

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2016-27

BEING A BY-LAW FOR PRESCRIBING STANDARDS  
FOR THE MAINTENANCE AND OCCUPANCY OF ALL  
PROPERTY WITHIN THE TOWN OF LINCOLN AND  
PROHIBITING USE OF ANY PROPERTY THAT DOES  
NOT CONFORM TO THE STANDARDS AND  
REQUIRING SUCH PROPERTIES TO BE REPAIRED,  
MAINTAINED OR CLEARED OF BUILDINGS OR  
STRUCTURES.

WHEREAS there is in effect in the Town of Lincoln an Official Plan that includes provisions relating to property conditions;

AND 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 which has an official plan in place that includes provisions relating to property conditions to prescribe Standards for the maintenance and occupancy of property, to prohibit the occupancy or use of property that does not conform with the standards and to require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, waste or refuse and left in a graded and levelled condition;

AND WHEREAS Sections 35.3 (1) and 45.1 (1) of the Ontario Heritage Act, R.S.O. 1990, c.0.18, as amended provide that a By-law may be passed by the Council of a municipality prescribing minimum standards for the maintenance of the heritage attributes of designated heritage properties within the municipality, and requiring that designated heritage properties that do not comply with those standards be repaired and maintained to conform with those standards;

AND WHEREAS Section 391 of the Municipal Act, S.O. 2001, c.25, as amended, provides that despite any Act, a municipality may pass by-laws imposing fees or charges on any class of Persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the Town of Lincoln deems it expedient to pass such a By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

SECTION 1: GENERAL PROVISIONS

1.1 Short Title

1.1.1 This By-law shall be known as the "Property Standards By-law".

1.2 Definitions

In this By-law:

1.2.0 "Agricultural Operation" means an agricultural operation as defined in the Farming and Food Production Protection Act, 1998.

1.2.1 "Accessory Building" means a detached building or structure not used for human habitation that is subordinate to the primary use of the same Property.

1.2.2 "Approved" means acceptance by the Property Standards Officer.

1.2.3 "Balustrade" means a protective barrier that acts as a guard around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another; such barrier may or may not have openings through it.

- 1.2.4 "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.
- 1.2.5 "Bathroom" means a room containing at least a toilet, hand basin or lavatory and bathtub or shower, or two rooms which contain in total at least one toilet, hand basin or lavatory and one bathtub or shower.
- 1.2.6 "Building Code Act" means the Building Code Act, S.O. 1992, c. 23, as amended.
- 1.2.7 "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.
- 1.2.8 "Committee" means the Property Standards Committee as defined by the Building Code Act.
- 1.2.9 "Corporation" means the Corporation of the Town of Lincoln.
- 1.2.10 "Crawlspace" means that portion of a building between two floor levels, or between a floor level and the ground, with a height of less than 1.93 m (six feet four inches).
- 1.2.11 "Designated Heritage Property" means Property designated under Part IV or Part V under the Ontario Heritage Act, RSO 1990, c.O.18, as amended.
- 1.2.12 "Dwelling" means a building or structure, any part of which is used or intended to be used for the purposes of human habitation and includes a building that would be used or would be intended to be used for such purposes except for its state of disrepair.
- 1.2.13 "Dwelling Unit" means one or more rooms connected together as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by human beings, for living and sleeping purposes.
- 1.2.14 "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 as stated in the Ontario Building Code.
- 1.2.15 "Grade" means the average level of the proposed or finished surface adjoining a building at all exterior walls.
- 1.2.16 "Habitable Room" means any room in a Dwelling Unit used or intended to be used for living, sleeping, cooking or eating purposes, with a minimum height of 1.95 m (six feet five inches), except as hereinafter expressly provided.
- 1.2.17 "Heritage Attributes" means heritage attributes as set out in the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended and for greater certainty means:
- (a) In relation to real Property, and to buildings and structures on real Property, buildings and structures that contribute to their cultural heritage value or interest and that are defined, described or can be reasonably inferred:
    - (i) in a By-law designating a Property enacted under Section 29 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended, and identified as heritage attributes, values, reasons for designation or otherwise in such By-law;
    - (ii) in a Minister's order made under Section 34.5 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, and identified as heritage attributes, values, reasons for designation or otherwise in such order;
    - (iii) in a By-Law designating a heritage conservation district enacted under Section 41 of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended and identified as heritage attributes, values, reasons for designation or otherwise; or

(iv) in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a Heritage Conservation District Plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise;

(b) the elements, features, or building components that support or protect the Heritage Attributes, without which the Heritage Attributes may not be conserved, including but not limited to roofs, walls, floors, retaining walls, foundations and structural systems.

- 1.2.18 "Heritage Conservation District" means a geographic district established under Part V of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended.
- 1.2.19 "Heritage Conservation District Plan" means a plan adopted by Council under Part V of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended to provide direction in the preservation of the Heritage Attributes of a Heritage Conservation District.
- 1.2.20 "Listed Property" means Property that the Council of the Town of Lincoln has determined to be of cultural value or interest in accordance with the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18, as amended.
- 1.2.21 "Lodging House" or "Rooming House" shall mean any house or other building or portion thereof in which Persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for the young or the aged, or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or specific Act.
- 1.2.22 "Maintenance" means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve property."
- 1.2.23 "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.
- 1.2.24 "Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Niagara.
- 1.2.25 "Multiple Dwelling" means a building containing three or more Dwelling Units.
- 1.2.26 "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.
- 1.2.27 "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.
- 1.2.28 "Normal Farm Practice" means a normal farm practice as defined in the Farming and Food Production Protection Act, 1998.
- 1.2.29 "Occupant" means an occupant as defined by the Building Code Act.
- 1.2.30 "Officer" means an officer as defined by the Building Code Act.
- 1.2.31 "Order" means an Order made under the corresponding section(s) of this by-law.
- 1.2.32 "Owner" means an owner as defined by the Building Code Act.
- 1.2.33 "Person" means an individual, firm, corporation, association or partnership.
- 1.2.34 "Property" means property as defined by the Building Code Act.

