

# THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

## BY-LAW No. 5/2013

**Being a by-law of The Corporation of the Township of Wellesley for prescribing standards for the maintenance and occupancy of property within the boundaries of The Corporation of the Township of Wellesley.**

**WHEREAS** under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, a by-law may be passed by the council of a municipality to establish a property standards committee and for prescribing the standards for the maintenance and occupancy of property within the municipality, provided the official plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** the official plan for The Corporation of the Township of Wellesley includes provisions relating to property conditions;

**AND WHEREAS** the Council of The Corporation of the Township of Wellesley is desirous of passing a by-law under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23;

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

**NOW THEREFORE** the Council of The Corporation of the Township of Wellesley hereby enacts the following:

### **PART I** **DEFINITIONS**

In this By-law:

- 1.1 **"accessory building"** means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.2 **"Act"** means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended.
- 1.3 **"approved"** means acceptance by the Officer.
- 1.4 **"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.
- 1.5 **"building"** means any structure, whether temporary or permanent, fixed to or supported by the soil and which is designed, used, or intended to be used for the accommodation, storage, or shelter of persons, animals or chattels. A building shall not include a boundary wall, fence, retaining wall, light standard, head stone or sign.
- 1.6 **"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.
- 1.7 **"Committee"** means the Property Standards Committee for the Township.
- 1.8 **"Council"** means the Council for the Township.

- 1.9 **"debris"** means any article, thing, or matter that has been cast aside or discarded or abandoned, whether of any value or not, or that has been used up in whole or in part, or expended, or worn out in whole, or in part.
- 1.10 **"dilapidated"** means decayed, deteriorated, in a state of disrepair, or fallen into partial ruin through neglect or misuse.
- 1.11 **"dwelling"** means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation and includes a mobile home or recreational vehicle.
- 1.12 **"dwelling unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons, and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.13 **"first storey"** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 1.14 **"floor area"** means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits and vertical service spaces that pierce the storey.
- 1.15 **"good repair"** means that a building, structure or appurtenances thereto, including mechanical equipment, shall be installed and maintained in such condition so as to be:
- (a) free from accident or fire hazard;
  - (b) structurally sound;
  - (c) in good working order; and
  - (d) not unsightly by reason of deterioration, damage or defacement;
- 1.16 **"grade"** means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 1.17 **"guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another and shall meet the Ontario Building Code. Such barriers may or may not have openings through them.
- 1.18 **"habitable room"** means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.19 **"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.
- 1.20 **"multiple dwelling"** means a building containing three or more dwelling units.
- 1.21 **"non-habitable space"** means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a

building or a room or space which does not comply with the minimum standards for residential.

- 1.22 **"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.
- 1.23 **"occupant"** means any person or persons over the age of eighteen years in possession of the property.
- 1.24 **"Officer"** means a property standards officer appointed by by-law and assigned the responsibility for enforcing and administering this By-law.
- 1.25 **"Ontario Building Code"** means the regulations made under the Act.
- 1.26 **"owner"** includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- 1.27 **"person"** Means and includes any person, individual, firm, partnership, corporation, company, association, or organization of any kind.
- 1.28 **"property"** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- 1.29 **"refuse"** means any article, thing, or matter that has been cast aside or discarded or abandoned, whether of any value or not, or that has been used up in whole or in part, or expended, or worn out in whole, or in part.
- 1.30 **"repair"** includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law.
- 1.31 **"residential property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep, and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces and fences associated with the dwelling or its yard.
- 1.32 **"safe condition"** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property, and includes a structurally sound condition.
- 1.33 **"sign"** means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use.
- 1.34 **"standards"** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.35 **"toilet room"** means a room containing a water closet and a wash basin.

- 1.36 **"Township"** means The Corporation of the Township of Wellesley.
- 1.37 **"vermin"** means animals or insects, such as but not limited to rats, mice, bats, pigeons, raccoons, skunks, cockroaches, termites or bedbugs, that are destructive, annoying, or injurious to health or property.
- 1.38 **"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.
- 1.39 **"yard"** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential, non-residential or agricultural property, and used or capable of being used in connection with the property.

