

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2025-24

A By-law to prescribe standards for the Maintenance and Occupancy of Property and repeal By-law 2002-81.

WHEREAS Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, authorizes the council of a municipality to pass a by-law prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of buildings, structures, debris or refuse and left in a graded and levelled condition;

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

AND WHEREAS the Official Plan for the Town of Midland includes provisions relating to property conditions;

NOW THEREFORE THE COUNCIL OF THE TOWN OF MIDLAND ENACTS AS FOLLOWS:

This By-law shall be known as the “**Property Standards By-law**”.

1.0 DEFINITIONS

For the purpose of this By-law, the following definitions shall apply:

"Accessory Building" means a detached **Building** or **Structure**, not used for human habitation that is subordinate to the primary use of the same **Property** and includes a boathouse.

"Basement" means that portion of a **Building** between two floors, which is partly underground of the first floor joists above the average finished grade level adjacent to the exterior walls of the **Building** and include a crawl spaces and cellar.

"Boat" includes any vessel which floats or is designed to float on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure crafts, scows, personal water craft, canoes, row boats, pontoon boats, kayaks, and commercial boats, when on the water or on land.

“Building” means a **Building** as defined in the **Building Code Act**, or a **Structure** used or intended to be used for supporting or sheltering any use or occupancy.

“Building Code Act” means the **Building Code Act**, 1992, S.O. 1992, c. 23, as amended and any prescribed regulations under the **Building Code Act**.

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

“Compost” means a collection of humus material such as but not limited to, kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves.

“Council” means the Council of the Corporation of the Town of Midland.

“Derelict Boat” means a **Boat** that is wrecked, dismantled, inoperative, discarded or unused and any component or part thereof.

“Derelict Vehicle” means any vehicle or trailer as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, that is wrecked, dismantled, inoperative, discarded, unused or unlicensed.

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

“Dwelling Unit” means a room or 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 including cooking, eating, sleeping and sanitary facilities.

“Exterior Property Areas” means the **Property**, exclusive of a **Building** and/or an **Accessory Building**.

“Fence” means a **Structure**, wall or barrier, other than a **Building**, erected at grade for the purpose of defining boundaries of **Property**, separating open space, restricting ingress to or egress from **Property**, providing security or protection to **Property** or acting as a visual or acoustic screen.

“Firewood” means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products included but not limited to wood skids, wood boxes, and used wood products that are not required for a **Building**, **Accessory Building** or **Structure** currently under construction on the **Property** or for which there is a current or regular use.

“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 feet) above grade.

“Ground Cover” means organic or non-organic material applied to prevent the erosion of the soil which includes but not limited to concrete, flagstone, gravel, asphalt, grass, artificial turf or other forms of landscaping.

“Guard” means a protective barrier installed around openings in floor area or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, or other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

“Habitable Room” means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposed, but excludes a **Washroom**, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway, storage room, furnace room or other accessory space used for service, maintenance or access within a **Building**.

“Heritage Attribute” means an attribute of a **Heritage Property** that contributes to its cultural heritage value or interest that is defined, described or inferred:

- (a) In a By-law designating a **Heritage Property**;
- (b) In a By-law designating a heritage conservation district;
- (c) In a Minister’s Order made under the Ontario Heritage Act;
- (d) In any documentation considered as part of (a), (b) or (c) above;

And includes any elements, features or components that support or protect the **Heritage Attribute**

“Heritage Property” means a **Property** designated under Part IV or Part V or by a Minister’s Order under the Ontario Heritage Act.

“Multi-Residential Dwelling” means a **Building** or portion thereof containing two or more **Dwelling Units** and shall include group **Dwellings** either held or maintained under single ownership or established and maintained under the provisions of the *Condominium Act, 1998, S.O. 1998, c. 19* or as a Co-operative.

“Noxious Weed” means, any weed or plant as defined in the *Weed Control Act, R.S.O. 1990, c. W. 5*, as amended, or any plant that is deemed to be a **Noxious Weed** under section 10(1) or designated as a **Noxious Weed** under section 24 (1) of that Act, as amended;

“Nuisance” means an injurious, offensive or objectionable condition and includes a condition which is injurious, offensive or obnoxious by reason of the emission of gas, fumes, dust or odour, or the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse, debris or other material or unsightly, offensive, or objectionable depictions or words on any **Building, Accessory Building** or **Structure**.

“Occupant” means any **Person** or **Persons** over the age of eighteen years in possession of the **Property**.

“Openable Area” means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Order” means an Order to Remedy or Order to Comply issued under this By-law

“Owner” includes:

- (a) 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 the **Person’s** 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
- (b) 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**.

