, together with all their devices, appurtenances and connections.
- 2.36 "Standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-Law.
- 2.37 "Street"** means a public highway which affords a principal means of access to abutting lots.
- 2.38 "Toilet Room"** means a room containing a water closet and a wash basin.
- 2.39 "Walk"** means a route of access surfaced with gravel, stone, wood, asphalt, cement or other similar material approved by the Property Standards Officer.
- 2.40 "Wall, Main (Main Wall)"** means an outside wall of a building which supports a roof and shall include a wall under a gable end.
- 2.41 "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 III

General Standards For All Property

- 3.01** All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.
- 3.02 Yards**
- 3.02.1** Every yard, including vacant lots shall be kept clean and free from:
- (1) rubbish, garbage, debris, and from objects or conditions that might create a health, fire or accident hazard;
 - (2) heavy undergrowth and noxious plants, as defined by the *Weed Control Act*; including but not limited to ragweed, poison ivy, poison oak and poison sumac and shall be eliminated from any yard;
 - (3) grass or weeds growing to a height or standing at a height in excess of 20 cm (8 ") on any property;
 - (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
 - (5) injurious insects, termites, rodents, vermin or other pests;
 - (6) dead, decayed or damaged trees in an unsafe condition or other natural growth;
 - (7) dead, decayed or decaying carrion, fowl or fish etc.
- 3.02.2** No yard shall be used for the parking or storage of;
- (1) a motor vehicle which is not operative or which is not currently licensed pursuant to the provisions of the *Highway Traffic Act* or amendments thereto for the Province of Ontario, or
 - (2) a motor vehicle which has had part or all of its superstructure or source of motor power removed

- (3) any vehicle, boat, trailer or part of any vehicle, boat or trailer, which is in a wrecked, discarded, dismantled, partly dismantled, or abandoned condition shall not be stored or left in a yard, but this shall not prevent the occupant of any premises from repairing a vehicle for his own use and not for commercial purposes while such repair is actively carried on.

Surface Conditions

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

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering basements;
- (4) not exhibit an unsightly appearance;
- (5) be kept free of garbage and refuse;
- (6) be kept free of deep ruts and holes;
- (7) provide for safe passage under normal use and weather conditions, day or night; and
- (8) not to create a nuisance to other property.

Sewage and Drainage

3.04 Sewage or organic waste and gray water shall be discharged into a sewage system where such a system exists, where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner acceptable to the Southwestern Public Health.

3.05 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

3.06 Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

Parking Areas, Walks and Driveways

3.07 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter.

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

Accessory Buildings, Fences and Other Structures

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

3.10 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 colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

Garbage Disposal

3.11 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

3.12 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection schedule.

3.13 Garbage storage areas shall be screened from public view.

Compost Heaps

3.14 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 M (5' 11") in height and is enclosed on all sides by concrete block, or lumber, or in a 205 litre (45 gallon) container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

Part IV

Residential Standards

General Conditions

4.01 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.

4.02 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.

4.03 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

Pest Prevention

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

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

Structural Soundness

4.06 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.

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

4.08 Basement Floors:

- a) A basement, cellar or crawl space which is not served by a stairway leading from a dwelling or from outside a dwelling may have a dirt floor provided it is covered with a moisture-proof covering.
- b) A basement or cellar or in any building erected or altered after the passing of this By-law which is served by a stairway leading from a dwelling or from outside a dwelling shall have a concrete floor.

Foundations

4.09 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.

- 4.10** Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost-line, or to solid rock.

Exterior Walls

- 4.11** Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 4.12** Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Windows and Doors

- 4.13** Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 4.14** In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. All entrance doors to a dwelling unit/habitable space shall have dead bolts so as to permit locking or securing from either inside or outside the dwelling unit.
- 4.15** Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 4.16** In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 4.17** Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm (4") diameter sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

Roofs

- 4.18** Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 4.19** The roofs of dwellings and accessory buildings shall be kept clear of unsafe accumulations of ice or snow or both.
- 4.20** Where eaves toughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

Walls, Ceilings and Floors

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

Stairs, Porches and Balconies

- 4.24** Inside and outside stairs, porches, balconies and landings shall be maintained so as to

be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

Guardrails

- 4.25** 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 (24") 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.

Kitchens

- 4.26** Every dwelling shall contain a kitchen area equipped with:

- a) a sink that is served with hot and cold running water and is surrounded by surface impervious to grease and water;
- b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- c) a counter or work area at least 600 mm (24") in width by 1,200 mm (48") in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

Toilet and Bathroom Facilities

- 4.27** Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash-basin, and a bathtub or suitable shower unit. Every wash-basin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 4.28** Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- 4.29** Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

Plumbing

- 4.30** Each wash-basin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110°F).
- 4.31** Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 4.32** All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 4.33** All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 4.34** Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

Electrical Service

- 4.35** Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 4.36** The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations Act*, as amended.
- 4.37** Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 4.38** Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 4.39** Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

Heating, Heating Systems, Chimneys and Vents

- 4.40** Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70°F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling unit to the required standard.
- 4.41** All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the *Energy Act*, as amended or other applicable legislation.
- 4.42** Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 4.43** Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 4.44** All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 4.45** Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 4.46** Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

Fire Escapes, Alarms and Detectors

- 4.47** A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten (10) persons, except that such systems need not be provided where a public corridor or exit serves not more than four (4) dwelling units or individual leased sleeping rooms.

- 4.48** In addition to the provisions of Article 4.47 hereof, in every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:
- a) equipped with visual or audio indication that they are in operating condition;
 - b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12") below the ceiling.
- 4.49** Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an operable window or door.

