

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW 2020-22

PROPERTY STANDARDS BY-LAW BEING A BY-LAW FOR PRESCRIBING THE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF GORE BAY; AND FOR PROHIBITING THE OCCUPANCY AND USE OF SUCH PROPERTY BELOW THE STANDARDS PRESCRIBED.

WHEREAS Section 15.1(3) of the Building Code Act, 1992, S.O. 1992, c.23 authorizes the passing of a by-law prescribing standards for maintenance and occupancy of property;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001 c.25 (the “Municipal Act”) provides that a municipality may pass by-laws in the interest of the health, safety and well being of its residents;

AND WHEREAS Section 127 of the Municipal Act provides that a municipality may require the owners or occupants of land to clean and clear land not including buildings, or to clear refuse or debris from land, not including buildings;

AND WHEREAS Section 131 of the Municipal Act provides that a municipality may prohibit and regulate the use of land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS Section 446 (1) of the Municipal Act provides that a municipality may direct or require a person to do a matter or a thing or the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the persons expense;

AND WHEREAS Section 446 (3) of the Municipal Act provides that a municipality may recover the costs of doing a matter or a thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same as property taxes;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Gore Bay enacts as follows:

Part 1 Definitions

1.1 “Accessory Building” means a detached, subordinate Building not used for human habitation, located on the same property as the main Building.

1.2 “Accessory Use” means a use customarily incidental to, subordinate to and exclusively devoted to a principal use and located on the same lot.

1.3 “Approved” means acceptance by the Property Standards Officer and the Property Standards Committee.

1.4 “Approved Sewage System” means the municipal sanitary sewage system or a private sewage disposal system that consists of septic tank, treatment unit and /or a leaching bed system approved by the Ministry of Environment or the Chief Building Officer.

1.5 ‘Barrier Free’ means that a Building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

1.6 “Basement from floor the grade to the floor is equal to or less means any part of a Building, which is partially below grade, where the vertical distance than the vertical distance from the grade to the ceiling next above.

1.7 “Building” means any structure having a roof, supported by columns or walls and used for the shelter or accommodation of persons, animals, goods or materials.

a) A deck or a dock shall be included within the definition of Building.

1.8 “Building Code” means regulations enacted under section 34 of the Building Code Act, 1992 as amended.

1.9 “Cellar” means a story that is more than 50% below grade, as defined in Section 15 of the Ontario Building Code.

1.10 “Chief Building Officer” means the Chief Building Official or designate, who is certified by the OAPSO and duly appointed by the Council and having jurisdiction for the enforcement of the Building Code Act.

1.11 “Committee” means a Property Standards Committee established under Section 15 of the Building Code Act.

1.12 “Corporation” means The Corporation of the Town of Gore Bay.

1.13 “Council” means the Council of the Corporation of the Town of Gore Bay.

1.14 “Derelict Building” shall mean:

a) a building that has been left vacant and/or neglected by the Owner for a period of 180 days or more, or as determined by the Building Officer or;

b) a building damaged by fire, storm or other catastrophic event where in the opinion of the Officer the building is beyond practical repair.

1.15 “Dwelling” means a Building or Structure or part of a Building or Structure, Occupied or capable of being Occupied, a whole or in part for the purpose of human habitation.

1.16 ‘Dwelling Unit’ means one room or a group of rooms in a Building used or designed or intended to be used by only one family as a single , independent and separate house keeping establishment, in which food preparation and sanitary facilities are provided for the exclusive use of such family, and which a private entrance from outside the Building or from a common hallway or stairway inside the Building. For the purpose of this by-law a Dwelling Unit does not mean or include a tent, or a room or suite of rooms in a hotel, motel or tourist home.

1.17 “Exterior Property Area” means the Property excluding Buildings.

1.18 “Fire Resistance Rating” means the time as defined in the Building Code that a material construction or assembly will withstand the passage of flame and transmission of heat when exposed to fire under specified conditions of test and performance criteria.

1.19 “Floor Area” means the maximum area contained within the outside walls of a Building or within the walls of a room, as the case may be.

1.20 “Garden” means a defined area of vegetation that has been deliberately planted or cultivated with species of wild flowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed landscape.

1.21 “Grade” means:

a) the average elevation of the crown of the part of the street abutting the front lot line. Where the elevation of a point on the Building located on the lot is equal to the grade elevation, that point is deemed to be “at Grade “and

b) Grade for an accessory Building means the average elevation of the finished surface of the ground adjacent to the accessory building.

1.22 “Ground Cover” means grass, weeds and other plant material but does not include trees, hedges and shrubs.

1.23 “Guard” means a protective barrier installed around openings in floor areas, open sides of stairways, landings, balconies, mezzanines, galleries or raised walkways, or other locations as required to prevent accidental falls from level to another.

1.24 “Habitable Room” means a room in a Dwelling used or intended to be used primarily for human occupancy for the purposes of living, sleeping, cooking or eating, but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

1.25 “Heritage Attributes means:

a) the attributes or features of Property, Buildings or Structures that contribute to the property’s cultural heritage value or interest that are defined or described or that can be easily inferred;

i) In a By-Law designating a Property passed under section 29 of the Ontario Heritage Act and identified as heritage attributes, values, reasons for designation, or otherwise;

ii) In a Minister’s order made under section 34.5 of the Ontario Heritage Act and identified as heritage attributes, values, reasons for designation or otherwise:

b) The elements, features or building components including roofs, walls floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes without which the heritage values may be at risk.