“Parking Area” means any parking lot, area or space appurtenant to any **Property** specifically set aside or designated for the purpose of parking tenants or visitors’ motor vehicles.

“Person” includes a corporation and its heirs, executors, administrators, or other representatives of a **Person** to whom the context can apply according to law.

“Pest” means but not limited to, rodents, vermin, termites, injurious insects, and wild animals.

“Property” means a **Building** or **Accessory Building**, or part of a **Building** or **Accessory Building**, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, **Fences**, **Retaining Walls**, and erections thereon, whether heretofore or hereafter erected, and also includes **Vacant Property** and **Heritage Property**.

“Property Standards Officer” means an officer or **Person** who has been appointed by by-law to administer and enforce this By-law.

“Repair” includes the making of additions or alterations or the taking of such action as may be required so that the **Property** shall conform to the standards established in this By-law.

“Retaining Wall” means a **Structure** that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

“Safe Condition” means a condition that does not pose or constitute an undue or unreasonable hazard or risk of life, limb or health of any **Person** on or about the **Property**, and includes a structurally sound condition.

“Sewage” means water-carried **Waste**, together with such ground, surface and storm waters as may be present.

“Sewage System” means the **Town’s** system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system.

“Smoke Alarm” means a device approved by the Canadian Standards Association or the Underwriters Laboratories of Canada which automatically detects and gives warning of the presence of smoke and can also mean a smoke detector.

“Structure” means anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.

“Town” Means the Corporation of the Town of Midland or the land within the geographic limits of the Corporation of the Town of Midland as the context requires.

“Unsafe Condition” means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **Person** on or about the **Property**.

“Vacant Building” means any **Building** or **Accessory Building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:

- (a) A **Dwelling Unit** occupied by the **Owner** on a seasonal basis but otherwise maintained throughout the year;
- (b) A **Building** or **Accessory Building** on **Property** used for farming purposes, except a **Dwelling Unit**.

“Vacant Property” means a **Property** that does not have a **Building** or **Accessory Building**.

“Washroom” means a room containing one or more water closets or one or more lavatories and may include other sanitary fixtures.

“Waste” includes but is not limited to any debris, rubbish, refuse, **Sewage**, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, **Boat** or vessel parts, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying on a **Property** due to exposure to the weather.

2.0 GENERAL PROVISIONS

2.1 The standards for maintenance and occupancy of **Property** set forth in this By-law are hereby prescribed and adopted as the minimum standards for all **Property** within the Town.

2.2 No **Person** shall occupy a **Property** if there is a condition which poses or constitutes an **Unsafe Condition**.

2.3 A **Property** within the Town that does not conform with the standards contained in this By-law shall be:

- (a) **Repaired** and maintained to conform with such standards; or
- (b) Cleared of all **Buildings, Accessory Building, Structures** or **Waste** and left in a graded and levelled condition.

2.4 This By-law does not apply to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

3.0 APPLIED MEANING OF WORDS AND TERMS

3.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include all other genders; the singular word includes the plural, and the plural includes the singular.

4.0 EXTERIOR PROPERTY AREAS

4.1 **Exterior Property Areas** shall be kept in a neat and tidy condition and free from:

- (a) **Waste**;
- (b) **Pests** and any condition that may promote an infestation;
- (c) **Noxious Weeds** and excessive growth of other weeds and grass;
- (d) Unsightly and unreasonably overgrown **Ground Cover**, hedges and bushes in relation to their environment;
- (e) Dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an **Unsafe Condition**;
- (f) **Derelict Vehicles**, except in an establishment licensed or authorized to conduct and operate such a business in accordance with any other by-laws, and then only in an arrangement such as to prevent an **Unsafe Condition** or an unsightly condition;
- (g) **Derelict Boats**, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **Unsafe Condition** or an unsightly condition;
- (h) Machinery or any parts thereof, or other objects or parts thereof, or accumulations of materials or conditions that create an **Unsafe Condition** or an unsightly condition out of character with the surrounding environment;