## **PART II**

### **GENERAL STANDARDS FOR ALL PROPERTY**

#### **2.1 SCOPE**

- (a) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this By-law.
- (b) The owner, occupant, tenant or lessee of any property which does not conform to the standards in this By-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard and shall leave the property in a graded and levelled condition.
- (c) 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.
- (d) All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable and is subject to the required permits.
- (e) All exterior property areas shall be kept free of any unauthorized signs. Further all exterior property areas shall be kept free of all painted or drawn, graffiti and/- or similar defacements.

#### **2.2 YARDS**

- (a) Every yard, including vacant lots, shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire, accident hazard or unsightly condition.
- (b) Without restricting the generality of this section, all yards and vacant lots shall be kept clean and free from:
- i. rubbish, garbage, litter and waste;
  - ii. injurious vermin and other pests, and any condition which may promote an infestation;

- iii. trees, bushes and hedges, including any branches or limbs thereof, which are dead, decayed or damaged, and brush;
- iv. noxious weeds pursuant to the *Weed Control Act*, R.S.O. 1990 c. W.5 as amended and any excessive growth of other weeds, grass and bushes;
- v. wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant by-laws;
- vi. dilapidated or collapsed or partially dilapidated or collapsed buildings, structures or erections;
- vii. any all-terrain vehicle, motor home, motorized snow vehicle, motorized recreational vehicle or camper, traction engine, farm or lawn tractor, road-building machine or a vehicle drawn, propelled or driven by any kind of power including horse power or manpower, boat, watercraft and accompanying trailer or part thereof, which is unlicensed and/- or in a wrecked, discarded, dismantled, inoperative or abandoned condition unless it is necessary for the operation of a business lawfully situated on the property;
- viii. any unprotected well, cistern, septic tank, pit, trench or other similar unsafe condition; and
- ix. any furniture designed for indoor use.

### **2.3 SURFACE CONDITIONS**

(a) Surface conditions of yards shall be maintained so as to:

- i. prevent ponding of storm water;
- ii. prevent instability or erosion of soil;
- iii. prevent surface water run-off from entering basements;
- iv. not exhibit an unsightly appearance;
- v. not create a nuisance to abutting properties;
- vi. be kept free of deep ruts and holes; and
- vii. provide for safe passage under normal use and weather conditions, day or night.

### **2.4 SEWAGE AND DRAINAGE**

- (a) Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, septic system, or a system approved by the authority having jurisdiction and in accordance with the Ontario Building Code.
- (b) Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

- (c) The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

**2.5 PARKING AREAS, WALKS AND DRIVEWAYS**

- (a) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel, or other similar surface and shall be kept in good repair and free of all organic growth.
- (b) Notwithstanding the foregoing for non-residential properties which abut residential properties and all areas used for vehicular traffic and parking shall have a surface covering of asphalt or similar hard surface or compacted gravel and shall be kept in good repair and conditions that could create undue dust.
- (c) Walks, steps and other similar areas shall be maintained in good repair so as to afford safe passage under normal use and weather conditions day or night and be kept free of deep ruts and holes and all organic growth.

**2.6 ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

- (a) The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be constructed with suitable materials, maintained in good repair and protected from deterioration by the application of paint or other suitable protective material.
- (b) Fences shall be maintained in structurally sound condition and in good repair (free from loose or insufficiently secured, rotted, warped or broken materials) and protected from deterioration by the application of paint or other suitable protective material and shall be free of dangerous objects and be reasonably plumb, unless specifically designed to be other than vertical.

**2.7 GARBAGE DISPOSAL**

- (a) Every property shall have sufficient and proper receptacles to contain all garbage, ashes or waste, which accumulates in a dwelling or on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.
- (b) Receptacles for garbage shall be:
  - i. made of watertight construction;
  - ii. provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
  - iii. maintained in good condition without holes or spillage; and
  - iv. closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.
- (c) Plastic bags shall be considered acceptable receptacles under subsection 2.7(a) above provided they are:
  - i. adequately secured so as to prevent spillage;
  - ii. not stored outdoors unless protected from access by animals or vermin; and
  - iii. otherwise are generally maintained in compliance with subsection 2.7(a) above.

- (d) Where commercial or industrial on site garbage containers are visible from a public street, road, land or residential properties, the area where the receptacles are stored shall be screened from view. The screening shall be kept in good repair.

## **2.8 COMPOSTING**

- (a) The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than 2.3 square metres (25 square feet) and 1.2 metres (4 feet) in height and is enclosed on all sides by concrete block or lumber or in a 170 litre (45 gallon) container or a commercial plastic enclosed container designed for composting.