1.26 “Heritage Property” means real Property, and includes all Buildings and Structures thereon, in the Town that:

a) has been designated by the Town under section 29 of the Ontario Heritage Act or by the appropriate Minister under section 34.5 of the Ontario Heritage Act, or,

b) Is within a heritage conservation district pursuant to Part V of the Ontario Heritage Act.

1.27 “Hobby Vehicle” means a vehicle that is actively being repaired or restored as a hobby for the Owner/Occupant of the Property; a race car, show car or similar vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion.

1.28 “Inoperative Vehicle” means any unlicensed vehicle or any vehicle having missing parts, including tires, damaged or missing glass or removed metal components which prevents its mechanical function. This includes commercial and industrial vehicles and equipment, snowmobiles, motorcycles, all terrain vehicles, trailers, boats, marine equipment and trailers.

1.29 ‘Maintenance’ means the preservation and keeping in good repair or Property and Building.

1.30- “Means of Egress” means a continuous path of travel provided by a doorway, hallway, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point with a Building, Floor Area, room or contained open space to a public thoroughfare or approved open space.

1.31 “Multiple Dwelling” means a Building which contains two or more Dwelling Units.

1.32 “Multiple Use Building” means a Building containing one or more Dwelling Units and one or more non-residential uses.

1.33 “MLEO” means a Municipal Law Enforcement Officer appointed by the Council to enforce Town by-laws.

1.34 “Major Recreational Equipment” means a portable Structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels for the purpose of providing temporary living accommodation and shall include: motor homes, travel trailers, tent trailers, watercraft, watercraft trailers, or other similar equipment.

1.35 “Motor Vehicle” means the same as the definition listed in the Highway Traffic Act.

1.36 “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 including the lands and premises appurtenant thereto and all outbuilding fences or erections thereon or therein.

1.37 “Non-Habitable Room” means any room in a Dwelling or Dwelling unit or other than habitable room and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, or other space for service and maintenance of the Dwelling and for access to, and vertical travel between two storeys.

1.38 “Noxious Weeds” means any weed classed as noxious by the Weed Control Act, R.S.O 1990, C.W. 5 and Regulation 1096, R.R.O. 1990.

1.39 “Occupancy” means the use or intended use of a Building or a part thereof, for the shelter or enclosure of persons, animals or Property.

1.40 “Occupant” means any Person, Persons over the age of 18 years in possession of the Property.

1.41 “Officer” means a Property Standards Officer or other Officers who has been appointed under section 4.3 of this by-law.

1.42 “Ontario Association of Property Standards Officers (OAPSO) means the organization authorized by the Province to certify Property Standards Officers.

1.43 “Ontario Building Code (OBC)” means the regulations made under section 34 of the Building Code Act.

1.44 “Ontario Heritage Act” means the Ontario Heritage Act R.S.O. 1990, c.0.18 as amended.

1.45 “Order” means a written direction issued pursuant to the Building Code Act requiring compliance with the standards prescribed by this By-Law, and “Orders” shall have a corresponding meaning.

1.46 “Owner” Includes,

- The Person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the Person's own account or as an agent or trustee of any other Person, or who would so receive the rent if such land were let, and
- A lessee or Occupant of the Property who under the terms of a lease, is required to repair and maintain the Property in accordance with the standards for the maintenance and Occupancy of Property;
-

1.47 “Part IV Heritage Property” means a Property designated under sections 29 and 34.5 of the Ontario Heritage Act.

1.48 “Person” means an individual, corporation, partnership, bridge authority, agent or trustee and the heirs, executors, administrators or other legal representatives of a Person whom the context can apply according to law.

1.50 “Property” means a Building or Structure or part of a Building or Structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile structures, out buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant Property.

1.52 “Repair” means the making of additions or alterations or the taking of such action as may be required so that the Property may conform to the Standards established in this By-Law and in conformity with all other legislation.

1.53 “Residential Property” means any Property that is used or designed for use as a domestic establishment, in which one or more Person usually sleep, prepare and serve meals, and includes the lands or Buildings that are appurtenant to such establishment, and all stairs, walkways, driveways, parking spaces and fences associated with the Dwelling or its Yard.

1.54 “Safe Condition” means a condition that does not pose or constitute a hazard or risk to life, limb or health of any person on or about the Property, and includes a structurally sound condition.

1.55 “Sewage” means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof drainage or other storm water runoff.

1.57 “Standards” means the standard of physical condition and of Occupancy prescribed for Property by this By-Law in Schedule A.

1.58 “Storm Water” means discharge from a surface as a result of rainfall, snow melt and snow fall.

1.59 “Structure” means anything constructed, placed or erected, the use of which requires location on the ground or attached to something located on the ground.

1.60 “Sub-standard” means a quality less than that required by the By-Law.

1.61 “T.S.S.A” means the Technical Safety Standards Authority Act, S.O.2000c.16.

1.62 “Unsafe Condition” means any condition that could be hazardous to the health and safety of any Person authorized or unauthorized on or about the property.

1.63 “Vacant Building” means a Building which is neither used nor Occupied by the Owner or tenant under a signed tenancy/lease agreement, for a period of more than 180 days but does not include seasonal residences.

1.64 “Vehicle” means the same as defined by the Highway Traffic Act.

1.65 “Yard” means an open space which is located on the same lot as a Building or other Structure, and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by the Zoning By-Law.

2.0 Short Title/Repeal

2.1 This By-Law may be cited as the Property Standards By-Law.

2.2 This By-Law shall repeal By-Law 2012-07

3.0 Prohibitions

3.1 No Person shall use or Occupy, or permit the use or Occupancy of any Property that does not conform to the Standards set out in Schedule “A” of this By-Law.

