

## The Township of Cavan Monaghan

### By-law No. 2017-61

#### Being a by-law to prescribe standards for the maintenance and occupancy of property within the Township of Cavan Monaghan

**Whereas** Section 15.1 (3) of the Building Code Act, S.O 1992, c.23, 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** it is deemed expedient to establish standards for the maintenance and occupancy of property in the Township of Cavan Monaghan;

**And Whereas** Section 15.6 (1) of the Building Code Act, requires that a By-law passed under Section 15.1 (3) of the Act shall provide for the establishment of a Property Standards Committee;

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

#### 1.0 Definitions

1.1 This By-law may be cited as the Property Standards By-law.

1.2 In this By-law all words or phrases shall have the meaning accorded to them in the Building Code Act or its regulations (the Building Code); in addition to those words and phrases in this By-law the following words shall have the meaning ascribed to them:

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

“Committee” means a Property Standards Committee established under this By-law.

“Corporation” means The Corporation of the Township of Cavan Monaghan.

“Council” means The Council of the Township of Cavan Monaghan.

“Dwelling” means a building consisting of one or more dwelling units but shall not include a mobile home, recreational motor home or recreational travel trailer.

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

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

“Lot” means a parcel that is registered as a legally conveyable parcel of land in the Land Titles Registry Office.

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

“Municipality” means the Township of Cavan Monaghan.

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

“OBC” means Ontario Building Code.

“Owner” means the person designated as owner on the assessment roll of the municipality and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property in accordance with the standards of the By-law.”

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

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

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

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

“Repair” means the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this By-law.

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

“Unsafe Condition” means a condition that poses or constitutes a fire hazard or a hazard or risk to life, limb or health of any person and includes a building or structure, whether or not structurally unsafe within the meaning of the Ontario Building Code, that has sustained damage of any kind to the whole or any part of the building or structure by reason of fire, storm or other cause, and the damage has not been repaired.

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

“Yard” means an open, uncovered space on a lot pertaining to a building and unoccupied by buildings or structures, except as specifically permitted in this By-law.

## **2.0 General Standards for All Properties**

- 2.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship. All new construction or repairs shall conform to the requirements of the Ontario Building Code and Ontario Fire Code.

### **Yards**

- 2.2 Every owner of residential property shall keep their yard, including vacant lots, clean and free from:
- a) refuse or debris, rubbish or conditions that may create an unsafe condition;
  - b) wrecked, dismantled, or inoperative vehicles or other machinery or any part thereof, and junk and refuse of any kind except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe or unsightly condition.
  - c) dilapidated, collapsed or partially constructed structures which are not currently under construction.

- d) more than 1 unlicensed vehicle, except where such unlicensed vehicle or vehicles are stored within a garage or building;

### **Sewage and Drainage**

2.3 Yards shall be maintained so as to:

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

### **Parking Areas, Walks and Driveways**

- 2.4 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone, gravel or equivalent and shall be kept in good repair.
- 2.5 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

### **Garbage Disposal**

- 2.6 All garbage, refuse, debris and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipality's Waste Management By-law 2012-06, as amended.

### **Compost Heaps**

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

## **Fences**

### **2.8**

- a) No person shall erect/maintain a fence unless such fence is constructed of chain link, wood, wood fiber, composite wood/resin materials, stone or masonry, except where such fence is erected on a property zoned for agricultural uses.
- b) Fences constructed of materials that may deteriorate or rot shall be protected from such deterioration by the application of appropriate weather resistant materials, including but not limited to, paint or other suitable preservatives.
- c) Where the provision of any site plan agreement, subdivision agreement or any other agreement entered into by the municipality under authority of the Municipal Act, 2001, or the Planning Act, conflict with this section, the provisions in the agreement shall prevail.
- d) Fences erected in a residential zone shall be of a maximum height of 2.43 m (8 ft).

## **3.0 Residential Standards**

### **General Conditions**

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

- a) maintain their property and every part thereof, in a clean, sanitary and safe condition;
- b) not allow accumulation or storage of garbage, refuse, appliances or furniture in a means of egress.

### **Foundations**

#### **3.2 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Required maintenance may include the shoring of the walls to prevent settling, installing sub soil drains at footings, grouting masonry cracks, damp-proofing and waterproofing walls, joints and floors; any maintenance activity shall be conducted under authority of a validly issued building permit as required by the Ontario Building Code Act.**

### **Exterior Surfaces**

- 3.3 Exterior surfaces of a dwelling and their components, including soffit and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco or other defective cladding or trim. Paint or some other suitable preservative coating shall be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.4 Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- 3.5 Exterior walls of a dwelling and their components shall be free of unauthorized signs, graffiti and similar defacements.
- 3.6 Appropriate measures shall be taken to remove any markings, stains or other defacement occurring on an exposed exterior surface, and to restore same, as nearly as possible, to its appearance before the markings, stains or defacement occurred.

### **Windows and Exterior Doors**

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

### **Roofs**

- 3.8 A roof, including the fascia board, soffit, cornice and flashing, shall be maintained in a watertight condition.
- 3.9 Where eavestrough and roof gutters are provided, they shall be kept in good repair and free from obstructions, and shall be properly secured to the building.

### **Exterior Walls**

- 3.10 Every wall shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects.

### **Stairs, Porches and Balconies**

- 3.11 Exterior stairs, porches, balconies and landings shall be protected from deterioration by the use of paint or other suitable protective material.

### **Exterior Guards and Handrails**

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

### **Plumbing**

- 3.13 Every dwelling unit shall be provided with an adequate supply of potable hot and cold water.
- 3.14 All plumbing fixtures shall be connected to a sewage system.