## **2.9 WELLS, EXCAVATIONS, EMPTY IN-GROUND POOLS, HOLES, PITS, SHAFTS OR CISTERNS**

- (a) Every property shall be kept free of all unprotected or abandoned excavations, empty in-ground pools, holes, unenclosed wells, pits, shafts, or cisterns, and the same shall be filled to grade with clean fill or a closed fence or barrier shall be erected and maintained completely around the same to a height of not less than 1.22 metres above the grade level at the perimeter of each of them and kept in good repair at all times. Any means of entry will require a lockable device that can only be opened with a key or coded mechanical entry system.

## **2.10 WELLS AND CISTERNS IN ACTIVE USE**

- (a) Any actively used wells and cisterns must be kept in good repair and openings must be covered over at all times sufficiently when not being accessed for use and coverings must be capable of sustaining safely its own weight, and any additional load to which it may be subjected to at any time; further they must have a lockable device requiring access with a key or coded mechanical device or be closed over with a sufficiently weighted cement lid to prevent ease of removal.

## **2.11 RETAINING WALLS**

- (a) Retaining walls located within a property, or on the boundary line thereto, shall be constructed of durable material, structurally sound, maintained in good repair, free of hazards.
- (b) Where a retaining wall may harbour vermin all necessary steps shall be taken to eliminate them and to prevent their reappearance.

## **2.12 CANOPIES AND SIGNS**

- (a) All canopies, marquees, signs, awnings, stand pipes, exhaust ducts, and similar overhanging extensions, shall be maintained in good repair, be properly anchored so as to be kept in a secure and sound condition, and shall be protected from the elements and against decay and rust by the periodic application of an effective weather coating material (such as paint or other protective treatment).
- (b) Any unused or discarded sign(s) shall be removed from the property or shall be stored within a building.

**2.13 STRUCTURAL SOUNDNESS**

- (a) Walls, roofs and other exterior parts of a building shall be free from loose or improperly secured objects or materials and kept in good repair.

**2.14 BUILDINGS DAMAGE BY FIRE, STORM OR OTHER CAUSES**

- (a) A building or structure damaged by fire, storm or other causes shall be demolished or repaired.
- (b) Where a building or structure is damaged by fire, storm or other causes, immediate steps shall be taken to prevent or remove a 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.
- (c) Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure, shall be removed and the defaced areas refinished with the care, skill and quality acceptable in the trades concerned and with materials suitable and sufficient for the purpose.
- (d) In the event of fire or explosion, damaged or partially burnt material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed 90 days.
- (e) Where a building has been damaged by fire, storm or other causes beyond repair the property shall be cleared of all damaged buildings, structures, debris and refuse and left in a graded and levelled condition.

**2.15 OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE**

- (a) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a property, including among other things but not limited to, appliances, fixtures, paper, cartons, boxes or indoor furniture, shall be stored or allowed to remain in an exterior property area.
- (b) No building materials such as but not limited to, lumber, masonry material or glass, other than that is intended for immediate use on the property, shall be stored or allowed to remain in an exterior property area for more than 90 days.

**2.16 ROOFS**

- (a) Every roof, and all of its components shall be maintained in good repair and in a safe and structurally sound condition. Without restricting the generality of this section, such maintenance includes:
  - i. removal of loose, unsecured or rusted objects or materials;
  - ii. removal of dangerous accumulations of snow or ice;
  - iii. keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
  - iv. keeping all roof-related structures plumb unless specifically designed to be other than vertical.



**2.17 EAVES TROUGH SYSTEM-METAL DUCTS-FLASHING-DRAINANGE**

- (a) Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured to the building and free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.
- (b) Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
- (c) All roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, and in a way as to not cause erosion. Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

**2.18 UNSAFE CONDITIONS**

- (a) Any condition within a building or on a property which may pose or constitute an undue or unreasonable hazard or risk to the health or safety of any person shall be abated or removed.