- (i) Dilapidated or collapsed **Building** or **Accessory Building** and any unprotected well or other **Unsafe Condition** or unsightly condition out of character with the surrounding environment;
 - (j) Stagnant water;
 - (k) Animal excrement, except in connection with a lawful agricultural use on a **Property**;
 - (l) **Firewood**, except if stored in neat orderly piles.
- 4.2 Suitable **Ground Cover** shall be provided to prevent erosion of the soil. Where grass forms a part of the **Ground Cover** and has been killed, such dead areas shall be re-sodded or re-seeded as often as required so as to restore the grass to a living condition.
- 4.3 Hedges, plantings, trees or other landscaping including lighting, required by the **Town** as a condition of site development or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping or lighting, so as to carry out its intended function and maintain an attractive appearance.
- 4.4 Landscaping and general maintenance of the **Exterior Property Areas** shall not detract from the landscaping and the general maintenance of the neighbourhood of which they are a part of.
- 4.5 An abandoned or unused well, septic tank or any other hole on a **Property** shall be filled or safely covered and protected.
- 4.5 All swimming pools, wading pools and ponds and any appurtenances thereto, including **Fences** and gates shall be:
- (a) Maintained in a good state of **Repair**;
 - (b) Free from leaks or any health or safety hazard;
- 4.6 Operational equipment for swimming pools, wading pools and ponds shall be provided and maintained in a good state or **Repair** and kept in a **Safe Condition**.
- 4.7 All swimming pools, wading pools and ponds shall be kept clean and shall not result in stagnant water. Any areas that are unkept or unused shall be drained of all water found therein.
- 4.8 An icebox, refrigerator, freezer or other container shall not be placed in an **Exterior Property Area** for disposal without first removing all locks and doors or taking another adequate precautionary measure to prevent a **Person** from being trapped in an ice-box, refrigerator, freezer or other container.

5.0 DRAINAGE

5.1 Exterior Property Areas shall be:

- (a) Graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon; and
- (b) Cultivated or protected with a suitable **Ground Cover** to prevent erosion of the soil.

5.2 All catch basins, swales and ditches shall be maintained so as to not impede the natural flow of water.

5.3 The storm water run-off from all downspouts of impervious surfaces shall be contained within the limits of the **Property** from which it originates until absorbed by the soil or drained to a storm sewer, or to a natural or artificially created swale, ditch or watercourse.

5.4 Roof drainage shall not be discharged on sidewalks, stairs or adjacent **Property**.

5.5 Sump pumps shall not be discharged into **Sewage Systems**.

5.6 When a swimming pool, wading pool or other pond is being drained, the drainage shall not adversely affect any adjacent land in any manner.

6.0 SEWAGE

6.1 All **Sewage** shall be discharged into an approved **Sewage System**.

6.2 **Sewage** of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

7.0 BUFFERING

7.1 **Property** which, because of its use or occupancy, or for other reasons is required to be buffered shall:

- (a) Maintain an effective barrier to prevent lighting and vehicle headlights from shining directly into a **Dwelling Unit**;
- (b) Maintain an effective barrier to prevent wind-blown **Waste** from encroaching on an adjacent **Property**;
- (c) Maintain a visual screen, to minimize the visual impact of a **Nuisance** to a **Person** who owns or occupies an adjacent **Property**.

8.0 RETAINING WALLS

- 8.1 A **Retaining Wall** shall be maintained in good **Repair** and free from accident hazards.
- 8.2 Without restricting the generality of Section 8.1, the maintenance of a **Retaining Wall** may include:
- (a) Redesigning, **Repairing** or replacing all deteriorated, damaged, misaligned or missing portions of the wall, or railings and **Guards** appurtenant thereto;
 - (b) Installing subsoil drains where required to maintain the stability of the **Retaining Wall**;
 - (c) Grouting masonry cracks;
 - (d) Applying a coat of paint or equivalent preservative to all metal or wooden exposed components.

9.0 FENCES

- 9.1 A **Fence** on a **Property** separating adjoining **Property** shall:
- (a) Be in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - (b) Be maintained in a good state of **Repair** and free of accident hazards;
 - (c) Not present an unsightly appearance; and
 - (d) Free from any graffiti or other **Nuisance** depictions, words or other objects.
- 9.2 Without restricting the generality of Section 9.1, the maintenance of a **Fence** may include:
- (a) Protecting by paint, treated with a preservative or other weather resistant material unless the aesthetic characteristics of the **Fence** are enhanced by the lack of such treatment.

10.0 EXTERIOR LIGHTING STANDARDS AND FIXTURES

- 10.1 Adequate lighting standards and fixtures shall be maintained so that the work or operations normally carried out in an area, or the use of an area, can be undertaken in safety and to provide safe passage.
- 10.2 Exterior lighting standards and fixtures shall be kept in a **Safe Condition**, in good working order and in good visual condition.

- 10.3 Every exterior lighting standard or fixture on a **Property** shall not cause any glare to any motorists or create a hazardous condition while travelling on a highway.
- 10.4 Every exterior lighting standard or fixture on a **Property** shall be positioned in a manner to not cause any impairment of use or enjoyment of neighbouring properties.