3.2 Garbage

3.2.1 No person shall store all garbage and rubbish outdoors unless it is stored in a sanitary manner in appropriate receptacles.

3.2.2 No person shall keep rubbish, debris or other objects or allow conditions that might create a health, fire or safety hazard.

3.2.3 No person shall store putrescible garbage, dead animals, excrement, or other matter that in the opinion of the Town/Township, constitutes a health or safety hazard on their property. The owner will be notified to remove it immediately and every person shall comply with the Notice.

3.3 Yards (including Vacant Lots)

3.3.1 No person shall store or keep wrecked, dismantled, inoperative or unused (missing or expired license plates) vehicles, snowmobiles, motorcycles, trailers, machinery, machinery parts or other unsightly items considered as junk on their property. Such items shall only be kept in an establishment licensed or authorized to conduct such a business. This does not preclude an Owner or Occupant from repairing their own vehicle on their property, but not for commercial purposes.

3.3.2 No person shall allow excessive growth of obnoxious weeds such as ragweed, poison ivy, poison oak, hogweed, etc. (non-noxious plants or grasses may be allowed to grow naturally, but not in a manner that is deleterious to surrounding properties or creates hazardous roadway/traffic conditions).

3.3.3 No person shall allow yards and approach way areas, which do not constitute a natural uncleared forest or brush area, to contain rotted or fallen trees, dead brush or any such vegetation that may constitute safety hazard or shelter vermin.

4.0 Administration

4.1 The Council of the Township shall form a Property Standards Committee to oversee the administration and enforcement of the By-Law and to hear any Property Standards Appeals.

4.2 The Property Standards Committee shall adopt rules of procedure, select a chair person to preside over meetings and the clerk shall keep and file all records in compliance with the Municipal Act, 2001, S.O. 2001, c.25 section 253.

4.3 The Township shall appoint a CBO to administer this By-Law.

5.0 Enforcement

5.1 This Bylaw shall be enforced by the Chief Building Official or the Bylaw Enforcement Officer appointed by Council.

5.2 Every person who contravenes any provisions of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act R.S.O 1990, P. 33* as amended. (see “Schedule C”).

5.3 No person shall hinder or obstruct, or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this Bylaw.

6.0 Certificate of Compliance and Order to Comply

6.1 Following an inspection of a Property, the Officer may, upon identifying any violation of any provision of this By-Law, administer a Notice of Non-compliance which details the particulars of

non-compliance. The Notice will be served to the Property Owner and/or the Occupants of the Property.

6.2 The Notice of Non-compliance shall include the particulars of non-compliance, remedial actions to be taken and a date for follow-up inspection.

6.3 If after the follow-up inspection by the Officer, the Officer is not satisfied that the conditions of compliance have not been met, the Officer may issue an Order to Comply. (see Schedule 'B').

6.4 The Order to Comply shall contain the following information:

6.4.1 The municipal address or legal description of the Property.

6.4.2 The particulars of required repairs or that the site needs to be cleared of Buildings, structures, debris or refuse and if required that it be graded or levelled.

6.4.3 The time frame for complying with the terms and conditions of the Order.

6.4.4 That the Township may carry out the repair at the Owners expense and that cost of repairs can/will be added to Property Owner's property tax levy.

6.4.5 a notice that the property owner has the option to appeal the order and that the order includes a final date that an appeal can be filed.

6.5 The Order to Comply may be delivered personally or sent by registered mail to the last known address of the Property Owner.

6.6 If the Officer is unable to serve the Notice as listed in section 5.5, they shall place a placard in a conspicuous place on the Property, this placard shall be deemed as a sufficient notice or Order on the Property Owner or other Persons.

6.7 The Officer may register the Order with the Land Registry Office, and that this Notice will serve as sufficient notice to any Person acquiring the Property. The Person(s) acquiring the Property will be responsible for meeting all requirements of the Order.

7.0 Appeal of an Order

7.1 When an Owner or Occupant is not satisfied with the terms or conditions of the Order, he/she/they may appeal the Order to Property Standards Committee by sending a Notice of Appeal to the CAO/Clerk by registered mail within 14 days after the service of the Order.

7.2 Upon appeal, the Property Standards Committee has all of the powers and functions of the Officer who made the Order and may:

7.2.1 Confirm, modify or rescind the Order to demolish or repair.

7.2.2 Extend the time to comply with the Order.

7.3 The Township in which the Property is located, or any Owner or Occupant of the Property affected by a decision may make an appeal to the Superior Court of Justice by notifying the CAO/Clerk in writing and by applying to the court within 14 days after a copy of the decision is sent.

8.0 Penalty

8.1 Every Person shall comply with an Order or Notice issued under the authority of this Bylaw.

9.0 Validity and Severability

9.1 If a court of competent jurisdiction should declare any section or part 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 the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

9.2 Where a provision of this by-law conflicts with the provision of another by-law that is in force, the provisions that establish a higher standard to protect the health, safety and welfare of the general public shall prevail.

10. All former Property Standard By-laws are hereby rescinded.

This by-law shall come into force and take effect on the date of its passing.

READ THIS FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF JULY, 2020.

Mayor

Clerk

“Schedule A”

Standards

Section 1.0 Standards for All Properties

1.1 General Provisions

1.1. Every Owner or Occupant of a Property shall maintain the Property or part thereof in a clean sanitary and safe condition in accordance with this By-law.