**2.19 EXTERIOR WALLS**

- (a) Exterior walls of a dwelling and their components which may include but not limited to, soffits, cladding, trim and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, weathered appearances and from peeling paint. Paint or some other suitable preservative or protective coating must be used or applied and maintained so as to prevent deterioration due to weather conditions, vermin or other damage.
- (b) Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

**PART III  
RESIDENTIAL STANDARDS**

**3.1 GENERAL CONDITIONS**

- (a) Every owner, occupant, tenant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition, and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- (b) Every owner, occupant, tenant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including corridors, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- (c) Accumulations or storage of but not limited to garbage, refuse, appliances or furniture in public hallways or staircases shall not be permitted.
- (d) The accumulation or storage of but not limited to garbage, refuse, appliances or furniture which is not meant for outdoor use shall not be stored on any porch, deck, stoop, verandah, balcony or patio that may be visible to any person beyond the property line.
- (e) A non-habitable space shall not be used as a habitable room.

- (f) Every owner, occupant, tenant or lessee of a residential property shall remove and store inside a building or dispose of any satellite dish(es) no longer being used.

### **3.2 PEST PREVENTION**

- (a) Dwellings shall be kept free of vermin at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990, c.P.11, as amended. The responsibility for such extermination shall rest with the owner of the property unless otherwise stipulated in the lease or rental agreement.
- (b) Openings, including windows that might permit the entry of vermin shall be appropriately screened or sealed and kept in good repair.

### **3.3 STRUCTURAL SOUNDNESS**

- (a) 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.

### **3.4 FOUNDATIONS**

- (a) Foundation walls of a dwelling shall be maintained in good repair so as to prevent the entrance of vermin and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing subsoil drains, when necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.
- (b) 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 and comply to the Ontario Building Code.

### **3.5 WINDOWS AND DOORS**

- (a) All windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and draught-free, to prevent heat loss and infiltration by the elements
- (b) Maintenance shall include but not limited to painting, replacing damaged glass, doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary.
- (c) All windows including ones on doors capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good repair free of holes, rips and tears.
- (d) 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 and kept in good repair.
- (e) 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 and kept in good repair.
- (f) Solid core or insulated steel doors shall be provided for all entrances to dwellings and dwelling units.

### **3.6 WALLS, CEILINGS**

- (a) Every interior surface and finishes of walls and ceilings shall be maintained so as to provide a continuous surface which is reasonably smooth and free of holes, cracks, loose plaster or other materials or other similar defects.

### **3.7 FLOORS**

- (a) Every floor in a dwelling shall be reasonably smooth and level, and maintained so as to be in good repair and free of all loose, warped, protruding, broken, or rotted boards or other material or situation that might cause an accident or allow the entrance of vermin. Such defective floors shall be repaired or replaced.
- (b) Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained in good repair so as to be impervious to water and readily cleaned.

### **3.8 STAIRS, HANDRAILS AND GUARDRAIL**

- (a) All stairs, handrails, guardrails and balustrades, stairways, landings and similar appurtenances shall be maintained in good repair so as to be also free of holes, rot and other defects which constitute accident hazards. They shall be properly anchored so as to be kept in a safe and secured condition and shall be structurally sound for the loads imposed through their normal use.
- (b) Any exterior exposure of stairs, handrails, guardrails and balustrades, stairways, landings and similar appurtenances shall be protected from rust, rot or similar decay by a periodic application of paint or other protective coating.

### **3.9 PORCHES AND BALCONIES**

- (a) Inside and outside porches balconies and landings shall be maintained in good repair so as to be free of holes, cracks, rot, and other defects that may constitute accident hazards and be maintained in a structurally sound condition.

### **3.10 KITCHENS**

- (a) Every dwelling shall contain a kitchen area equipped with:
  - i. a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
  - ii. a suitable storage area;
  - iii. a counter or work area exclusive of the sink and covered with a material that is imperious to moisture and grease and is easily cleanable; and,
  - iv. a space provided for cooking and refrigeration appliances, including suitable electrical or gas connections, and/or solid fuel burning appliances.

### **3.11 TOILET AND BATHROOM FACILITIES**

- (a) Where a dwelling or dwelling unit contains a bathroom, it shall consist of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit and kept in good repair. 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 running water.

- (b) 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 the room.
- (c) Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the facilities.
- (d) Walls surrounding showers and bathtubs shall be impervious to water.

**3.12 PLUMBING**

- (a) Every dwelling unit shall be provided with an adequate supply of potable running water from an approved source.
- (b) All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures, shall be maintained in good repair, free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- (c) Plumbing systems on a property shall be provided, installed and maintained in compliance with the respective requirements of any applicable law or by-law, and in good repair; and in a safe condition.
- (d) All plumbing fixtures shall be connected to the sewage system through water seal traps.