11.0 RECREATIONAL FACILITIES, LAUNDRY FACILITIES ROOMS AND AREAS

- 11.1 A recreational facility, laundry facility, mail collection area including mailboxes, room or area and the equipment and appliances provided in connection therewith shall be:
- (a) Maintained in an operable and usable condition;
 - (b) Maintained in a **Safe Condition**;
 - (c) With the exception of an outdoor recreational facility, maintained in a clean condition.

12.0 WALKWAYS, DRIVEWAYS, RAMPS, PARKING AREAS AND LANDINGS

- 12.1 A walkway, driveway, ramp, **Parking Area** and landing shall be promptly cleared of snow and appropriate measures shall be taken to minimize the risk of **Persons** slipping or vehicles skidding on an icy surface.
- 12.2 An area used for vehicle traffic and parking shall be maintained through paving or surfaced with a crushed stone or other suitable and reasonably dust-free substance and shall be maintained in a good state of **Repair** and kept in a **Safe Condition**.
- 12.3 A **Parking Area**, driveway, walkway and other similar public access areas of an **Exterior Property Area** shall be kept clean and free from **Waste**, objects or conditions that may create an **Unsafe Condition**, health, fire, accident hazard or unsightly condition.
- 12.4 A paved communal **Parking Area** shall be maintained with suitable markings, such as painted lines, to indicate parking spaces, entry and egress for vehicles to the standard established in the **Town's** Zoning By-law.
- 12.5 A walkway and driveway shall be repaved, resurfaced or regraded as often as necessary to maintain a reasonably smooth, slip-free and safe walkway and driveway.
- 12.6 An **Owner** shall cause any snow disposal site or snow storage site on a **Property** to be:

- (a) Maintained so as not to cause a hazard on the **Property**; and
- (b) Maintained in such a manner and location on the **Property** to prevent a hazard, flooding, erosion and other damage to a neighbouring **Property**.

13.0 BUILDINGS AND ACCESSORY BUILDINGS

STRUCTURAL ADEQUACY- CAPACITY

- 13.1 All **Repairs** and maintenance of **Property** required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for that purpose.
- 13.2 Every part of a **Building** or **Accessory Building** shall be maintained in good **Repair** and in a structurally sound condition so as:
 - (a) To be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to;
 - (b) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - (c) To prevent the entry of moisture that would contribute to damage, fungus growth, mould, decay or deterioration;
 - (d) To be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.
- 13.3 The abating of an **Unsafe Condition** may include:
 - (a) The provision or **Repair** of stairs, balustrades, railings, **Guards** and screens so as to minimize the risk of accident;
 - (b) The elimination of other conditions which, in themselves are a hazard to life or which risk serious injury to **Persons** normally in or about the subject **Building**, **Accessory Building**, room, suite of rooms or space;
 - (c) The installation of a handrail in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in a good state of **Repair**.

14.0 HEALTH AND REFUSE

- 14.1 A **Building** and **Accessory Building** on a **Property** shall be kept free of mould, **Waste** and **Pests**, and any condition that may promote an infestation.

- 14.2 Every residence **Building** floor, having common access corridor to individual apartments or units shall be maintained and the central storage and disposal facility shall be maintained.
- 14.3 In a **Dwelling Unit**, sufficient rooms, containers and receptacles shall be maintained to safely contain all **Waste**, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with any applicable by-laws.
- 14.4 An external container and receptacle shall be screened from view and shall be provided with a cover so that the material contained therein is not exposed to **Pests**.
- 14.5 Every **Building** and **Accessory Building** shall be provided with sufficient proper receptacles to contain all **Waste**, which accumulates on the **Property**, and such **Waste** shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.
- 14.6 A receptacle for **Waste** shall be:
- (a) Made of watertight construction;
 - (b) Provided with a tight-fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - (c) Maintained in good working condition and order without holes or spillage; and
 - (d) Closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or **Waste**.
- 14.7 Garbage chutes, disposal and collection rooms or external areas shall be:
- (a) Washed down and disinfected as necessary to maintain a clean and odour free condition; and
 - (b) Maintained in good working order.
- 14.8 All **Pests** shall be exterminated, and appropriate measures shall be taken to prevent their re-entry to a **Building** or **Accessory Building** on a **Property**.
- 14.9 In a **Dwelling**, openings in the exterior walls or roof shall be fitted and maintained to protect all habitable space from water and weather entry, and to make such space free from drafts.
- 14.10 No portion of a **Dwelling** shall be used for human habitation unless:

- (a) The floors, walls and ceiling areas are watertight and free from dampness and mould at all times;
- (b) The total window area, the total **Openable Area** for natural ventilation and the ceiling height are in accordance with the provisions of the **Building Code Act** or, alternatively, re-ventilation and/or mechanical ventilation is provided as prescribed by the **Building Code Act**;
- (c) The required minimum window area of every **Habitable Room** is entirely above the grade of the ground adjoining such window area, or the top of the window well, whichever is the higher elevation.