1.2 Every Owner or Occupant of a Property shall maintain every floor, wall, ceiling and fixture, under his/her/its control in a clean, sanitary and Safe Condition.

1.3 Accumulations or storage of garbage, refuse, appliances, or furniture by either Occupant or Owner in a means of egress shall not be permitted.

1.4 Every part of a Property shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight, the loads due to use and Occupancy, and the loads imposed by natural causes such as wind, rain and snow as set out in the Building Code regulations made under Section 34 of the Act.

1.5 Where in the opinion of the Officer, there is doubt as to the Structural condition or adequacy of the Building or part thereof, the Officer may order that a Building or Structure thereof be examined by a professional engineer qualified to perform such inspections and licensed to practice as an engineer in Ontario, at the owners expense, and that a written report, which may include drawings detailing recommended remedial work, be provided to the officer.

1.6 In every Building or Structure, the foundation, piers,, posts or other similar supports shall be maintained in good repair and structurally sound Where necessary, foundation walls shall be extended below finish Grade, provided the subsoil drains at the footings and are shored, waterproofed and treated or repaired to prevent moisture penetration or footing settlement. Every foundation wall, Basement, Cellar or Crawlspace shall be maintained so as to protect the building against deterioration, including that due to weather, water entry, dry rot, and infestation by rodents, vermin or insects. The perimeter of slab on Grade type foundations shall be maintained to prevent rodent infestation.

1.7. All exterior walls shall be maintained in watertight condition and in good repair so that they remain straight, level, and plumbed (unless otherwise designed) presenting an appearance that is uniform and neat in the opinion of the Officer and free from any damaged or defective, unsecured or deteriorated materials and any conditions that may result in the infestation of rodents, vermin or insects. Appropriate measures shall be taken to remove a stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

1.8 Exterior doors, windows and skylights shall be maintained in good repair and weather tight. Rotted and defective doors, door frames, window frames, sashes and casings shall be renewed and defective door and window hardware, weather stripping, caulking and broken glass shall be replaced. Repairs to windows shall be i) reglazing or refitting with panes of transparent glass: or ii) the use of other materials which are compatible in finish and colour with the remainder of the façade of the Building on which the broken window is located, provided other such material are of appropriate thickness, have sufficient structural support, and are installed so that no broken glass is visible for the exterior of the building as well as replacing defective, damaged or missing hardware and locking devices and sash controls as detailed in Section 9 of the Building Code.

1.9 All stairs porches and landings, loading docks, balconies, canopies, awnings, fire escapes together with any Guard, balustrade, railing or screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition as detailed in Section 9 of the Building Code.

1.10 A handrail or a guard shall be provided and maintained in good repair as detailed in Section 9 of the Building Code.

1.11 Where guards are to be installed, they shall be maintained in good repair and installed as detailed in Section 9 of the Building Code.

1.12 All roofs, including chimneys, stacks, masts, lightning arresters, antennas, fascia, soffits, flashings, solar panels and supports, and other roof structures shall be maintained in good repair,

watertight and structurally sound condition. Such maintenance may include, but is not limited to: a) removal of loose, unsecured objects, or materials b) keeping roofs and chimneys weather tight and free from leaks and/or defects as detailed in Section 9 of the Building Code.

1.13 Water runoff from roof surfaces shall discharge into an eave's trough or gutter and thence a downpipe, discharging directly to Grade a with an appropriate extension away from the Building to prevent flooding, erosion and another nuisance to neighbouring Properties. Discharge into the municipal storm system may be permitted by the Township/Municipality Building Official or his/her designate.

1.14 All properties provided with designed mechanical ventilation systems shall operate the system on a continuous basis. The system controls, louvers and associated equipment shall be maintained in safe working order as detailed in Section 9 of the Building Code.

1.15 Every chimney, prefabricated chimney, smoke pipe, flue and gas vent in use or available for use in a Building shall:

- a) be of a type listed for the appliance for which it is being used, properly secured, free from fire hazards and Unsafe Conditions;
- b) be maintained so as to prevent the escape of combustion gases into the Building;
- c) be adequately supported as to maintain proper alignment;
- d) be kept clear of obstructions;
- e) be sealed at all joints or tightly sealed; or,
- f) as detailed in Section 9 of the Building Code.

1.16 All fuel burning heating equipment shall:

- a) be connected to a chimney or flue which vents to the exterior of the Building;
- b) be furnished an adequate supply of combustion air to ensure proper combustion of the appliance; and
- c) be maintained in a good state of repair and in Safe Operating Condition as detailed in Section 9 of the Building Code.

1.17 All water supply cross connection devices specifically designed as "Premise isolation" or other testable devices located on a Property shall be tested annually by a licensed tester at the expense of the Owner or agent of the Owner in accordance with the most recent edition of the CSA Standard listed in the Ontario Building Code for selection of backflow preventers, proof of testing shall be provided upon request by the Officer.

1.18 All Sewage shall be discharged directly into the Municipal Sewage System where one is available. Where a Municipal Sewage System is not available, an alternate means of disposal, acceptable to the Officer shall be used and maintained in good repair. The maintenance of a Private Sewage System shall include a) septic tanks b) leaching beds c) dry wells as detailed in the Building Code.

1.19 A Property shall be deemed to be serviced by an available Township/Municipal Sewer System if the Sewer System is within 30.0 metres of any said Property abutting municipal rights of way. In the event a Township/Municipal system becomes available, the Property Owner will have one year to connect to the available system and decommission the Private Sewage System as per section 1.23. The availability of the Sewer will be determined by an engineer.