- 1.2.35 "Remediate" means to carry out any repairs, reconstruction, refinishing or replacement of any part or parts of a building or structure or appurtenances including mechanical equipment so that they may properly perform the intended function and not pose a health and safety risk to any person.
- 1.2.36 "Repair" means repair as defined by the Building Code Act.
- 1.2.37 "Residential Property" means any Property 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.
- 1.2.38 "Standards" means the standards of the physical condition and of occupancy prescribed for Property by this By-law.
- 1.2.39 "Toilet Room" means a room containing a water closet or a washbasin.
- 1.2.40 "Vacant Building" means a building or part of a building that is not used by an Owner or Occupant or is not occupied by an Owner or Occupant.
- 1.2.41 "Waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or Residential Property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial Property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a Property due to exposure or the weather. It also includes inoperative, unlicensed motor vehicles, trailers, machinery or parts thereof and any other debris or refuse of any kind.
- 1.2.42 "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 and includes a vacant lot.
- 1.3 Interpretation
- 1.3.1 In this By-law, statutory references are to Statutes of Ontario and the Regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.
- 1.3.2 In this By-law, the word "Section" may be applied to any numbered or lettered provision of this By-law and shall, as the context may require, mean and include:
- (a) an entire section including all its subsections;
  - (b) a particular subsection of a section; or
  - (c) a particular sub-clause or subdivision of a subsection.
- 1.3.3 For the purposes of this By-law, unless the context otherwise requires, words imparting the singular shall include the plural and words imparting the masculine gender shall include the feminine and vice versa.
- 1.3.4 Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
- 1.3.5 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.
- 1.3.6 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 this By-law shall not be vitiated.
- 1.3.7 In this By-law, imperial measurements are provided for reference purposes only.

#### 1.4 Application

- 1.4.1 The Property Standards set forth in Section 2 of this By-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Residential Property in the Town of Lincoln.
- 1.4.2 The Property Standards set forth in Section 3 of this By-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Non-Residential Property in the Town of Lincoln.
- 1.4.3 The Property Standards set forth in Section 4 of this By-law are hereby prescribed as minimum Standards for the maintenance and occupancy of Vacant Buildings in the Town of Lincoln.
- 1.4.4 The Property Standards set forth in Section 5 of this By-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all Yards in the Town of Lincoln.
- 1.4.5 The Property Standards set forth in Section 6 of this By-law are hereby prescribed as the additional minimum Standards for the maintenance and occupancy of all Heritage Properties in the Town of Lincoln.
- 1.4.6 Every Owner of Property situated within the Town of Lincoln shall maintain such Property to the applicable minimum Standards prescribed by this By-law.
- 1.4.7 Where, because of non-conformity to the applicable Standards prescribed by this By-law, or any of them, the occupancy or use of any Property in the Town of Lincoln is, in the opinion of the Officer, hazardous to the Occupants or to the public, such occupancy or use is prohibited until the Property is brought into conformity with the applicable Standards.
- 1.4.8 Where any Property within the Town of Lincoln does not conform to the applicable Standards set forth in this By-law, or any of them, the Owner of such Property shall:
  - (a) Repair and thereafter maintain such Property to conform to such Standards; or
  - (b) clear the Property of all non-conforming buildings and structures and leave such site in a graded and levelled condition.
- 1.4.9 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 shall be subject to the applicable permits.

### SECTION 2: RESIDENTIAL PROPERTY STANDARDS

#### 2.0 Hazardous contamination

- 2.0.1 Any building or structure on any Residential Property that has been exposed to hazardous chemicals, mould growth or other contamination, whether due to a marijuana growing operation or a clandestine drug manufacturing enterprise or by any other means whatsoever, and as a result poses a health and safety risk shall be Remediated or shall be demolished.

#### 2.1 Pest Prevention

- 2.1.1 Dwellings shall be kept free of rodents, vermin and insects. Methods used for exterminating rodents, vermin or insects shall be in accordance with the provisions of the Environmental Protection Act and the Pesticides Act.
- 2.1.2 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

## 2.2 Garbage Disposal

- 2.2.1 Every 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.
- 2.2.2 Plastic bags shall be considered acceptable receptacles provided they are adequately secured so as to prevent spillage and not stored outdoors unless protected from access by animals, vermin or rodents.
- 2.2.3 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Regional garbage collection by-law where applicable.
- 2.2.4 Any garbage or other refuse shall not be placed street side for removal prior to 7:00 pm on the day immediately preceding the day in which regularly scheduled garbage pick up occurs.

## 2.2.5 Compost Heaps

- 2.2.6 The Occupant of a Residential Property may provide for a compost heap or bin provided that the compost pile is no larger than one square metre in area (10 square feet) and 1.8 metres in height (6 feet) and is enclosed on all sides by concrete block or lumber with a tight fitting lid to prevent animals or other vermin from gaining entry, or in a forty-five gallon container with lid, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting.

## 2.3 Foundations

- 2.3.1 Foundation walls and Basement, Cellar and Crawlspace floors of a Dwelling shall be maintained in good Repair and structurally sound condition, so as to prevent dangerous settlement or the entrance of moisture, rodents, vermin or insects. Without restricting the generality of this section, maintenance shall include the shoring of foundations, installing subsoil drains and footings, grouting masonry cracks and waterproofing walls and floors.
- 2.3.2 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.
- 2.3.3 A sump pump shall not discharge to a sidewalk, stair, neighbouring Property, street or sanitary sewage system.

## 2.4 Structural Soundness

- 2.4.1 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.
- 2.4.2 Every part of a Dwelling shall be maintained in a structurally sound condition so as to prevent the entry of moisture that would contribute to damage, fungus, mould growth, decay or deterioration.
- 2.4.3 Walls, roofs, and other exterior parts of buildings shall be free from loose or improperly secured objects or materials.

## 2.5 Maintenance

- 2.5.1 Every floor, exterior wall, roof, porch and appurtenance of a Dwelling shall be so maintained as to prevent collapse or injury to the Occupants or to the public.

## 2.6 Exterior Surfaces

- 2.6.1 Exterior walls of a Dwelling and their components, including soffits and 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.
- 2.6.2 Exterior elements of a Dwelling shall be kept free of objects or materials which have been improperly secured or which have become loose or insecure. Such objects or materials shall be removed, properly secured or replaced.
- 2.6.3 Exterior walls of a Dwelling and their components shall be free of unauthorized signs, painted slogans and similar defacements.

## 2.7 Roofs

- 2.7.1 Roofs of Dwellings shall be maintained in a watertight condition to prevent leakage of water into the Dwelling and where necessary shall be maintained by the Repair of roofs and application of waterproofed coatings or coverings.
- 2.7.2 Every Dwelling shall have installed eavestroughs and downspouts or equivalent roof drains. Roof drainage shall be discharged into a storm drainage system when available or, in the event that a storm drainage system is not available, roof drainage shall be discharged onto the ground at least 1.2 m (four feet) away from the building when it is physically possible to do so and providing that it does not adversely affect adjacent Property.
- 2.7.3 The roofs of Dwellings and Accessory Buildings shall be kept clear of excessive or dangerous accumulations of snow, ice or both.

## 2.8 Dampness

- 2.8.1 Floors, ceilings and walls of every Dwelling shall be kept free of moisture, dampness and fungus growth.

## 2.9 Weatherproofing

- 2.9.1 Windows, exterior doors and basement or Cellar hatchways shall be maintained in good Repair so as to prevent the entrance of wind and rain into the Dwelling. Rotted or damaged doors, door frames, window frames, sashes and casings shall be renewed. Missing or defective door and window hardware, weather stripping and broken window glass shall be replaced.