Egress

- 4.50** Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 4.51** Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm, (42 x 22") with a sill height of not more than 914mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

Natural Light

- 4.52** Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

Ventilation

- 4.53** Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft.), or an approved system of mechanical ventilation such that provide hourly air exchanges.
- 4.54** All systems of mechanical ventilation shall be maintained in good working order.
- 4.55** All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

Elevating Devices

- 4.56** Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

Disconnected Utilities

- 4.57** Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

Occupancy Standards

- 4.58** The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every 9 square metres (97 sq. ft.), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.
- 4.59** No room shall be used for sleeping purposes unless it has a minimum width of 2 metres (6.6 ft.), and a floor area of at least 7 square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least 4 square metres (43 sq. ft.) per person.
- 4.60** Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
- (a) each habitable room shall comply with all the requirements set out in this By-Law;
 - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
 - (d) access to each habitable room shall be gained without passage through a service room.

Part V

Vacant Lands and Buildings

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

Vacant Lands

- 5.02** Vacant land shall be maintained to the standards as described in Part III, Article 3.02, of this By-Law.
- 5.03** Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

Vacant Buildings

- 5.04** Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 5.05** 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 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

Part VI

Non-Residential Property Standards

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

Yards

- 6.02** The yards of non-residential property shall be maintained to the standards as described in Part III, Article 3.02 of this By-Law.
- 6.03** 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 unobstructed 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 (6 ft.) in height and maintained in good repair.

- (a) In accordance with 6.03, storage of materials shall include, but not be limited to, dead or decaying animals which must be stored in a suitable receptacle approved by the By-law Enforcement Officer until such material can be disposed of in a sanitary fashion. Such practices shall be limited to agricultural zones only.

Parking Areas, and Driveways

- 6.04 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 6.05 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

Structural Soundness

- 6.06 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 6.07 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

Exterior Walls

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

Guardrails

- 6.10 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 (24") 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.

Lighting

- 6.11 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the *Occupational Health and Safety Act* for industrial and commercial properties. Lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

Part VII

Duties of Property Standards Officers

7.01 Property Standard Officers shall:

- (i) enforce the provisions of this By-law;
- (ii) perform all duties and shall have such powers and responsibilities as are contained and outlined in the *Ontario Building Code Act, S.O. 1992, c23*, from time to time.

Part VIII

Municipality Empowered to Repair

- 8.01** Upon the default of an owner or occupant to effect a repair of demolition within the time and in the manner specified in an order which is final and binding, the Municipality of West Elgin may enter upon the lands and premises affected by the order, do the work directed to be done in the said order and recover its expenses as provided in the *Building Code Act S.O. 1992, c23*.
- 8.02** If, upon inspection of a property, the Municipality of West Elgin or its agents, officers or employees takes or causes to be taken any measures necessary to terminate any immediate danger to the health or safety of any person, the expenses of the Municipality of West Elgin may be recovered as provided in the *Building Code Act S.O. 1992, c23*.

Part IX

Administration and Enforcement

- 9.01** This By-law shall apply to all property within the limits of the municipality.
- 9.02** The imperial measurements contained in this By-law are given for reference only.
- 9.03** No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any building on any property unless such property conforms to the standards prescribed herein, nor shall an owner or his agent permit the accumulation of debris or rubbish on yards as herein defined in contravention of the standards prescribed in this By-law.
- 9.04** No person shall use or permit anyone to use any property that does not conform to the standards of this By-law.
- 9.05** No owner shall fail to maintain any property in a suitable condition to conform to the standards of this By-law.
- 9.06** The administration and enforcement of this By-law is the responsibility of the By-Law Enforcement/Property Standards Officer, the Building Inspector of the Municipality of West Elgin or such other persons as may be appointed to that position by the Council of the Municipality of West Elgin.

Officers

- 9.07** The Council of the municipality shall appoint a By-Law Enforcement/Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law.

Property Standards Committee

- 9.08** Property Standards Committee is hereby established to review the order issued by an officer pursuant to section 15.6 of the *Ontario Building Code Act, S.O. 1992, c23*. The Committee shall be composed of all of Council (one of which shall act as chairman). The Clerk shall act as secretary for the Property Standards Committee. Meetings of this Committee shall be called and conducted as needed.
- 9.09** When an appeal has been taken, the Committee shall hear the appeal within twenty- one (21) days of the date of receipt of the notice of appeal and shall have all the powers and

functions of the By-Law Enforcement/Property Standards Officer and may confirm the order to demolish or repair 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 the By-law and of the Official Plan are maintained.

- 9.10 The Corporation or any owner, occupant or other person affected by a decision of the Committee shall have a right to appeal such decision in the manner and within the time provided for such appeal under Sect 15.3-(4) of the Ontario Building Code Act.
- 9.11 Every person who initiates an appeal of an Order made under Section 15.2 (2) of the *Ontario Building Code Act*, S.O. 1992, c23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in Section 15.3 (1) of the *Act*. All Notices of Appeal shall be accompanied by a non-refundable payment of \$125.00 dollars.

Compliance

- 9.12 The owner of any property that 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, debris or refuse and left in a levelled and graded condition.

Penalty

- 9.13 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.

Validity

- 9.14 Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.
- 9.15 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

Transitional Rules

- 9.16 After the date of the passing this by-law, By-Law No. 99-09, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

Part X


Repeal of By-Law No. 99-09; 2001-31; 2004-80; 2015-62

- 10.01 By-laws 99-09, 2001-31, 2004-80 and 2015-62 are hereby repealed upon the completion of all outstanding order issued pursuant to said By-Laws.

This By-law comes into force and takes effect on the final passing.

Read a first, second, and third time and finally passed this 13th day of September, 2018.


Bernie Wiehle
Mayor


Genevieve Scharback
CAO / Clerk