### **Electrical Service**

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

### **Heating Systems**

- 3.16 Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 22 degrees Celsius (72 degrees Fahrenheit) in occupied dwelling units. The heating system shall be maintained in good working condition, so as to be capable of safely heating the individual dwelling unit to the required standard.
- 3.17 All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained to the standards provided by the Technical Standards and Safety Act, 2000, S.O. 2000, c.16, as amended, and the applicable regulations thereunder or other applicable legislation. Where the condition is determined to be unsafe, a report from a qualified professional shall be prepared and submitted to the Chief Building Official or Property Standards Officer.

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

- 3.18 All fire escapes, alarms and detectors shall conform to the requirements of the Ontario Building Code and the Fire Code.
- 3.19 Buildings using a fire escape as a secondary means of egress shall keep the escape in good condition, free from obstructions and easily reachable through an operable window or door.

## **Egress**

- 3.20 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.

## **4.0 Vacant Lands and Buildings**

- 4.1 Vacant land shall be maintained to the standards as described in Section 2.2 of this By-law.
- 4.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water on said lot or neighboring property.
- 4.3 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 4.4 Buildings boarded up for more than 6 months shall be either restored to conform with the standards of this By-law or where deemed necessary by the Chief Building Official, will be ordered to be demolished in accordance with this By-law.

## **5.0 Non-residential Property Standards**

### **Yards**

- 5.1 Every owner of non-residential property shall maintain his or her property to the standards as described in Section 2.2 of this By-law.
- 5.2 Every owner of non-residential property where the warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property, shall maintain their property in a neat and orderly fashion so as not to create an unsafe condition, and shall provide unobstructed access for emergency vehicles. Where a validly enacted site plan agreement applies to a property and includes requirements concerning outside storage, such requirements or provisions shall be deemed to be standards applicable to the subject property, and in addition to any remedies under such agreement, the Municipality may also enforce the failure to maintain such standard as a violation of this property standards By-law.



### **Parking Areas and Driveways**

- 5.3 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete or compacted stone or gravel and shall be kept in good repair. Notwithstanding the foregoing, on non-residential properties that abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface or shall be treated to prevent dust.
- 5.4 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.

### **Exterior Walls**

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

### **Exterior Guards and Handrails**

- 5.6 A guard shall be installed and maintained in good repair on the open side of any stairway or ramp, as required by the Ontario Building Code.
- 5.7 A handrail shall be installed and maintained in good repair in all stairwells.
- 5.8 Guards shall be installed and maintained in good repair around all landings, porches and balconies.
- 5.9 Guards, handrails and banisters shall be constructed and maintained rigid in nature and to withstand the loads to which they are subject to, due to the intended use.

### **Lighting**

- 5.10 Lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighboring properties.

## **6.0 Administration and Enforcement**

- 6.1 This By-law shall apply to all property within the limits of the Township of Cavan Monaghan.

### **Property Standards Officers**

- 6.2
- a) the Chief Building Official and the By-law Enforcement Officer are hereby appointed as Property Standards Officers, and shall have the responsibility for administering and enforcing this By-law.
  - b) a Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992, S.O. 1992, c.23, as amended, so as to provide for:
    - i) repair of the property; or
    - ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition.
  - c) upon completion of the work, the Municipality shall have a lien on the land for the amount spent on repair or demolition. The amount shall be deemed to be municipal real property taxes and may be added by the Treasurer of the Municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

### **Property Standards Committee**

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

## **7.0 Standards**

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

## **8.0 Certificate of Compliance**

- 8.1 If, in the Property Standards Officer's opinion, a property is in compliance with the standards set out in this By-law, upon the request of an owner for such certificate and upon payment of the

fee prescribed herein for such certificate, the Property Standards Officer shall issue to the owner, a compliance letter.

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

## **9.0 Compliance**

- 9.1 All owners or occupants of property shall comply with the standards prescribed in this By-law and any Property Standards Order as confirmed or modified.
- 9.2 All property within the municipality that does not conform with the standards contained in this By-law shall be repaired and maintained to conform with the standards or the site shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.
- 9.3 All repairs and maintenance of property shall be carried out with suitable and sufficient materials in a manner acceptable to the Property Standards Officer, and with good quality for the trades concerned.
- 9.4 All new construction or repairs shall conform to the Ontario Building Code and any other applicable legislation.

## **10.0 Penalties**

- 10.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a penalty or penalties as provided in the Provincial Offences Act, R.S.O. 1990, c.P.33.
- 10.2 An owner who fails to comply with an Order that is final and binding is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c. 23, and is liable to a penalty or penalties as set out in Section 36 of that Act, as may be amended from time to time.

## **11.0 Validity and Severability**

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

- 11.2 Where a provision of this By-law conflicts with the provision of another By-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 11.3 Without limiting the generality of Section 11.2, notwithstanding that a property may be determined to be in compliance with the standards set out herein, such compliance shall not be construed, constructed or deemed to mean that there is compliance with other municipal by-laws, including but not limited to the Municipality's Comprehensive Zoning By-law.

## 12.0 Repeal and Transition

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

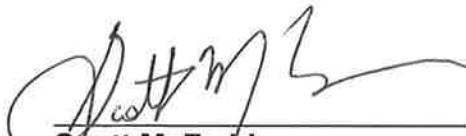
The Township of Cavan-Millbrook-North Monaghan By-law No. 2008-58

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

## 13.0 Effective Date

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

Read a first, second and third time and passed this 5<sup>th</sup> day of Sept, 2017.

  
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**Scott McFadden**  
Mayor

  
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**Elana Arthurs**  
Clerk