## 2.10 Inside and Outside Stairs and Egress

- 2.10.1 Every inside and outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good Repair so as to be free of holes, cracks or other defects constituting possible accident hazards. All treads or risers that show excessive wear or that are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be Repaired or replaced.
- 2.10.2 Every stairwell or open stairway with three or more risers leading to a higher storey or to a basement and every porch, balcony, landing, raised floor, mezzanine, gallery, bridge, exterior passageway, or other location more than twenty-four inches above an adjacent surface, shall be equipped with hand rails or Balustrades which shall be maintained in good Repair so as to provide adequate protection against accident or injury.
- 2.10.3 Every Dwelling Unit shall have a direct Means of Egress so as to provide a safe, continuous and unobstructed exit from the interior of the building to the street or Property at grade level.
- 2.10.4 A secondary, or emergency, Means of Egress shall be provided and maintained for every Dwelling Unit located on each floor above the first floor in a building.

2.10.5 A secondary, or emergency, Means of Egress shall be provided and maintained for every Dwelling Unit located in any Basement in a building.

2.10.6 A vertically mounted casement window having an unobstructed opening of not less than 1,067 millimetres by 559 millimetres (42 inches by 22 inches), with a sill height of not more than 914 millimetres (36 inches), above the inside floor may provide a secondary, or emergency Means of Egress for Dwelling Units located on the first floor or the Basement of a Dwelling Unit.

## 2.11 Walls and Ceilings

2.11.1 Every wall and ceiling in a Dwelling Unit shall be maintained so as to be easily cleaned and shall be maintained in good Repair with respect to fire safety, so as to be free of holes, cracks, loose covering or other defects which would permit flame, excessive heat or water to enter a concealed space.

2.11.2 Interior finish materials for acoustical correction, surface insulation, or decorative treatment on the surface of walls and ceilings and interior trim shall be of material that will not, in burning, give off excessive amounts of smoke or objectionable gases injurious to health. Where fire resistant walls or barriers exist within a building, they shall be maintained in a condition which maintains their fire resistant quality.

2.11.3 Walls around bathtubs and showers shall be impervious to water and maintained to permit them to be readily cleaned.

## 2.12 Windows and Doors

2.12.1 Windows, doors, skylights, and Basement or Cellar hatchways shall be maintained in good Repair, weather tight and reasonably draft 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 doors it shall also be maintained in good Repair. All windows capable of being opened shall be screened and maintained in good Repair.

2.12.2 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. At least one entrance door to a Dwelling Unit shall have suitable hardware so as to permit locking or securing from either inside or outside the Dwelling Unit but readily open able at all times from the inside without the use of keys.

2.12.3 Solid core doors shall be provided for all entrances to Dwellings and Dwelling Units.

2.12.4 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.

2.12.5 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 millimetre diameter (3.9 inch) 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.

## 2.13 Floors

2.13.1 Every Basement, Cellar and Crawlspace shall have a floor or ground cover in compliance with the Ontario Building Code.

2.13.2 Every floor in a Dwelling shall be smooth and level and shall be maintained in good Repair, free of all loose, warped, broken or rotted boards, protruding, damaged or deteriorating surfaces, surfaces in a dangerous condition, or

surfaces that might admit rodents. All defective floors shall be Repaired or replaced.

2.13.3 Where floors have been covered with linoleum or any other covering that has become worn or torn so that it retains dirt, or may cause accident, the linoleum or other covering shall be Repaired or replaced.

2.13.4 The floor covering in rooms which plumbing fixtures are installed shall be maintained reasonably impervious to water, of a water resistant material and in such a condition as to permit easy cleaning.

#### 2.14 Water

2.14.1 Every Dwelling Unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.

2.14.2 Where available, every Dwelling Unit shall be connected to a Municipal water source.

2.14.3 Every sink, wash basin, bathtub or shower required by this By-law shall have an adequate supply of hot and cold running water.

2.14.4 Every water heater installed for the purpose of supplying hot running water to the Occupants of a Dwelling Unit shall be capable of heating water to a temperature of 49 degrees Celsius (120 degrees Fahrenheit).

#### 2.15 Sewerage System

2.15.1 Where such a system is available, sanitary sewage shall be discharged into the municipal sanitary sewer.

2.15.2 Where a municipal sanitary sewer is not available, sanitary sewage shall be disposed of in a manner in accordance with the Ontario Building Code requirement for private on-site sewage systems.

#### 2.16 Plumbing

2.16.1 The plumbing system in every Dwelling Unit shall be maintained in good working order and free from leaks and defects.

2.16.2 Every Dwelling Unit shall contain plumbing fixtures in good Repair and in operative condition, consisting of a minimum of one (1) kitchen sink, one (1) water closet, one (1) hand wash basin and one (1) bathtub or shower.

2.16.3 All water pipes and appurtenances thereto shall be protected from freezing.

2.16.4 All plumbing fixtures shall be connected to a sewage system through water seal traps.

2.16.5 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.

#### 2.17 Kitchens

2.17.1 Every Dwelling Unit shall contain a kitchen area equipped with:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces 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 610 millimetres (2 feet) in width by 1,220 millimetres (4 feet) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections;
- (e) have a clear space above any exposed cooking surface of a cooking appliance of at least 0.6 metres (24 inches).

## 2.18 Toilet and Bathroom Facilities

- 2.18.1 Every Dwelling Unit shall contain a Bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of cold running water.
- 2.18.2 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.
- 2.18.3 Where a Dwelling Unit contains rooms intended to be used in conjunction with a Rooming House or Lodging House, the Occupants may share a single Bathroom provided that:
- (1) not more than nine (9) Persons occupy the Dwelling Unit;
  - (2) for each additional nine (9) Persons or part thereof, there shall be an additional toilet, hand wash basin, bathtub or shower; and
  - (3) access to the Bathroom can be gained without passing through:
    - (a) a Habitable Room of another Dwelling Unit; or
    - (b) an open area which is not normally heated during the period of the year which heat is required by this By-law.
- 2.18.4 No toilet or urinal shall be located within a room that is used for:
- (a) the preparation, cooking, storing or consumption of food;
  - (b) sleeping purposes.
- ## 2.19 Access to Enclosed Space
- 2.19.1 An access opening no less than 0.55 metres (22 inches) by 0.7 metres (28 inches) shall be provided to every Crawlspace or other enclosed space, and every attic and roof space exceeding 0.6 metres (2 feet) in height.
- ## 2.20 Electrical Service
- 2.20.1 Every Dwelling and Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 2.20.2 Every Habitable Room in a Dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of floor area, a second duplex outlet shall be provided.
- 2.20.3 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.
- 2.20.4 In every Dwelling Unit, electrical wiring, conduit, and all other systems or devices associated with the electrical services shall be installed and maintained in compliance with regulations made by the Electrical Safety Authority pursuant to the Electricity Act S. O. 1998, c. 15, as amended.
- 2.20.5 Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.
- 2.20.6 In every Dwelling Unit, an illuminating device capable of providing an adequate and safe level of illumination shall be installed in every Habitable Room, Bathroom, laundry room, vestibule, hallway, stairway, furnace room, utility room, exterior exit and entrance doorway, and any non-habitable work room.
- 2.20.7 All common halls and stairs in Multiple Dwellings shall be continuously lighted by a minimum of one watt per square foot of floor space.