**3.13 WATER SUPPLY**

- (a) Every dwelling and every building to which water is available under pressure through piping shall be provided with:
  - i. Adequate supply of hot water with a temperature range from 45 to 49 degrees Celsius (113 to 120 degrees Fahrenheit) at the fixture shall be provided and maintained in all dwelling units;
  - ii. Piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area;
  - iii. Piping for cold water connected to every toilet and hose bib; and
  - iv. Piping and related components shall be kept in good repair.

**3.14 ELECTRICAL SERVICE**

- (a) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- (b) The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good repair.

**3.15 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- (a) Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient

temperature of 21 degrees Celsius (70 degrees Fahrenheit) in the occupied dwelling units. The heating system shall be maintained in good repair so as to be capable of safely heating the individual dwelling units to the required standard.

- (b) No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- (c) All fuel burning appliances, equipment and accessories in a dwelling shall be installed and maintained in good repair and to the standards provided by a recognized standards and testing authority or other applicable legislation.
- (d) Solid fuel burning appliances or heating systems or part thereof shall conform to the standards as set out in the Ontario Building Code and kept in good repair. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members and kept in good repair.
- (e) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in good repair and in a safe condition.
- (f) Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation, into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- (g) All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method and kept in good repair.
- (h) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

### **3.16 AIR CONDITIONING**

- (a) Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical, electrical condition and in good repair.

### **3.17 FIRE ESCAPES**

- (a) Buildings using a fire escape as a secondary means of egress shall be maintained in good repair, kept free of ice and snow and shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint and free from obstructions and easily reached through an openable window or door.

### **3.18 MEANS OF EGRESS**

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

- (b) Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common, or the one of which may be common and the other may be an exterior stair or fire escape.
- (c) Exterior stairs shall be maintained in good repair.
- (d) The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- (e) In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.

**3.19 NATURAL LIGHT**

- (a) 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.

**3.20 VENTILATION**

- (a) Ventilation shall be provided to and maintained in good repair and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.
- (b) Every unheated basement, cellar, crawl space and attic shall be vented and such vents shall be designed and kept in good repair and maintained to prevent entry of snow, rain and vermin.
- (c) An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.

**3.21 ELEVATING DEVICES**

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

**3.22 DISCONNECTED UTILITIES**

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

**3.23 LIGHTING**

- (a) Lighting fixtures, lamps and their supports and connections shall be maintained in good repair without visible deterioration.
- (b) All exterior lights shall not cause light to trespass on to adjacent properties that would likely disturb the inhabitants or shine directly into a dwelling unit.
- (c) Sensor activated lighting shall not be triggered by activity off the property.

- (d) Lighting as required by the Ontario Building Code shall provide and be maintained to allow for an adequate level of lighting so that the use normally carried out in such areas can be undertaken safely and kept in good repair.

### **3.24 OCCUPANCY STANDARDS**

- (a) No kitchen shall be used as a bedroom.
- (b) The maximum number of persons residing in a dwelling unit shall not exceed one person for each 9 square metres (97 square feet) of habitable room floor area.
- (c) The minimum horizontal dimension of any habitable room shall be 2 metres (6.5 feet).
- (d) The minimum area of a bedroom in a dwelling unit used by only one person shall be 6 square metres (64.5 square feet).
- (e) The minimum area of a bedroom in a dwelling unit used as a bedroom by two or more persons shall be 4 square metres (43 square feet) for each person.
- (f) Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) over at least 75 percent of the required floor area with a clear height of 2.1 metres (6 feet, 11 inches) at any point over the required area.
- (g) For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) over at least 75 percent of the required floor area with a clear height of 2.1 metres (6 feet, 11 inches) at any point over the required area. The area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (h) Any basement or portion thereof used as a dwelling unit shall conform to the following requirements:
  - i. each habitable room shall comply with all the requirements set out in this By-law;
  - ii. floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
  - iii. each habitable room shall be separated from service rooms by a suitable fire separation as required by the Ontario Building Code; and
  - iv. access to each habitable room shall be gained without passage through a service room.

## **PART IV**

### **4.1 VACANT LANDS AND BUILDINGS**

- (a) 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.

#### **4.2 VACANT LANDS**

- (a) Vacant land shall be maintained to the standards as described in Part II, section 2.2, of this By-law.
- (b) Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

#### **4.3 VACANT BUILDINGS**

- (a) Vacant buildings and property shall be kept cleared of all garbage, rubbish and debris, and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- (b) The owner or agent of a vacant building shall board up the building, by covering all openings through which entry may be obtained with at least 12.7 mm. (0.5 inches) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls and maintained in good repair.

