

**THE CORPORATION OF THE MUNICIPALITY OF
GORDON/BARRIE ISLAND
BY-LAW 2012-07**

**BEING A BY-LAW TO PRESCRIBE THE STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF ALL PROPERTY WITHIN
THE MUNICIPALITY OF GORDON/BARRIE ISLAND**

WHEREAS under Section 15.1 (3) of the Ontario Building Code Act, S.O. 1992, c. 23, a by-law may be passed by the Council of a Municipality prescribing 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 Gordon/Barrie Island includes provisions relating to property conditions;

AND WHEREAS the Council of the Municipality of Gordon/Barrie Island Township is desirous of passing a by-law under Section 15.1 (3) of the Building Code Act, S.O. 1992, c. 23;

AND WHEREAS Section 15.6 (1) of the Building Code Act, S.O. 1992, c. 23 requires that a by-law passed under Section 15.1 (3) of the Building Code Act, S.O. 1992, c. 23 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS the Council of the Municipality of Gordon/Barrie Island deems it desirable to regulate and govern the maintenance of land in order to enhance the quality of the community, to protect the safety, health and well-being of the public, to prevent the degradation of the community, and to ensure the continued enjoyment of property for residents and property owners of the municipality;

NOW THEREFORE the Council of the Municipality of Gordon/Barrie Island hereby enacts the following:

1. Short Title, this by-law may be referred to as the "Property Standards By-Law".
2. That the attached regulations form part of this by-law.
3. Every person who contravenes the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a penalty as provided for in Section 15.4 of the Ontario Building Code Act S.O. 1992, c.23.
4. If, for any reason, any section, clause or provision of this by-law is declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.

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PART 1 DEFINITIONS:

- 1.1 “Accessory building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.2 “Approved” means acceptance by the Officer.
- 1.3 “Basement” means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 1.4 “Cellar” means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.5 “Dwelling” means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.6 “Habitable room” means any room in a dwelling unit used or capable of being used for living, cooking, sleeping or eating purposes.
- 1.7 “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 or refuge usually located outside the building.
- 1.8 “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, furnace room, garage or other space for service and maintenance of the dwelling, and for access to and vertical travel between storey and basement, or part thereof, which does not comply with the standards of fitness for occupancy set out in this by-law.
- 1.9 “Non-residential property” means a building or structure, or part of a building or structure, not occupied or capable of being occupied in whole or in part for the purpose of human habitation. Includes those lands and premises appurtenant and all of the outbuildings, fences or erections thereon and therein.
- 1.10 “Officer” means a Municipal Law Enforcement Officer, Building Inspector or other persons assigned the responsibility for enforcing and administering the By-Law as a Property Standards Officer.
- 1.11 “Person” means an individual, firm, corporation, association or partnership.
- 1.12 “Residential property” means any property that is used or designed for use as a domestic establishment in which one or more persons sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment

and includes all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

- 1.13 “Standards” means the standards of the physical condition and of occupancy prescribed for property by this by-law.
- 1.14 “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 used or capable of being used in connection with the property.
- 1.15 “Complaints” means all complaints received regarding Property Standards issues shall be in writing and signed. The only exception is complaints received from the Reeve, present member of Council, Officer or the Clerk-Treasurer of the Municipality of Gordon/Barrie Island.

PART 2 GENERAL STANDARDS FOR ALL PROPERTY

.1 RESIDENTIAL AND VACANT LOTS

- (1) 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 and the Fire Prevention and Protection Act where applicable.

2.2 YARDS AND VACANT LOTS

All yards including vacant lots shall be kept clean and free from:

- (1) Rubbish or debris and objects or conditions that may create an unsafe condition, health, fire or accident hazard;
- (2) Wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business or enterprise lawfully situated on the property;
- (3) All vehicles on any property must be licensed for the current year or be enclosed in a building;
- (4) Dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) Long grass, brush, overgrown trees which may cause a hazard;
- (6) Any unprotected well, pit, trench or other similar unsafe condition;
- (7) Injurious insects, termites, rodents, vermin, or other pests.