## 2.21 Heating System

- 2.21.1 Every Dwelling Unit shall be provided with a heating system capable of continuously maintaining an indoor air temperature of not less than 21 degrees Celsius (70 degrees Fahrenheit) in all Habitable Rooms, Bathrooms and Toilet Rooms.
- 2.21.2 The heating system and all associated mechanical equipment, piping and ducting shall be operated and maintained in good working order, free from unsafe conditions, and in accordance with the requirements of the Ontario Building Code.
- 2.21.3 Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
- 2.21.4 No room heater shall be placed:
- (a) so as to constitute a fire hazard to walls, curtains or furniture;
  - (b) so as to impede free movement of Persons in the room; or
  - (c) in such location that nearby combustible materials or structural members may exceed a safe temperature.
- 2.21.5 A heating appliance shall not be located in corridors, hallways or other Means of Egress.
- 2.21.6 All heating and cooking apparatus or equipment involving combustion shall be properly connected, by rigid and permanently sealed connections:
- (a) to a chimney or flue which provides sufficient outlet for the escape of noxious gases;
  - (b) to the fuel supply line.
- 2.21.7 Any fuel burning heating equipment used in a Dwelling Unit shall be properly vented to outside air by means of a Canadian Standards Association approved or Ontario Building Code compliant smoke pipe, vent pipe or chimney.

## 2.22 Furnace Room – Air Supply and Fuel Storage

- 2.22.1 In Multiple Dwellings with a common central heating system, such heating system shall be located in a separate room, having floors, walls, ceiling and doors with a Fire Resistance Rating in accordance with the Ontario Building Code. The room shall not be used for the storage of fuels or any other material.
- 2.22.2 Notwithstanding Section 2.22.1, where any part of a Basement or Cellar of a Multiple Dwelling is used as a Habitable Room, such Habitable Room shall be separated:
- (a) from a common central heating system and water heating system by a fire separation in accordance with the Ontario Building Code; and
  - (b) from an incinerator in accordance with the Ontario Building Code.
- 2.22.3 A space that contains a heating unit shall have natural or mechanical means of supplying air by ventilation duct from out of doors in such quantities as to provide adequate combustion.
- 2.22.4 Where a heating system, or part of it, or any auxiliary heating system, burns solid or liquid fuel, a space or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed so as to be free from fire or accident hazards.
- 2.22.5 Fire dampers, where required, shall be installed and maintained in compliance with the Ontario Building Code.

## 2.23 Chimneys

- 2.23.1 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 beyond safe temperatures.
- 2.23.2 Every chimney, smoke pipe, flue and gas vent in use or available for use in a Dwelling Unit shall be:
- (a) installed in accordance with the manufacturers specifications;
  - (b) installed and maintained to prevent the escape of smoke or gases into the Dwelling Unit;
  - (c) free of obstructions;
  - (d) free from open joints;
  - (e) in good Repair.

## 2.24 Fireplaces

- 2.24.1 Fireplaces and similar devices or appliances used or intended to be used for the burning of fuel, shall be connected to approved chimneys, smoke pipes, flues and gas vents and shall be installed so that combustible material and structural members in proximity to the unit are not heated beyond safe temperatures.
- 2.24.2 Any device identified in article 2.24.1, shall be installed in accordance with the manufacturers specifications and installation instructions and/or in compliance with the requirements of the Ontario Building Code.

## 2.25 Ventilation

- 2.25.1 Every Habitable Room, Bathroom and Toilet Room shall have an opening or openings for natural ventilation, and such opening or openings shall have a minimum aggregate unobstructed free flow area conforming to the Ontario Building Code, and shall be located in the exterior walls or through skylight openings of roof ventilators. Openings shall be adequately screened to prevent the entry of insects, vermin and rodents.
- 2.25.2 An opening for natural ventilation may be omitted if mechanical ventilation is provided which has the capacity to change the air once each hour.
- 2.25.3 Every Bathroom or room containing a toilet or urinal shall be provided with an opening or openings for natural ventilation located in an exterior wall or through skylight openings. All such openings shall have a minimum aggregate, unobstructed free flow conforming to the Ontario Building Code. Openings shall be adequately screened to prevent the entry of insects, vermin and rodents.
- 2.25.4 An opening for natural ventilation may be omitted from a Bathroom or room containing a toilet or urinal where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct, leading to outside the building.
- 2.25.5 All systems of mechanical ventilation shall be maintained in good Repair and in accordance with the Ontario Building Code.
- 2.25.6 Every Basement, Cellar or Crawlpace shall be vented to the outside air by means of screen windows which can be opened, or by louvers with screen openings, the area of which shall not be less than 900 square centimetres (1 square foot) for every 46 square metres (500 square feet) of enclosed area. An opening for natural ventilation for a Basement or Cellar where a mechanical ventilation system has been provided.
- 2.25.7 Every enclosed attic or roof space shall be vented by openings to the exterior in conformance with the Ontario Building Code. Vents may be of roof, eave or gable end type or any combination thereof.

## 2.26 Natural Light

- 2.26.1 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.

## 2.27 Walks and Driveways

- 2.27.1 A hard surfaced walk shall be provided from every Dwelling Unit to the street, or to a hard surfaced driveway that connects to the street.
- 2.27.2 Steps, walks, driveways, parking spaces and similar areas of every Yard shall be maintained so as to afford safe passage under normal use and weather conditions.

## 2.28 Accessory Buildings, Fences and Retaining Walls

- 2.28.1 Accessory Buildings shall be kept in good repair and free from fire, health or accident hazards and shall be protected by paint, preservative or other weather resistant material. Where Accessory Buildings have been painted or otherwise treated, they shall be maintained to be free of peeling paint or other coatings.
- 2.28.2 Where an Accessory Building is found to harbour noxious insects or rodents, all necessary steps shall be taken to eliminate such insects or rodents, and to prevent their recurrence.
- 2.28.3 Fences, barriers and retaining walls shall be kept in good repair. Where fences or retaining walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.
- 2.28.4 Every Accessory Building, fence or retaining wall not maintained in accordance with these Standards shall be Repaired or removed.
- 2.28.5 Every garage attached to a Dwelling Unit shall be so maintained as to prevent gas, fumes and carbon monoxide from entering the area of the Dwelling Unit.