1.20 Backwater valves installed on buildings drains must be maintained to provide an effective barrier to municipal backups.

1.21 To decommission, septic tanks, treatment units, leaching beds or dry wells they shall be pumped dry and the contents disposed of at a suitable disposal site and a receipt of the disposal fee shall be presented to the Officer. The tanks, treatment units or drywells shall be disposed of to the satisfaction of the Officer, cavities filled with sand or other suitable material and the ground graded to match existing grades. Existing Building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

1.22 A Vacant Building or Structure damaged by fire, storm or other causes, shall be repaired to its original condition or demolished within 180 days of the issuance of an Order.

Until the necessary repair or demolition can be completed, the Building or Structure shall be supported and barricaded to prevent fire hazards and Unsafe Conditions.

1.23 Every Building damaged by fire or storm, until repairs have been completed shall effectively:

- a) be protected against further risk of fire, or Unsafe Conditions,
- b) be secured to prevent the entrance thereto of unauthorized persons, and

c) have the exterior of the Building envelope sealed with an appropriate material to protect the interior from rain or snow or other environmental elements that would cause the building to further deteriorate.

1.24 All materials used to board Vacant Buildings damaged by fire, storm or other causes, shall be fitted tight plywood, composite panels or wood boards painted with an exterior grade paint so that the colour compliments the Buildings exterior elements and is acceptable to the Officer.

1.25 Where a Building or Structure is demolished:

a) The site shall be cleared of rubbish, debris, refuse, masonry, lumber and other materials and left in a Graded and leveled condition.;

b) unless new construction is to commence immediately on the same footings and/or foundation walls, the footings shall be removed unless authorized and described on the demolition permit by the Officer.

c) only clean, inert, native material or granular material approved by the Officer shall be used as backfill.

d) Building rubble including but not limited to, broken bricks and concrete, shall not be acceptable as backfill.

e) Building services such as gas, electrical and water lines, sewer lines and other such services, shall be properly abandoned per the engineers best engineering practice standards and the authority having jurisdiction; and

f) the site shall be properly Graded, seeded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site, or drain onto adjoining properties.

1.26 Where part of the Building or Structure has been demolished, the exterior walls of the remaining part of the Building or Structure shall comply with the requirements of this By-Law and the walls shall be finished with a parge coat of cementitious mortar or otherwise treated with a protective coating to prevent the entry of water into the Building and to present a neat and uniform appearance, in the opinion of the Officer, free from the outlines of partitions, stairs, doors, floors, signs, and from areas of multi-coloured paint or wallpaper.

1.27 All properties and every yard shall be kept clean and free from rubbish, brush or other debris and from objects and conditions, such as holes or excavations that might create a fire hazard or Unsafe Conditions;

1.28 Where commercial, industrial or multi-residential on-site garbage containers are visible from a Residential Property or from a public street, the area where the receptacles are being stored shall be buffered and screened from adjoining or nearby Residential Properties or public areas so as to minimize the effect of the nuisance.

Without limiting the generality of the foregoing, such buffering and screening shall include the provision and maintenance of an effective system to cover, contain, screen and facilitate the collection and removal of waste materials and debris.

1.29 Regarding Yard conditions

a) In Yards of multiple Dwellings and Non-Residential Properties, sufficient lighting of exterior Property shall be provided to minimize any danger to persons using walkway.

b) Artificial lighting standards and fixtures shall be kept in Safe Condition, in working order and in good visual condition.

c) Walkways shall be maintained, resurfaced or re-graded as necessary to ensure a reasonably smooth, slip free and safe surface for pedestrian traffic.

1.30 The Storm Water run-off from all downspouts, sump pump discharges or impervious surfaces shall be designed and maintained so as to discharge water run off away from the Building and to prevent flooding, erosion and other nuisance to neighbouring properties.

1.31 Retaining walls, signs and all structures appurtenant to a Property shall be maintained in good repair, free from unsafe conditions including fire hazards and capable of safely performing the function for which they were designed.

1.32 Existing barriers required for sound attenuation shall be maintained, safe, plumb, unless designed otherwise and structurally sound.

1.33 All parking areas shall be maintained with a hard surface consisting of concrete, asphalt, paving brick or block or similar material acceptable to the Officer that is free from excessive cracks, pot holes, and delaminating;

1.34 Fire detection systems, fire alarm systems, standpipe and sprinkler systems, where required, shall be maintained as detailed in Section 9 of the Building Code.

1.35 The integrity of all fire separations and associated smoke seals and fire stopping systems shall be maintained as detailed in Section 9 of the Building Code.

1.36 Parking garages shall be in clean, structurally sound free from defects and in safe condition and shall be provided with an effective fire separation system and barrier to the passage of gas and exhaust fumes into any part of Building used or intended to be used for human occupancy as detailed in Section 9 of the Building Code.

1.37. All existing barrier-free requirements shall be maintained in existing Buildings required to be barrier free.

1.38 The following types of classes of Buildings and Structures shall be upgraded to provide barrier free access at the principal entrance to the following buildings:

- a) medical and dental facilities with more than one doctor;
- b) places off public assembly and occupancy including schools, colleges, universities and places of instruction/training;
- c) banks and other financial institutions;
- d) restaurants with more than 60 seats;
- e) rest homes and lodging homes, and
- f) commercial occupancies including retail stores and offices, but limited to those that are more than three storeys' in height or more than six hundred square metres.

1.39 Barrier free requirements shall not be required to exceed the Standards contained in the Ontario Building Code.

1.40 A requirement of Section 1.38 and 1.39 shall be deemed to be complied with if, in the opinion of the Officer the Building will provide accessibility to persons with disabilities, taking into consideration physical limitations in the design of the Building that may make some upgrading impractical.