15.0 COMPOST

- 15.1 **Compost** on a **Property** shall be maintained in a composter or an open **Compost** pile that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metres (39 inches) in height.
- 15.2 A composter or an open **Compost** pile shall be kept free of **Pests** and any condition that may promote an infestation.

16.0 HEATING, HEATING SYSTEMS, CHIMNEYS, VENTS AND FUEL BURNING APPLIANCES

- 16.1 Every **Building** containing an occupied **Dwelling Unit** or **Habitable Room** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius between the 15th day of September to the 1st day of June the following year. A heating system shall be maintained in good working condition so as to be capable of safely heating the **Dwelling Unit** or **Habitable Room** to the required standard.
- 16.2 No leased or rental **Dwelling Unit** shall be equipped with portable heating equipment as a primary source of heat.
- 16.3 A fuel burning appliance shall:
 - (a) Have ample air supply to permit combustion to occur with optimum oxygen available;
 - (b) Be located in such a manner as to prevent impediment to the free movement of a **Person** and the overheating of adjacent materials and equipment;
 - (c) Have **Guards** where necessary to minimize the risk of an accident.
- 16.4 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a **Safe Condition** and location so as to be free from fire or accident hazard.

- 16.5 A fuel burning appliance, equipment and accessories shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method and as may be required by the **Building Code Act**.
- 16.6 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **Repair** to prevent the escape of smoke, fumes or gases from entering a **Building**. Maintenance may include the removal of obstructions, sealing open joints, and the **Repair** of loose or broken masonry units.
- 16.7 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **Repair** to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

17.0 AIR CONDITIONING

- 17.1 An air conditioner 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 and electrical condition.
- 17.2 Cooling water from water-cooled equipment shall not be discharged on a driveway, walkway or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to a wall, foundation or part of a **Building** or **Accessory Building**.
- 17.3 The discharge of cooling water from water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable government regulations.

18.0 INTERIOR LIGHTING

- 18.1 Interior lighting standards and fixtures shall be kept in a **Safe Condition**, in good working order and in good visual condition.
- 18.2 Every interior lighting standard or fixture on a **Property** shall be positioned in a manner to not cause any impairment of use or enjoyment of neighbouring properties.

19.0 VENTILATION

- 19.1 Sufficient ventilation shall be provided to all areas of a **Building** or an **Accessory Building** to prevent accumulations of heat, dust, vapours, odours, carbon monoxide, mould and other gases likely to create a potential **Unsafe Condition** or to become a **Nuisance**.
- 19.2 A kitchen, **Washroom**, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.

19.3 An enclosed area of a **Building** or an **Accessory Building** including a **Basement** and an attic shall be adequately ventilated.

19.4 A system of mechanical ventilation shall be maintained in good working order.

20.0 PLUMBING

20.1 a **Dwelling Unit** shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health and/or the Chief Building Official of the **Town**.

20.2 A washbasin, bathtub or shower, and one kitchen sink in a **Dwelling Unit** shall be equipped with an adequate supply of hot and cold running water. All hot water shall be supplied at a minimum of 43 degrees Celsius and a maximum of 49 degrees Celsius.

20.3 A fixture shall be of such materials, construction and design to ensure that the exposed surface of all parts is hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbour germs or impede thorough cleansing.

20.4 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working order free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

20.5 All plumbing fixtures in every **Building** or **Accessory Building** shall discharge the water, liquids or **Sewage** into drainage piping, which shall be connected to a **Sewage System** approved by the authority having jurisdiction.

20.6 All toilet facilities, sanitary conveniences and washing facilities shall be maintained:

(a) In good working order;

(b) In a clean and sanitary condition and free from mould;

(c) Supplied with hot and cold running water, with cold water connection only to toilets and urinals; and

(d) Connected to the drainage system.

21.0 KITCHEN

21.1 A **Dwelling Unit** shall contain a kitchen area equipped with:

(a) One sink surrounded by a surface that is impervious to grease and water;

- (b) A suitable storage area;
 - (c) A counter or work area, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable;
 - (d) A space provided for cooking and refrigeration appliances including suitable electrical or gas connections; and
 - (e) A back splash which is water and grease resistant.
- 21.2 A cooking appliance and a refrigeration appliance shall be maintained in a good state of **Repair** and operating condition.