## 2.29 Disconnected Utilities

- 2.29.1 No Owner nor anyone acting on his or her behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, gas, water or cooking facilities for residential purposes occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of Repairing, replacing or altering such service or utility.
- 2.29.2 Article 2.29.1 does not apply if a tenancy agreement identifies the tenant responsible for the supply of any service or utility and that the supply of such service or utility has been discontinued due to the actions of the tenant.

## 2.30 Occupancy Standards

- 2.30.1 No Person shall use or permit the use of a Non-Habitable Room for use as a Habitable Room.
- 2.30.2 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 square feet), of habitable floor area. For the purpose of computing habitable floor area, any area with a minimum ceiling height less than 1.93 metres (6 feet 4 inches) shall not be considered when calculating floor area.
- 2.30.3 No room shall be used for sleeping purposes unless it has a minimum width of 2 metres (6.6 feet) and a floor area of at least 7 square metres (75 square feet). A room used for sleeping purposes by two or more Persons shall have a floor area of at least 4 square metres (43 square feet) per Person.

2.30.4 In any Dwelling Unit, a hallway, passage way or vestibule shall not be classified as a Habitable Room nor shall it be used for sleeping purposes.

2.30.5 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.

### 2.31 Protective Guards in Multiple Dwellings exceeding Three Storeys in Building Height

2.31.1 Guards providing adequate protection against accident or injury shall be provided and maintained in good Repair for all unprotected openings and open spaces in Multiple Dwellings exceeding three storeys in building height in the following locations:

- (a) Around every roof to which access is provided for other than maintenance;
- (b) Around every raised floor, mezzanine, balcony, gallery, bridge, exterior passageway or other location when the difference in elevation between floor levels or between floor and ground levels is greater than 600 mm (24 inches);
- (c) Around every open side of a landing in a public stairway;
- (d) Across every window or glass panel in an exit stairway, public hallway or corridor or any area accessible to the public that extends to less than 1070 millimetres (42 inches) above the stairs, landing or floor;
- (e) Across any window located more than 1.83 metres (6 feet) above the ground level and that extends within 760 millimetres (30 inches) of the floor unless such window has fixed glazing.

2.31.2 In lieu of the protective guard specified in Section 2.31.1, opening windows within a Dwelling Unit may be equipped with latching or automatic engaging devices to control the window openings and screens, provided that such windows and devices are manufactured to the appropriate specifications set forth in the Ontario Building Code.

## SECTION 3: NON-RESIDENTIAL PROPERTY STANDARDS

### 3.0 Hazardous Contamination

3.0.1 Any structure located on any Non-Residential Property that has been exposed to hazardous chemicals, mould growth or other contamination, whether due to a marijuana growing operation or a clandestine drug manufacturing enterprise or by any other means whatsoever, and as a result poses a health and safety risk shall be Remediated or shall be demolished.

3.0.2 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.

### 3.1 Parking Areas and Driveways

3.1.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel or interlocking brick or stone or other generally accepted hard surfacing material and shall be kept in good

Repair and free of dirt and litter. Notwithstanding the foregoing, in 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.

3.1.2 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.

3.1.3 All designated accessible parking spaces shall be maintained and shall be kept clear and unobstructed for parking use by authorized persons only.

### 3.2 Sewage and Drainage

3.2.1 Sewage or organic Waste shall be discharged only into a sewerage system.

3.2.2 Rain water from every roof shall be conveyed to a storm sewer or, if such storm sewer is not available, shall be disposed of in such manner as not to create a nuisance.

3.2.3 Storm water shall be drained from a Yard so as to prevent recurrent ponding or the entrance of water into a Basement, Cellar or Crawlspace and in a manner that does not adversely affect adjacent properties.

3.2.4 Roof drainage or surface water shall:

(a) be drained from the lands so as to prevent recurrent ponding or the entry of water into a Basement, Cellar or Crawlspace; and

(b) not be channelled to discharge on sidewalks, stairs, or adjacent Property.

3.2.5 Sub-surface drainage shall be installed where there is recurring excessive ponding caused by surface water.

### 3.3 Accessory Buildings

3.3.1 All Accessory Buildings shall be kept in good Repair, free from fire, health and accident hazards and shall be protected by paint, preservative or other weather-resistant material.

3.3.2 Where an Accessory Building is found to harbour noxious insects, vermin or rodents, all necessary steps shall be taken in compliance with any other by-laws, laws or regulations to eliminate such insects, vermin or rodents, and to prevent their recurrence.

3.3.3 Every Accessory Building not maintained in accordance with these Standards shall be Repaired or removed.

### 3.4 Fences, Barriers and Retaining Walls

3.4.1 All fences, barriers and retaining walls shall be kept in good Repair and free from health and safety hazards and shall be protected by paint, preservative or other weather resistant material where applicable.

3.4.2 Every fence, barrier or retaining wall not maintained in accordance with these Standards shall be Repaired or removed.

### 3.5 Garbage Disposal

3.5.1 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, ashes and trade Waste.

3.5.2 Receptacles shall be acceptable plastic bags or other containers that are made of water-tight construction, provided with a tight-fitting cover and maintained in a clean state.

3.5.3 Plastic bags shall not be stored outdoors unless protected from damage.

3.5.4 Every building shall be provided with rodent-proof storage space for garbage and trade Waste.

3.5.5 Containers shall be made available for the disposal of refuse which may be discarded by customers.

### 3.6 Pest Prevention

3.6.1 Property shall be kept free of rodents, vermin and noxious insects at all times and methods used for exterminating rodents, vermin and noxious insects shall be in accordance with the provisions of the Pesticides Act.

3.6.2 A Basement or Cellar window used or required for ventilation and any other opening in a Basement or Cellar, including a floor drain that may permit the entry of rodents, shall be screened with wire mesh, metal grill or other durable material as will effectively exclude rodents.

### 3.7 Foundations

3.7.1 The foundation walls and Basement, Cellar or Crawlspace floors shall be maintained in good Repair and be structurally sound.

3.7.2 When required, foundation walls shall be maintained by shoring of the walls, installing subsoil drains at the footing, grouting masonry cracks, parging and waterproofing.

3.7.3 Every building, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.

3.7.4 All footings, foundation walls, piers, and slabs-on-grade shall be of masonry or other suitable material.

### 3.8 Structural Soundness

3.8.1 Every part of a building or 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.

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

### 3.9 Exterior Surfaces

3.9.1 All exterior surfaces shall be of materials which by themselves or when treated provide adequate protection from the weather.