1.41 Every Dwelling shall have safe, continuous and unobstructed passage or means of egress from the interior of each Dwelling unit contained therein to the exterior of the Dwelling at or near street level and every Dwelling, containing Dwelling Units located other than on the first floor or the floor directly above the first floor, shall provide a second means of egress from such Dwelling Units to the exterior of the Dwelling at grade level as detailed in Section 9 of the Building Code.

1.42 A second means of egress shall not be required from any Dwelling Unit having a separate or self-contained means of egress to the exterior of the Dwelling at or near Grade level and a required means of egress shall not pass through an attached or built in garage or an enclosed part of another unit as detailed in Section 9 of the Building Code.

1.43 Every multiple Property Owner, and every Occupant in that part of a Property that he or she controls, shall maintain the Property free from rodents, vermin, termites, injurious insects and other pests, and from conditions which might encourage infestation by such pests. Methods used for exterminating rodents or insects or both shall be done in accordance of the provisions of the Pesticides Act, R.S.O. 1990, CHAPTER P. 11, as amended, and all Regulations enacted pursuant thereto.

1.44 All equipment, components and supplies or replacement equipment must be Canadian Standards Association approved or otherwise listed in a manner consistent with Ontario Building Code as amended or other authority having jurisdiction.

1.45 Buildings identified by police services as illegal marijuana grow operations will require the following:

- a) Mould Air Quality Report- at the Owner's expense, a report prepared by a Certified Air Quality Assessment Professional, trained and knowledgeable in this field, detailing mould spores and related air quality. The Owner will take the appropriate remediation outlined in the report. The Owner will also provide a follow-up report, at their Own expense, which confirms that air quality levels consistent with a healthy living environment have been attained at the premises, to the satisfaction of the Officer.
- b) Structural Report- where the Officer has doubt as to the structural condition or adequacy of the property, the Officer may require compliance with Section 1.5 of this By-Law.
- c) Electrical Report- where an Officer has reason to believe the Building electrical system may pose an Unsafe Condition, may require at the Owners expense the submission of an Electrical Safety Authority Clearance Certificate to the Officer.

Section 2.0 Supplementary Standards for Non-Residential Properties

2.1 Every Owner or Occupant of a Property shall maintain the Property or part thereof they Occupy or control as follows:

a) in a clean, sanitary and Safe Condition, free from litter, garbage and debris, including such litter and garbage as may be left by customers or the general public and shall provide containers for the disposal of such litter and garbage, and;

b) free from objects or conditions which create a fire hazard or Unsafe Conditions.

2.2 All non-residential properties shall be adequately ventilated by natural or mechanical means on a continuous basis, in a safe working order and with regard to the operations carried on therein, to ensure that Persons within Property are not exposed to conditions deleterious to their health or safety as described in the American National Standards Institute/American Society of Heating, Refrigerating and Air Conditioning Engineers. (ASHRAE) Standard 62.1.

2.3 In all parts of a Non-Residential Building, a minimum level of illumination shall be provided and maintained which will adequately protect all Persons within the Building from Unsafe Conditions as detailed in Section 9 of the Building Code.

2.4 All Non- Residential Buildings or parts thereof, normally heated, shall be provided with a heating system maintained in a safe and working order, free from Unsafe Conditions or fire hazards as detailed in Section 9 of the Building Code, and be capable of supplying sufficient heat to maintain a minimum indoor temperature of 18 degrees Celsius during hours of Occupancy.

2.5 Boiler space heating shall be provided with backflow prevention and annually tested in compliance with the most current CAN/CSA Standard "Manual for the Selection and Installation of Backflow Prevention Devices" listed in the Ontario Building Code. Test reports shall be provided to an Officer upon request.

2.6 Plumbing systems, fixtures and appliances in all non-residential shall be maintained in good working order, free from cross contamination potential, and free from leaks and defects as detailed in Section 9 of the Building Code.

2.7 Where food is cooked, processed, or prepared for the public, all plumbing fixtures located in the wash down area shall discharge through a grease interceptor which is maintained in the most current edition of CAN/CSA Standard "Maintenance of Grease Interceptors" detailed in Section 9 of the Ontario Building Code.

2.8 Where floor drains are located in a service station, repair shop, garage or any establishment where motor vehicles are repaired, lubricated or maintained they shall discharge through an oil interceptor or as detailed in Section 9 of the Building Code.

2.9 In a Building used in part for Residential purposes, and in part for Non-Residential purpose, wherein noxious fumes or gases are, or could be, present, all separations between the non-residential and the residential portion shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes , or gases through the separation as detailed in Section 9 of the Building Code.

3.0 Supplementary Standards for Residential Properties

3.1 Every cabinet, cupboard, shelf and counter top in a dwelling unit shall be maintained in a structurally sound condition, free from cracks and deterioration as detailed in Section 9 of the Building Code.

3.2 Every cabinet, cupboard, shelf and countertop in a dwelling shall be maintained in a structurally sound condition, free from cracks and deterioration, large holes, cracks, leaks, deteriorating material, visible mould and mildew and loose material as detailed in Section 9 of the Building Code.

3.3 Water penetration related to mould- Any condition in a Building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould shall be repaired or removed. If in the opinion of an Officer, the mould accumulation is excessive so as to cause a health hazard, the owner will provide at the owner's expense, a report prepared by a Certified Air Quality Assessment professional, trained and knowledgeable in this field, dealing with mould spore samples and related air quality. The Owner will undertake the appropriate remediation outlined in the report. The Owner will also provide a follow-up report, at their own expense, which confirms that the air quality levels consistent with a healthy environment have been attained at the premises, to the satisfaction of the Officer.