22.0 WASHROOM

- 22.1 A **Dwelling Unit** shall contain a **Washroom** consisting of at least one fully operational toilet, washbasin, and a bathtub or suitable shower unit.
- 22.2 Where **Washrooms** have been required or provided in any **Building** or **Accessory Building**, all features shall be maintained including signage, grab-bars, special fixtures and door hardware as outlined in the **Building Code Act**.
- 22.2 A **Washroom** and a toilet shall be located within the **Dwelling Unit** and accessible from within the **Dwelling Unit**.
- 22.3 Where a toilet or **Washroom** facility is shared by **Occupants** of a residential accommodation, other than a self-contained **Dwelling Unit**, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facility.
- 22.4 Every wall surrounding a shower or bathtub area shall be of impervious material and shall be maintained in a good state of **Repair**.
- 22.5 A **Washroom** as required by section 22.1 shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.

23.0 FLOORS

- 23.1 A floor shall be smooth, level and maintained to be free of all loose, warped, protruding, broken or rotted boards that may create an **Unsafe Condition** or surface. A defective floor shall be **Repaired** or replaced.
- 23.2 Where a floor covering has become worn or torn so that it retains dirt or may create an **Unsafe Condition**, the floor covering shall be **Repaired** or replaced.

- 23.3 A **Washroom**, kitchen and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

24.0 ELECTRICAL SERVICE

- 24.1 A **Dwelling** and **Dwelling Unit** shall be wired for electricity and shall be connected to an approved electrical supply system.
- 24.2 The capacity of the connection to a **Building** or **Accessory Building** and the system of circuits distributing the electrical supply of the **Building** or **Accessory Building** shall be adequate for the use and intended use.
- 24.3 Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order, free from fire and accident hazards.
- 24.4 Extension cords shall not be used on a permanent basis at any time.

25.0 DISCONNECTED UTILITIES

- 25.1 An **Owner** of a residential **Building** or non-residential **Building** or any **Person** 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 a **Dwelling Unit** and **Habitable Room** 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 said service or utility.

26.0 FOUNDATIONS

- 26.1 A foundation of a **Building** or an **Accessory Building** shall be maintained in a good state of **Repair** to prevent settlement detrimental to the appearance of the **Building** or **Accessory Building**, or the entrance of moisture or **Pests** into the **Building** or **Accessory Building**.
- 26.2 Without limiting the generality of section 26.1, the maintenance of a foundation may include:
- (a) The jacking-up, underpinning or shoring of the foundation where necessary;
 - (b) The extension of footings and foundations below grade or regrading to provide adequate frost cover;
 - (c) Installing subsoil drains at the footing where such would be beneficial;
 - (d) The grouting of masonry cracks;
 - (e) Waterproofing the wall and joints;

- (f) The carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the **Building** or **Accessory Building**;
- (g) **Repairing** or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (h) Making sills, piers, posts or other supports insect-proof by the application of suitable materials; and
- (i) Coating with a preservative.

27.0 EXTERIOR WALLS, COLUMNS AND BEAMS

27.1 The components of an exterior wall of a **Building** or an **Accessory Building** shall be maintained:

- (a) In a good state of **Repair** and in a **Safe Condition**;
- (b) Weather tight;
- (c) Free from loose or unsecured objects or materials;
- (d) To prevent the entrance of **Pests** or other animals;
- (e) To prevent deterioration due to weather, **Pests** or other animals; and
- (f) To prevent deterioration detrimental to the appearance of the **Building** or an **Accessory Building**.

27.2 Without limiting the generality of section 27.1, the maintenance of an exterior wall of a **Building** or an **Accessory Building** may include:

- (a) The applying of materials to preserve all exterior wood and metal work or other materials not inherently resistant to weathering;
- (b) The applying of materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
- (c) The restoring, **Repairing** or replacing of:
 - i) The wall;
 - ii) The masonry units and mortar;
 - iii) The stucco, shingles or other cladding;
 - iv) The coping; and
 - v) The flashing and waterproofing of the wall and joint.

27.3 Exterior columns and beams and any decorative trim shall be maintained in a good state of **Repair** and in a **Safe Condition**. Where necessary, such columns, beams and trim shall be restored, **Repaired** or replaced and suitably protected or treated against weathering, to prevent or remedy deterioration detrimental to the appearance of the **Building** or **Accessory Building**.

28.0 EXTERIOR DOORS, WINDOWS AND OTHER OPENINGS, CANOPIES, MARQUEES AND AWNINGS

28.1 Shutters, windows, doors, hatchways and other exterior openings in a **Building** or an **Accessory Building** shall be kept weather tight, draft free, and in a good state of **Repair** and working order.