3.9.2 Exterior walls and their components shall be maintained so as to prevent their deterioration due to weather or insects, and shall be so maintained by painting, restoring or Repairing of walls, coping or flashing and waterproofing of joints and of the walls themselves.

3.9.3 All canopies, marquees, awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhead extensions shall be:

- (a) maintained in good Repair;
- (b) properly anchored; and
- (c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

3.9.4 All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

3.9.5 All air conditioners shall be maintained in a safe mechanical and electrical condition.

### 3.10 Roofs

3.10.1 All roofs of buildings shall be maintained in a watertight condition to prevent leakage of water into the building and where necessary shall be maintained by the Repair of roofs and flashing and application of waterproofed coatings or coverings.

3.10.2 All roofs shall be maintained free from loose or unsecured objects or materials and from all other safety, fire and health hazards.

3.10.3 Eavestroughs and downspouts or equivalent roof drains shall be installed and maintained in good Repair.

### 3.11 Dampness

3.11.1 Interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or a roof, or through a Cellar, Basement or Crawlspace floor.

### 3.12 Doors and Windows

3.12.1 All exterior openings for doors and windows shall be fitted with doors or windows.

3.12.2 Windows, exterior doors and Basement or Cellar hatchways shall be maintained in good Repair so as to prevent the entrance of wind or rain into the building.

3.12.3 Doors, door frames, window frames, sashes, casings and weather stripping that have been damaged or show evidence of rot or other deterioration shall be painted, Repaired or replaced.

3.12.4 Broken glass and missing or defective door and window hardware shall be Repaired or replaced.

3.12.5 All windows intended to be opened and all exterior doors shall have hardware capable of being locked or otherwise secured from inside the building, but readily operable from inside without the use of keys.

### 3.13 Stairs, Porches and Balconies

3.13.1 Every inside or outside stair, porch, balcony or landing actually in use or available for use shall be maintained in good Repair so as to be free of holes, cracks or other defects constituting possible accident hazards. All treads or risers that show excessive wear or are broken, warped or loose, and all supporting structural members that are rotted or deteriorated, shall be Repaired or replaced.

### 3.14 Balustrades, Handrails and Guardrails

3.14.1 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 millimetres (24 inches) between adjacent levels. A handrail or Balustrade shall be installed and maintained in good Repair around all landings, porches, balconies, raised floor, mezzanine, gallery, bridge, exterior passageway, or other location more than 600 millimetres (24 inches) above an adjacent surface. Guardrails, Balustrades and handrails shall be constructed and maintained rigid in nature.

### 3.15 Walls and Ceilings

3.15.1 Every wall and ceiling shall be maintained so as to be easily cleaned and free of holes, cracks, loose coverings or other defects.

3.15.2 Where occupancies are separated vertically, dividing walls shall be as required by the Ontario Building Code.

3.15.3 Where residential and non-residential occupancies are separated horizontally, there shall be a finished ceiling separating these occupancies which shall be as required by the Ontario Building Code.

3.16 Floors

3.16.1 Every floor shall be smooth and level and maintained in good Repair free of all loose, warped, protruding, broken or rotted boards that may cause an accident or allow dirt to accumulate.

3.16.2 Where floor boards have been covered with linoleum or some other covering that has become worn or torn so that it retains dirt or may cause an accident, such covering shall be Repaired, replaced or removed.

3.16.3 Every Toilet Room shall have a floor of water repellent construction.

3.17 Egress

3.17.1 There shall be provided two Means of Egress from every floor area, where in the opinion of an Officer, the existing exits are inadequate for the safety of every Person in the building.

3.17.2 All Means of Egress shall be maintained in good Repair and free of objects or conditions which constitute a fire, health or accident hazard.

3.18 Heating System

3.18.1 Where Persons are employed in duties and operations in an enclosed space or room within a structure and not engaged in physical activity, the heating equipment shall be capable of providing sufficient heat in every such space or room to maintain a temperature of not less than 21 degrees Celsius (70 degrees Fahrenheit) during normal working hours.

3.18.2 The heating system required by subsection 3.18.1 shall be maintained in good working condition so as to be capable of heating the building safely to the required standard.

3.18.3 Auxiliary heaters shall not be used as a primary source of heat.

3.18.4 A room heater shall not be placed so as to:

- (a) cause a fire hazard to walls or any other equipment; or
- (b) impede the free movement of Persons within the room where the heater is located.

3.18.5 Where any heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be:

- (a) provided and maintained in a convenient location; and
- (b) properly constructed so as to be free from fire, health or accident hazards.

3.18.6 An adequate supply of fuel shall be available at all times.

3.18.7 All equipment which burns fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.

3.18.8 Where combustible materials are stored in a Basement, the fuel-burning heating system shall be enclosed.

3.18.9 Every chimney, smoke pipe, flue and vent shall be maintained so as to:

- (a) prevent gases from leaking into the building or Property; and
- (b) be free of any defects.

3.18.10 A fuel burning central heating system in a mixed use building shall be located in a separate room having walls, ceiling and doors with a Fire Resistance Rating of not less than one hour.

3.18.11 Subsection 3.18.10 does not apply where:

- (a) there is a fire separation between the Dwelling Unit and the Non-Residential Property having a Fire Resistance Rating of one hour; or
- (b) the Dwelling Unit and Non-Residential Property are occupied by the same tenant.

3.18.12 Where, in the opinion of the Officer, there exists a hazardous condition due to storage in, or use of space adjacent to, a heating system, the heating system or furnace shall be enclosed in accordance with the provisions of subsection 3.18.10 hereof.

3.18.13 The enclosure referred to in subsection 3.18.10 and 3.18.12 shall be vented to provide sufficient combustion air for the heating equipment directly from the outside air.

### 3.19 Plumbing

3.19.1 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line must be connected to the sewerage system, shall be maintained in good working order and free from leaks and defects.

3.19.2 All water pipes and appurtenances thereto shall be protected from freezing.

3.19.3 All waste pipes shall be connected to the sewerage system through water seal traps.

### 3.20 Toilet Room Facilities

3.20.1 Buildings where people work shall have a minimum of one water closet and one wash basin supplied with an adequate supply of hot and cold running water located in an enclosed room and accessible from within the building.

3.20.2 All Toilet Rooms shall be fully enclosed and with a door capable of being locked so as to provide privacy for the user.

3.20.3 All toilet facilities and Toilet Rooms shall be kept clean and neat at all times.

3.20.4 All Toilet Room walls and ceilings shall be provided with a smooth surface and where paint is used as the surface coating it shall be maintained and painted as is necessary for cleanliness.

3.20.5 Every Toilet Room shall be provided with toilet paper, soap and individual towels or other means of drying.

3.20.6 Every Toilet Room shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 900 square centimetres (1 square foot).

3.20.7 Notwithstanding Section 3.20.6, an opening for natural ventilation may be omitted from a Toilet Room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the building.