### **PART V NON-RESIDENTIAL PROPERTY STANDARDS**

#### **5.1 YARDS**

- (a) The yards of non-residential property shall be maintained to the standards as described in Part II, section 2.2 of this By-law.
- (b) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition, and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or visually enclosed metal fence not less than 2.03 metres (6 feet 7.92 inches) in height and maintained in good repair.

#### **5.2 MEANS OF EGRESS**

- (a) All means of egress within a non-residential property shall be maintained free from all obstructions or impediments and shall be:
  - i. provided with clear, unobstructed and readily visible exit signs, for every required exit; and
  - ii. provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

#### **5.3 STRUCTURAL SOUNDNESS**

- (a) Every part of a building structure shall be maintained in good repair 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, shall have 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.





#### **5.4 GUARDRAILS**

- (a) 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 where there is a difference in elevation of 600 mm. (24 inches) between adjacent levels. Guardrails shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature to withstand any and all loads likely to be imposed upon it.

#### **5.5 LIGHTING**

- (a) All non-residential establishments shall install and maintain sufficient windows, skylight and lighting fixtures necessary for the safety of all persons attending the premises, or as may be required by the *Occupational Health and Safety Act*, R.S.O. 1990 c. O. 1 as amended for industrial and commercial properties and kept in good repair. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

### **PART VI** **ADMINISTRATION AND ENFORCEMENT**

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

**6.2** The imperial measurements contained in this By-law are given for reference only.

**6.3** Council shall appoint an Officer and such Officer(s) shall be responsible for the administration and enforcement of this By-law.

#### **6.4 ORDER TO COMPLY**

- (a) Where an Officer finds that a property does not conform with any of the standards prescribed in this By-law, the Officer may make an order:
- i. stating the municipal address or the legal description of such property;
  - ii. giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and levelled condition;
  - iii. indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
  - iv. indicating the final date for giving notice of appeal from the order.
- (b) An order issued in accordance with subsection 6.4 (a) shall be served on the owner of the property and such other persons affected by it as the Officer determines. It shall be served personally or by registered mail sent to the last known address of the person to whom the order is being given.
- (c) If the Officer is unable to effect service under subsection 6.4(b), he/she shall place a placard containing the terms of the order in a conspicuous place on the property, and the placing of the placard shall be deemed as sufficient service of the notice or order on the owner or other persons.

- (d) An order may be registered in the proper land registry office 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 and, when the requirements of the order have been satisfied, the Clerk of the Township 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.

## **6.5 Appeals**

- (a) An owner or occupant who has been served with an order may appeal the order to the Committee, established pursuant to section 6.9 below, by sending a notice of appeal by registered mail to the Secretary of the Committee within fourteen (14) days after being served with the order along with the applicable fee.
- (b) An order that is not appealed within the time referred to in subsection 6.5(a) shall be deemed to be confirmed.
- (c) The Committee shall hear the appeal.
- (d) On an appeal, the Committee has all the powers and functions of the Officer who made the order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of this By-law and the official plan or policy statement:
  - i. confirm, modify or rescind the order to demolish or repair; or
  - ii. extend the time for complying with the order.
- (e) Upon receipt of the notice of appeal the Secretary of the Committee shall arrange for an appeal hearing to take place not less than seven days and not more than thirty days from the date of receipt of the notice of appeal and shall give notice of the date time and place of the appeal to the applicant, the Committee members and the Officer.

## **6.6 FAILURE TO COMPLY WITH AN ORDER**

- (a) If an order is not complied with, the Township may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be.
- (b) For the purpose of subsection 6.6(a) of this By-law, employees or agents of the Township may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the property.
- (c) The Township or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under subsection 6.6(b) of this By-law.
- (d) In addition to any other remedy, the Township shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolition under subsection 6.6 (a) of this By-law and the amount shall have priority lien status as described in subsection-1(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 and collected in the same manner as property taxes.
- (e) 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.

**6.7 CERTIFICATE OF COMPLIANCE**

- (a) An Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established by this By-law, may issue a Certificate of Compliance to an owner who requests one and who pays the applicable fee.