28.2 Without limiting the generality of section 28.1, the maintenance of a shutter, window, door, hatchway and other exterior opening may include:

(a) Painting or the applying of a similar effective preservative;

(b) The **Repair**, replacement or renewing of damaged, decaying, missing or defective:

- i) Doors;
- ii) Door frames and casings;
- iii) Windows and window sashes;
- iv) Window frames and casings;
- v) Shutters; and
- vi) Screens.

(c) Refitting doors, windows, shutters or screens;

(d) Reglazing or fitting with a translucent substitute;

(e) Rescreening;

(f) Using other approved means of weatherproofing where the opening is used or required for ventilation or illumination and is not protected by a window, door or similar closure:

- i) Screening with wire mesh, metal grills or other equivalent durable material; or
- ii) Other protection to effectively prevent the entry of **Pests** or other animals.

28.3 Glazed doors, windows and other transparent surfaces shall be kept clean to permit unimpeded visibility and unrestricted passage of light

- 28.4 A window in a **Dwelling Unit** that can be or is required by the standards to be openable shall be provided with screening to effectively prevent the entry of **Pests** or other insects.
- 28.5 Nothing in this section shall be construed as preventing doors, windows and other openings in an unoccupied **Building** or **Accessory Building** from being protected from damage or to prevent entry, for such time as determined by section 37.
- 28.6 A canopy, marquee or awning shall be properly anchored to be kept in a **Safe Condition** and shall be protected from decay and rust by a periodic application of weather-coating material.
- 28.7 A **Building** shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the **Building** at street or grade level.
- 28.8 A door that facilitates access to or egress from a **Dwelling Unit** shall be equipped with locks and shall be maintained in a good state of **Repair** and in an operating condition.
- 28.9 Solid core doors shall be provided for all entrances to **Dwellings** and **Dwelling Units**.
- 28.10 In a **Multi-Residential Dwelling** where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the **Multi-Residential Dwelling** and that system is controlled from each **Dwelling Unit**, such system shall be maintained in a good state of **Repair** and in an operating condition.
- 28.11 Every window in a leased or rented **Dwelling Unit** that is located above the **First Storey** of any **Dwelling** shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened by an adult without the use of tools during an emergency situation.
- 28.12 Each **Dwelling** containing more than one (1) **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. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a **Dwelling Unit** may be through a vertically mounted window that meets the latest edition of the Ontario Building Code.
- 29.0 EXTERIOR STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS, BALCONIES AND FIRE ESCAPES, ALARMS AND DETECTORS**
- 29.1 An exterior stair, veranda, porch, deck, loading dock, balcony, fire escapes and every appurtenance attached thereto shall be maintained, reconstructed or **Repaired** so as to be safe to use and capable of supporting the loads to which it

may be subjected, as specified in the **Building Code Act**, and shall be kept in **Safe Condition** and good state of **Repair**, free of all accident hazards and other deterioration or objects detrimental to the appearance of the **Building** or **Accessory Building**.

29.2 Without limiting the generality of section 29.1, the maintenance, reconstructing or **Repairing** of an exterior stair, veranda, porch, deck, loading dock, balcony and fire escape may include:

- (a) **Repairing** or replacing treads, risers or floors that show excessive wear or are broken, warped, loose or otherwise defective;
- (b) **Repairing**, renewing or supporting structural members that are rotted, deteriorated or loose;
- (c) Providing, **Repairing** or renewing **Guard** rails, railings and balustrades; and
- (d) Painting or the applying of an equivalent preservative.

29.3 Exterior stairs and fire escapes shall be kept free from ice and snow.

29.4 All **Smoke Alarms**, carbon monoxide alarms, fire alarm system components, detectors, and all other fire protection and life safety equipment shall be compliant with the *Ontario Fire Code* and the *Ontario Building Code* at all times.

30.0 ROOFS AND ROOF STRUCTURES

30.1 A roof, roof deck, roof structures including solar energy panels, wind generators and related **Guards** or a **Building** or **Accessory Building** shall be:

- (a) Weather tight and free from leaks;
- (b) Free from loose, unsecured or unsafe objects and materials;
- (c) Free from accident hazards;
- (d) Free from dangerous accumulation of ice and snow;
- (e) Kept in a good state of **Repair** and in a **Safe Condition**; and
- (f) Free from other unsightly objects and conditions detrimental to the appearance of the **Building** or **Accessory Building**.