3.20.8 Where mechanical ventilation is used, the provisions of Section 3.23.3 apply.

### 3.21 Electrical Service

3.21.1 Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.

3.21.2 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent basis where, in the opinion of the Officer, a hazardous electrical condition exists as a result of such extension cords.

3.21.3 Electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and in conformity with the regulations of the Electrical Safety Authority.

### 3.22 Light

3.22.1 Sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination in all passageways and stairways whenever the building is in use, and in all stairways provided for use in case of fire or other emergency.

### 3.23 Ventilation

3.23.1 Every room where people work shall have an opening or openings for natural ventilation, all of which openings shall:

- (a) have a minimum aggregate unobstructed free flow area of 0.28 square metres (3 square feet); and
- (b) be located in the exterior walls or through openable parts of skylights.

3.23.2 Notwithstanding Section 3.23.1, an opening for ventilation may be omitted if mechanical ventilation is provided which changes the air once each hour.

3.23.3 Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall be located not less than 1.82 metres (6 feet) from a window located in an adjoining building.

### 3.24 Basement, Cellar or Unheated Crawlpace

3.24.1 Every Basement, Cellar or unheated Crawlpace shall be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall not be less than one percent of the floor area for Basements and Cellars, and 900 square centimetres (1 square foot) per 46 square metres (500 square feet) of Crawlpace area.

3.24.2 An opening for natural ventilation may be omitted from a Basement, Cellar or unheated Crawlpace where a system of mechanical ventilation has been provided which changes the air once each hour.

## SECTION 4: STANDARDS FOR VACANT BUILDINGS

4.0.1 Vacant Buildings shall have all water, sewage, electrical and gas services disconnected except for those services that are required for the security and maintenance of the Property.

4.0.2 The Owner or agent of a Vacant Building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 millimetres (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

4.0.3 Where a building is damaged by accident, storm, fire, neglect, intentional damage, other causes or considered unsafe under the Ontario Building Code, the Owner shall demolish or Repair the building within sixty (60) days or a reasonable time arranged for and approved by the Chief Building Official of the Town of Lincoln and immediate steps shall be taken to prevent or remove any condition which might endanger Persons on or near the Property and the building or structure shall be properly supported and barricaded until the necessary demolition or Repair can be carried out.

4.0.4 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.

#### SECTION 5: YARDS

- 5.1.1 Yards of all Property shall be kept clear of Waste and any situation or condition that may pose a fire, health or safety hazard.
- 5.1.2 Notwithstanding Section 5.1.1, used lumber, building materials, inoperative motor vehicles, trailers or machinery and parts thereof shall not be deemed to be Waste if the materials are:
  - (a) kept or stored at an Agricultural Operation;
  - (b) used or capable of being used for replacement parts in the Agricultural Operation; and
  - (c) adequately screened from view from any neighbouring Residential Property located within 153 metres (500 feet) of the materials.
- 5.1.3 All Yards shall be kept clear of the excessive growth of weeds or grass exceeding 20 centimetres (8 inches) in height.
- 5.1.4 Noxious Weeds, as defined in the Weed Control Act, R.S.O. 1990, c.W.5, as amended, shall be eliminated from all Yards.

#### SECTION 6: ADDITIONAL STANDARDS FOR ALL DESIGNATED HERITAGE PROPERTIES

- 6.1 Despite any other provisions of this By-law, in this Section, "Maintain" means routine, cyclical, non-destructive actions necessary to slow the deterioration of a Designated Heritage Property including the following: periodical inspection; Property cleanup; gardening and Repair of landscape features; replacement of broken glass in windows; minor exterior repairs, including replacement of individual asphalt shingles where there is little or no change in colour or design; repainting where there is little or no change in colour; re-pointing areas of wall space under 1.5 square metres; caulking and weatherproofing; and any other work defined as maintenance in a Designation By-law, a Minister's Order made pursuant to Section 34.5 of the *Ontario Heritage Act*, R.S.O. 1990, c.0.18, as amended.
- 6.2 In addition to the minimum Standards for the Maintenance and occupancy of Property set out elsewhere in this By-law, the Owner or Occupant of Designated Heritage Property shall:
  - (a) Maintain, preserve, and protect the Heritage Attributes so as to maintain the heritage character, visual, and structural integrity of any and all buildings, structures, or constructions located on the Property;
  - (b) Maintain the Property in a manner that will ensure the protection and preservation of the Heritage Attributes.
- 6.3 Despite any other provision of this By-law or the Building Code Act, no Designated Heritage Property shall be altered except so as to Maintain the Property pursuant to this By-law or pursuant to the approval requirements under the Ontario Heritage Act.
- 6.4 Despite any other provision in this By-Law, where a Heritage Attribute of a Designated Heritage Property can be Repaired, the Heritage Attribute shall not be replaced and shall be Repaired:
  - (a) In a manner that minimizes damage to the Heritage Attribute based upon recognized national and international best practices;
  - (b) In a manner that Maintains the design, colour, texture, grain, or other distinctive feature of the Heritage Attribute;

- (c) Using the same material as the original and in keeping with the design, colour, texture, grain, and any other distinctive features of the original; and
  - (d) Where the same types of material as the original are no longer available, approved alternative materials that replicate the design, colour, texture, grain, or other distinctive feature, and appearance of the original material may be used.
- 6.5 Despite any other provision in this By-law, where a built heritage specialist determines that a Heritage Attribute of a Designated Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:
  - (a) Using the same types of material as the original;
  - (b) Where the same types of material as the original are no longer available, approved alternative materials that replicate the design, colour, texture, grain, or other distinctive features and appearance of the original material may be used;
  - (c) In such a manner as to replicate the design, colour, texture, grain, and other distinctive features and appearance of the Heritage Attribute; and
  - (d) The removal of the original material shall be documented by photographs, to-scale drawings, and/or any other appropriate means and provided to the municipality.
- 6.6 Despite any other provision of this By-law or the Building Code Act, no building or structure located on Designated Heritage Property or on Listed Property may be altered, demolished, removed or relocated except in accordance with the Ontario Heritage Act.
- 6.7 Despite any other provision of this By-law or the Building Code Act, where a Designated Heritage Property is vacant, the Owner shall ensure that appropriate utilities serving the Property are connected, as required, in order to provide, Maintain, and to monitor proper heat and ventilation to prevent damage to the Heritage Attributes.
- 6.8 The Owner of a vacant Designated Heritage Property shall protect the Property against risk of fire, storm, inclement weather, neglect, intentional damage or damage by other causes by effectively preventing entrance to it of all animals and unauthorized persons and by closing and securing openings to any structures with boarding. The boarding shall be installed in such a way that minimizes damage to any Heritage Attribute, is reversible and minimizes visual impact.
- 6.9 The Owner of a vacant Designated Heritage Property shall, if not already in place, install and/or Maintain an exterior lighting fixture in the front entrance of the building or structure which shall be activated by motion sensors and shall maintain an average illumination of at least 50 lux at ground level.
- 6.10 If there is a conflict between this Section and any other provision of this By-law or any other by-law of the Corporation, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail.