**6.8 OFFENCES AND PENALTIES**

- (a) Every person who contravenes any of the provisions of this By-law is guilty of an offence and pursuant to subsection 36(1) of the Act, and all contraventions of this By-law are designated as continuing offences.
- (b) Every person who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.
- (c) Every corporation who is convicted of an offence is liable to a maximum fine of One Hundred Thousand Dollars (\$100,000.00) for the first offence and Two Hundred Thousand Dollars (\$200,000.00) for a subsequent offence.
- (d) In addition to the fine amounts set out in subsections 6.8(a), (b) and (c), for each day or part of a day that an offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00) and not more than \$10,000 per day the offence continues after the time given for complying with the order has expired.

**6.9 PROPERTY STANDARDS COMMITTEE**

- (a) A Committee is hereby established to hear appeals of orders, in accordance with section 15.3 of the Act.
- (b) The Committee shall be composed of such persons, not fewer than three (3), as Council considers advisable.
- (c) The members of the Committee shall hold office for the term of Council – four (4) years. When a vacancy occurs in the membership of the Committee, Council shall forthwith fill the vacancy.
- (d) The members of the Committee shall be paid such compensation as the Council may provide.
- (e) 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.
- (f) A majority of the members of the Committee constitutes a quorum for transacting the Committee's business.
- (g) The members of the Committee shall provide for a Secretary of the Committee.
- (h) The Secretary of the Committee 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.
- (i) The Committee may adopt its own rules of procedure and any member of the Committee may administer oaths.

- (j) The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

**6.10 SEVERABILITY**

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

**6.11 TITLE**

- (a) This By-law may be referred to as "The Property Standards By-law".

**6.12 REPEALS AND EFFECTIVE DATE**

- (a) By-law No. 35/2007 of The Corporation of the Township of Wellesley is hereby repealed.
- (b) This By-law shall come into effect on the date of passing hereof.
- (c) Notwithstanding subsection 6.12(a) above, By-law No. 35/2007 is deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that By-law and any assessment, rate, charge, tax, fee, liability, fine or penalty outstanding under By-law 35/2007 may be collected as if such By-law had not been repealed.
- (d) The appointment of the Officer(s) and the Property Standards Committee for the administration, enforcement and hearing of appeals, as the case may be under By-law No. 35/2007 shall be deemed to be appointments for the purposes of this By-law.

Read a first and second time this 4<sup>th</sup> day of February, 2013.

\_\_\_\_\_  
Mayor Ross Kelterborn

\_\_\_\_\_  
Clerk, Grace Kosch

Read a third and final time and passed this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor Ross Kelterborn

\_\_\_\_\_  
Clerk, Grace Kosch

The Corporation of The Township of Wellesley (the "Township")

**ORDER**

Issued pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

Owner's Name and Address

Date

Dear Sir/ Madam

**RE: Description and Location of Property in Violation**

**BE ADVISED** that on \_\_\_\_\_ an inspection of your property, as noted above, revealed certain violations of the Township's Property Standards By-law being By-law No. \_\_\_\_\_ (the "Property Standards By-law")

The violation(s) are set out in **Schedule "A"**, attached hereto, and forms part of this **ORDER**

**IT IS HEREBY ORDERED THAT** the violation(s) as set out in **Schedule "A"** be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law on or before:

**TAKE NOTICE** that if such violation(s) are not remedied within the time specified in this Order, the municipality may commence legal action and/or correct such violations at the expense of the owner.

**APPEAL TO PROPERTY STANDARDS COMMITTEE**

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order the owner or occupant may appeal to the Property Standards Committee by sending a NOTICE OF APPEAL by registered mail to the Secretary of the committee within **fourteen (14) days** after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to be final and binding.

The address for filing with the Secretary is:

Secretary, Property Standards Committee  
The Corporation of the Township of Wellesley  
4639 Lobsinger Line, R. R. # 1  
St. Clements, ON N0B 2M0

**FINAL DATE FOR APPEAL:** \_\_\_\_\_

\_\_\_\_\_  
Property Standards Officer

**Schedule "A"**

Address to which Order applies: \_\_\_\_\_

Owner's Name(s): \_\_\_\_\_

The inspection on or about \_\_\_\_\_ (date) at the above referenced address found the following contraventions of the Township of Wellesley Property Standard's By-law:

Item	Description of Violation	Remedial Action Required

You are hereby ordered to correct the above referenced violations by taking the remedial action required by the dated noted on the order.