3.4 Floors and finished flooring (including carpeting) shall be maintained in a structurally sound condition and be free from any visible mould and mildew, holes, cracks or other defects which may cause unsafe condition or trip hazard as detailed in Section 9 of the Building Code.

3.5 Cracked and broken glass in door panels, missing screens, and missing windows shall be replaced with approved glass or similar materials. All operable windows and all doors shall be capable of opened from the inside without the use of specialized tools and maintained in good repair. All materials in this section shall be to the satisfaction of the Officer to provide an acceptable level of fire protection as detailed in Section 9 of the Building Code.

3.6 Every Dwelling and every Dwelling unit shall be provided with a heating system maintained in a good state of repair and in safe operating condition capable of maintaining "adequate and suitable heat". Room temperature shall be as detailed in Section 9 of the Building Code.

3.7 Heating systems, including stoves, heating appliances, fireplaces, chimneys, fans, pumps and heating filtration equipment shall be maintained in a good state of repair and in a safe operation condition as detailed in Section 9 of the Building Code.

3.8 No Dwelling Unit shall be equipped with portable heating equipment as the primary source of heat.

3.9 Only heating equipment approved for use by a recognized Standard testing authority shall be provided in a room used or intended for use for sleeping purposes as detailed in Section 9 of the Building Code.

3.10 Every parking/storage garage serving a Residential use shall be provided with fire separation (if required) and an effective barrier to the passage of gas and exhaust fumes from any part of the parking/storage garage into any other part of a Dwelling Unit or Multiple Dwelling used or intended to be used for Human Occupancy inclusive of doors between a parking garage and remainder of the Building as detailed in Section 9 of the Building Code.

3.11 Unless specifically exempted under governmental regulations, every Dwelling and Dwelling Unit shall be provided with at least a water closet (toilet), a wash basin, a bathtub or shower and a kitchen sink, all of which shall be maintained in good working order, free from cross contamination potential, and free from leaks and defects. The water closet, wash basin, bath tub and/ or shower shall be located within, and be accessible from within the Dwelling or Dwelling Unit and shall be located and equipped to afford privacy, secured from the inside and can be opened from the outside the room in an emergency as detailed in Section 9 of the Building Code.

3.12 No toilet or urinal shall be located in a room used or intended to be used for sleeping or preparing, consuming or storing of food.

3.13 Hot water and cold water shall be provided in a capacity that will produce a flow in the fixture that will flush the fixture and keep the fixture in a sanitary condition as detailed in Section 9 of the Building Code.

3.14 All plumbing, including drains, water supply pipes inside a Building and outside a Building, water closets, back water valves and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing as detailed in Section 9 of the Building Code.

3.15 Every Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system. The connection to the Building and the system of circuits and outlets distributing the electrical supply within the Building shall provide adequate capacity for use and intended use of the Building and such connections, circuits, wiring and along with fuses, circuit breakers and other appurtenances thereto shall be installed and maintained;

a) In compliance with respective requirements of the Electrical Safety Code and the Ontario Building Code;

b) In good working order and repair, and

c) In a safe condition.

3.16 In Multiple Dwellings where a voice communication system between each Dwelling and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained in good repair.

3.17 Adequate artificial lighting shall be available at all times, in all Habitable Rooms, common rooms, means of egress, exits and corridors as detailed in Section 9 of the Building Code.

3.18 Every habitable room in a Dwelling, except a kitchen, shall maintain an outside window or windows which shall be maintained in good repair as detailed in Section 9 of the Building Code

3.19 Every Habitable Room in a Dwelling shall contain windows that are capable of being opened from the inside or vents providing a minimum unobstructed ventilation area to the outdoors

3.20 In lieu of the natural ventilation, acceptable mechanical ventilation directly to the exterior shall be permissible as detailed in Section 9 of the Building Code.

3.21 Every window in a Leased Dwelling Unit that is located above the first storey of a multiple dwelling shall be equipped with an approved guard or a safety mechanism that would

3.22 In Dwellings, every laundry room, garbage room, corridor, boiler room, storage room and all parts of the Building used by the tenants in common shall be adequately ventilated and where a system of mechanical ventilation is used it shall be maintained in good working condition as detailed in Section 9 of the Building Code.

3.23 The maximum number of Persons residing in a Dwelling Unit shall not exceed one person for every 9 metres of Habitable Room Floor Area.

3.24 A room used for sleeping purposes shall be of the correct size for the number of persons using the room for sleeping purposes as detailed in Section 9 of the Building Code.

3.25 No Basement or Cellar portion thereof shall be used as a Dwelling Unit or Habitable Rooms of a Dwelling Unit, unless it meets the requirements in Section 9 of the Building Code

3.27 Every Dwelling Unit shall be equipped with an approved smoke alarm(s) conforming to the details of Section 9 Building Code.

3.28 Every Dwelling Unit that has fuel burning appliances, solid fuel burning appliances, or is attached to a storage garage, shall be equipped with a carbon monoxide detector conforming to the most current edition of the CAN/CSA and US UL Standard as listed in Section 9 of the Building Code.