## SECTION 7: ADMINISTRATION AND ENFORCEMENT

- 7.1 This By-law shall apply to all Property within the limits of the municipality.
- 7.2 Notwithstanding Section 7.1, nothing in this by-law shall apply to restrict a Normal Farm Practice carried on as part of an Agricultural Operation.
- 7.3 Inspections
- 7.3.1 The Officer shall inspect a Property:
  - (a) upon formal request by the Owner or an Occupant;
  - (b) when so directed by resolution of Council;

- (c) following a formal complaint being received by the municipality;
- (d) when non-compliance with the Standards prescribed by this By-law is evident to the Officer from casual observation.

- 7.3.2 An Officer who, upon inspection of a Property, finds that the Property does not conform to any of the Standards prescribed in this By-law may make an Order pursuant to, and in accordance with, the Building Code Act.
- 7.3.3 The Order shall be served on the Owner of the Property and such other Persons affected by it as the Officer determines and a copy of the Order may be posted on the Property.
- 7.3.4 The Order made by the Officer may be registered at the proper land registry office at such time when the appeal date has passed, and upon such registration, any Person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under Section 7.3.3 of this By-law.
- 7.3.5 When the requirements of the Order have been satisfied, the Corporation shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.
- 7.3.6 Notwithstanding Section 7.3.5, no discharge of an Order shall be registered until such time as an Owner has paid to the Corporation the fee prescribed in "Schedule A" of this By-law.

#### 7.4 Prohibition of Occupancy in Order to Comply

- 7.4.1 Where use or occupancy of any Property is hazardous as set forth in Section 1.4.7, the Order issued pursuant to Section 15.2 of the Building Code Act shall contain the following additional statement:

Note: Use or occupancy of this Property is prohibited until this Order has been complied with.

#### 7.5 Extensions of Time

- 7.5.1 The Officer may grant extensions of time for compliance with any Order beyond the time limited in such Order in any case where:
- (a) valid reasons exist in the Officer's opinion for the extension; and
  - (b) apart from such reasons, the Officer is satisfied that the Order will be complied with.

#### 7.6 Property Standards Committee

- 7.6.1 A property standards committee is hereby established, to be known as the Property Standards Committee for the Town of Lincoln.
- 7.6.2 The members of the Town of Lincoln Committee of Adjustment shall be and are hereby appointed by the Council of the Corporation to be members of, and to sit as, the Property Standards Committee.
- 7.6.3 Members of the Committee shall hold office during the term of office of the Council appointing them, and shall be eligible for re-appointment.
- 7.6.4 The Members of the Committee shall elect a Chair from among themselves; when the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- 7.6.5 A majority of the Members constitutes a quorum for transacting the Committee's business.

- 7.6.6 The Members shall provide for a Secretary for the Committee who shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications.
- 7.6.7 Members of the Committee shall be paid such compensation as the Council may provide by resolution from time to time.
- 7.6.8 An owner or occupant who has been served with an Order 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 Property Standards Committee within (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.
- 7.6.9 The Notice of Appeal shall be accompanied by payment of the fee required by Section 7.10.3 of this By-law in the form of a certified cheque or money order.
- 7.7 Compliance
- 7.7.1 Every Person requiring the discharge of an order registered in the Land Registry Office shall pay a fee as described in Schedule "A" attached.
- 7.7.2 Every Person requiring a certificate of compliance shall pay a fee as described in Schedule "A" attached.
- 7.7.3 The Owner of any Property which does not conform to the Standards as set out in this By-law shall Repair and maintain said Property to comply with the Standards or the Property shall be cleared of all buildings or structures, and left in a levelled and graded condition.
- 7.8 Power of Municipality
- 7.8.1 If the Owner or Occupant of a Property fails to Repair or to demolish the Property in accordance with an Order as confirmed or modified, the Town of Lincoln, in addition to other remedies:
- (a) may Repair or demolish the Property;
  - (b) may board up any building or structure on the Property by coving all openings through which entry may be obtained in accordance with the provisions of this By-law;
  - (c) may clear the site of all buildings or structures and leave the site in a graded and levelled condition;
  - (d) may make the site safe or impede entry by erecting fences, barricades or barriers;
  - (e) shall not be liable or compensate such Owners, Occupants or another Person having interest in the Property by reason of anything done by or on behalf of the Town of Lincoln in reasonable exercise of its power under the provisions of this part;
  - (f) may cause a prosecution to be brought against any Person who is in breach of such an Order and upon conviction, such Person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the Building Code Act;
  - (g) shall have a lien on the land for the amount spent on the Repairs or demolition; and
  - (h) the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real Property taxes.

7.9 Penalty

7.9.1 Any Person who fails to comply with an Order issued under this By-law is guilty of an offence and upon conviction is subject to a penalty as provided for by the Building Code Act.

7.9.2 If this By-law is contravened and a conviction entered, the Court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7.10 Fees

7.10.1 The fee payable to the Corporation for a Certificate of Compliance issued at the request of an owner, in writing, pursuant to Section 15.5 of the Building Code Act shall be as set out in Schedule "A" to this By-law.

7.10.2 The fee payable by an owner for the Corporation to discharge an Order registered in the land registry office pursuant to Section 15.2 (4) of the Building Code Act shall be as set out in Schedule "A" to this By-law.

7.10.3 The fee payable by an owner to file a Notice of Appeal of an Order with the Committee pursuant to Section 15.3 (1) of the Building Code Act shall be as set out in Schedule "A" to this By-law.

7.11 Transitional Rules

7.11.1 After the date of the passing this By-law, By-law No. 03-45 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.

SECTION 8: BY-LAWS REPEALED


8.1 By-law No. 03-45 and any other by-law of the Town of Lincoln inconsistent with this By-law are hereby repealed.

BY-LAW read a FIRST time this 4<sup>th</sup> day of April, 2016.

BY-LAW read a SECOND time this 4<sup>th</sup> day of April, 2016.

BY-LAW read a THIRD time and FINALLY PASSED this 4<sup>th</sup> day of April, 2016.

  
MAYOR: SANDRA EASTON

  
CLERK: WILLIAM J. KOLASA

SCHEDULE "A"  
TO PROPERTY STANDARDS BY-LAW NO. 2016-27

FEES

1.	Property Standards Committee Member Honorarium	\$25.00
2.	File a Notice of Appeal	\$350.00
3.	Discharge of an Order Registered in the Land Registry Office	\$350.00
4.	Certificate of Compliance	\$120.00