2.3 SURFACE CONDITIONS

Surface conditions of yards shall be maintained so as to:

- (1) Prevent recurrent, excessive or hazardous ponding of storm water;
- (2) Prevent instability or erosion of soil.
- (3) Prevent surface water run-off from entering basements of buildings on the property or onto or into that of any neighbouring property.

- (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 create a nuisance to other property.

2.4 GARBAGE DISPOSAL

- (1) All garbage and refuse shall be promptly placed in a suitable container and made available for delivery to the transfer station by the property owner.

2.5 COMPOST HEAPS

- (1) The occupant of a residential property may provide a compost heap in accordance with Ontario health regulations.

PART 3

3.1 GENERAL CONDITIONS

- (1) Every owner, tenant, 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.
- (2) Every owner, tenant, 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.
- (3) Accumulation or storage of garbage, refuse, appliances, or furniture which is not meant for outdoor use in a means of egress shall not be permitted.

3.2 EGRESS

- (1) Every dwelling shall have a safe, continuous and unobstructed passage from the interior of the dwelling to the outside at street or grade level.

PART 4 NON-RESIDENTIAL PROPERTY STANDARDS

- 4.1 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 trade concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

4.2 YARDS

(1) The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this by-law.

4.3 The warehousing or storage of materials of 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 an unsafe condition or any unsightly condition and shall provide unobstructive access for emergency vehicles.

PART 5 ADMINISTRATION AND ENFORCEMENT

5.1 The Council of Gordon/Barrie Island shall appoint an Officer(s) as defined in this by-law to be responsible for the administration and enforcement of this by-law.

5.2 An Officer shall keep records of any action taken pursuant to this by-law, shall maintain a database of property standards files, and shall provide Council with a report when so requested.

PART 6 ORDER REQUIRING COMPLIANCE

6.1 Where an Officer finds that a property does not conform to the standards prescribed in this by-law, the Officer may make an "Order Requiring Compliance" as provided for in Section 15.2 (2) of the Building Code Act. S.O.1992.

6.2 When an officer has reason to believe that there is a notable deficiency in any structure or structural systems of a building they may issue an Order pursuant to Section 15.8 of the Building Code Act. Upon receipt of such Order, the owner shall provide the Officer with a report from the required expert or agency detailing the condition and needed repairs, if any, to the structure or structural system.

PART 7 PENALTY

7.1 Every owner or occupant of property shall comply with an Order Requiring Compliance as confirmed or modified. Should the owner or occupant fail to demolish, clean up or repair the property in accordance with an "Order Requiring Compliance" as confirmed or modified, the municipality may take action as stipulated in Section 15.4 of the Building Code Act S.O. 1992 to bring the property into compliance.

7.2 Every owner or occupant of property who fails to comply with an Order issued pursuant to Section 15.8 of the Building Code Act is guilty of an offence and subject to the penalties as set out in the Act.

PART 8 APPEAL AND PROPERTY STANDARDS COMMITTEE

8.1 Any person receiving an order under this by-law may appeal to the Municipality's Property Standards Committee within the timeline and manner specified under Section 15.3 of the Building Code Act S.O. 1992, as amended.

8.2 Upon receipt of the Notice of Appeal Council shall arrange for an Appeal hearing to take place not less than seven days and not more than thirty days from the date of

receipt of the Notice of Appeal and shall give notice of the date, time and place of the appeal to the applicant, committee members and the Officer.

PART 9 VALIDITY

- 9.1 Should any section, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.
- 9.2 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.

PART 10 EFFECTIVE DATE OF BY-LAW

- 10.1 This By-Law shall come into force and take effect upon the third reading and final passage.

Read and final passage this 3rd day of April, 2012.

REEVE

CLERK-TREASURER