4.0 Additional Requirements for Vacant Buildings

4.1 General

4.1.1 In addition to the minimum standards for the Maintenance and Occupancy of Property set out elsewhere in this By-Law, the owner of a Vacant Building shall:

a) ensure that all utilities serving the Building, which are not required for safety and security are properly disconnected or otherwise secured, to prevent damage to the Building or adjoining Property.

b) Ensure that the Property is kept free of rodents, vermin and other harmful pests and any condition that would allow such pests to harbour in or about the building; and,

4.2 Additional Requirements for Vacant Non-Residential Buildings

4.2.1 The Owner of a Non-Residential Vacant Building shall keep the Property free of conditions that promote the infestation of birds.

4.3 Additional Requirements for Vacant Residential Buildings

4.3.1 Despite any other provision of this By-Law, where in the opinion of the Officer a Vacant Residential Property can be repaired, the Building shall be repaired;

a) As soon as possible in a manner consistent with other parts of this By-Law; and,

b) Maintained in a manner so as not to become, in the opinion of the Officer, a public nuisance.

4.4 Clearing and Leveling of Vacant Residential Buildings

4.4.1 Despite any other provision of this By-Law an Officer may issue an Order directing the Owner to demolish a Derelict or Vacant Residential Building.

4.5 Clearing and Leveling of Vacant Non-Residential Buildings

4.5.1 Despite any other provision of this By-Law an Officer may issue an Order directing the Owner to demolish a Derelict or Vacant Non-Residential Building.

5.0 Supplementary Standards for Heritage Properties

5.1 General

5.1.1 In addition to the Minimum Standards for the Maintenance and Occupancy of Property set out elsewhere in this By-Law, the owner of a Part IV Heritage Property shall:

i) Maintain, preserve and protect the attributes of the Part IV Heritage Property so as to Maintain its heritage character as well its visual and structural heritage integrity;

ii) Maintain the Part IV Heritage property in a manner that will ensure the protection and preservation of its heritage values and attributes; and,

iii) Obtain a Heritage Permit from Council or where applicable Councils designate prior to performing work or causing work to be performed under this section of the By-Law.

5.2 Repair of Heritage Attributes

5.2.1 Despite any provision of this By-Law, where a Heritage Attribute of Part IV Heritage Property can be repaired the Heritage Attribute shall be repaired:

- i) In such a manner that minimizes damage to the Heritage Values and Attributes and Maintains design, colour, texture, grain or other distinctive features of the Heritage Attribute;
- ii) Using the same types of material as the original and in keeping with the design, colour, texture, grain or other distinctive features of the original; and,
- iii) When the same type of materials as the original are no longer available, alternative types of material that replicate the design, colour, texture grain or other distinctive features and appearance of the original material may be used if approved by Council or their designate.

5.3 Replacement of Heritage Attributes

5.3.1 Despite any provision in this By-Law, where a heritage attribute of a Part IV or V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:

- i) In such a manner as to replace the design, colour, texture, grain or other distinctive features and appearances of the Heritage Attribute, using the same types of materials as the original; and,
- ii) Where the same materials as the original are no longer available, alternative types of materials that replicate the design, colour, texture, grain or other distinctive features of the original may be used.

5.4 Alteration or Demolition of Heritage Properties

5.4.1 Despite any other provision of this By-Law or the Ontario Heritage Act, no Building or Structure located on a Part IV or V Heritage Property may be altered, demolished, removed or relocated except in accordance with the Ontario Heritage Act.

5.5 Vacant Heritage Properties

5.5.1 Notwithstanding;

- a) Where a Part IV Heritage Property remains Vacant for a period of more than 90 days, the Owner shall ensure that the appropriate utilities serving the Building are connected as required to provide, Maintain, and monitor proper heating and ventilation to prevent damage to the heritage attributes.
- b) The Owner of a Part IV Heritage Property shall protect the Building and Property against the risk of fire, storm, neglect, intentional damage or other damage by other causes by effectively preventing the entrance of the elements, Unauthorized Persons or the infestation of pests by boarding up and securing any openings to the Building in the following manner:
 - i) All boards shall be installed from the exterior and shall be fitted in a watertight manner so all exterior trim and cladding remains uncovered and undamaged by the boarding.
 - ii) All boards shall be fastened securely that minimizes damage to the Heritage Attributes;
 - iii) all boards shall be painted in a manner to reflect panes of glass, frames and mullions that were to be found on the opening that is being boarded over or the panes of glass shall be painted in matte black and the window frames and mullions shall be painted in a colour that of the original opening.
 - iv) All boards used for boarding and securing openings not located in a window or door opening shall be painted or otherwise treated so that the blends with the exterior of the Building or the structure.

Schedule "C"
Set Fine Schedule

Town of Gore Bay
Bylaw 2020---
Property Standards Bylaw

Part I Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Use or occupy non-conforming property.	3.1	\$300.00
2	Permit the use or occupancy of non-conforming property	3.1	\$300.00
3	Improperly stored rubbish or garbage.	3.2.1	\$200.00
4	Stored rubbish or garbage creating safety hazard.	3.2.3	\$200.00
5	Stored garbage creating health hazard.	3.2.3	\$200.00
6	Storage of wrecked, inoperative vehicles or equipment.	3.3.1	\$200.00
7	Allow excessive growth of noxious plants	3.3.2	\$200.00
8	Allow bush area to be a safety hazard.	3.3.3	\$200.00
9	Hinder or obstruct an officer	5.3	\$500.00
10	Attempt to hinder or obstruct an officer	5.3	\$500.00
11	Fail to comply with an order/notice	8.1	\$1000.00

Note: The penalty provision for the offences indicated above is section 5.2 of Bylaw 2020---, a certified copy of which has been filed.