30.2 The drainage from all roof surfaces shall discharge into an eavestrough or roof gutter and thence to a downpipe.

30.3 An eavestrough, roof gutter and downpipe shall be kept:

- (a) In a good state of **Repair**;
 - (b) In good working order;
 - (c) Water tight and free from leaks;
 - (d) Free from accident hazards;
 - (e) Protected by painting or the applying of other equivalent preservative.
- 30.4 Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in a good state of **Repair** and shall be:
- (a) Free from loose bricks, mortar and loose or broken capping;
 - (b) Free from loose or rusted stanchions, guy wires, braces and attachments;
 - (c) Free from any accident hazard;
 - (d) Free from the entrance of smoke or gases into a **Building** or **Accessory Building**;
 - (e) Free from the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
 - (f) Weather tight and free from leaks;
 - (g) Free from unsightly objects and conditions detrimental to the appearance of the **Building** or **Accessory Building**.

31.0 EXTERIOR MAINTENANCE

- 31.1 All exterior surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.
- 31.2 Appropriate measures shall be taken to remove any graffiti, markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the exterior surface and adjacent areas to, as near as possible, to its appearance before the markings, stains or defacement occurred.
- 31.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged **Building** or **Accessory Building** compatible with its environment. Without restricting the generality of the foregoing, such measures include:

- (a) Making the **Building** or **Accessory Building** safe;
- (b) **Repairing** of damaged surfaces exposed to view;
- (c) Cleaning any damaged surfaces exposed to view;
- (d) Refinishing to be in harmony with adjoining undamaged surfaces.

31.4 In the event the **Building** or **Accessory Building** is beyond **Repair**, the **Property** shall be cleared of all remains and left in a graded, levelled and tidy condition.

32.0 INTERIOR WINDOWS, DOORS, SURFACES, FLOORS AND STAIRS

32.1 Interior windows, doors, surfaces, floors and stairs shall be maintained:

- (a) In a clean, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
- (b) In good working order and a good state of **Repair**, free from holes, loose, broken, warped, torn, damaged or decayed boards or materials;
- (c) Free from depressions, protrusions, deterioration or other defects which could create an **Unsafe Condition** or which are out of character with the normal use of the area in which such defect occurs;
- (d) So as to afford the fire resistive properties and other protection for which they shall be designed; and
- (e) Free of any graffiti, markings, stains or other defacement.

32.2 Interior windows and doors shall also comply with the requirements of section 28.

33.0 INTERIOR STRUCTURE- COLUMNS AND BEAMS

33.1 A **Building** and an **Accessory Building** and all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be maintained with material adequate for the load to which they are subjected to.

34.0 WALLS AND CEILINGS

34.1 Every interior surface and finish of walls and ceilings shall be maintained:

- (a) In a good state of **Repair**, a surface which is reasonably smooth, clean, tight and easily cleaned;
- (b) Free of holes, cracks, loose plaster or other material;

(c) In a **Safe Condition**;

(d) So as to possess the fire resistant properties required by the **Building Code Act** and the *Fire Protection and Prevention Act*, as amended.

35.0 ELEVATORS

35.1 An elevator, an elevating device, dumb-waiters, hoists, escalators, incline lifts including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in a good state of **Repair**, operable and in a **Safe Condition**.

36.0 HERITAGE PROPERTIES

36.1 In addition to all other standards prescribed by this By-law, an **Owner** of a **Heritage Property** shall:

(a) Protect, maintain and stabilize a **Heritage Attribute** so as to preserve the existing materials;

(b) In the conduct of a **Repair**, use only materials that match the form and detailing of the original elements of the **Heritage Attribute**; and

(c) Be **Repaired** using only recognized conservation methods.

37.0 VACANT PROPERTY AND VACANT BUILDING AND HERITAGE PROPERTY- ADDITIONAL STANDARDS

37.1 **Vacant Property** shall be kept clear of all **Waste** and other materials and equipment not otherwise permitted by the current version of the **Town's** Zoning By-law.

37.2 A **Vacant Building** or **Heritage Property** shall:

(a) Be secured against unauthorized entry;

(b) Have liability insurance; and

(c) Be protected against the risk of fire, accident or other danger.

37.3 Where a **Vacant Building** or **Heritage Property** has been vacant for at least sixty (60) consecutive days, a **Property Standards Officer** who reasonably believes that a **Vacant Building** poses a risk to safety or the **Heritage Attributes** of a **Heritage Property** may be at risk may, in writing, require the **Owner** of a **Vacant Building** or **Heritage Property** to do any one or more of the following, within the timeframe specified by the **Property Standards Officer**:

- (a) Install security measures or devices to the satisfaction of the **Property Standards Officer**, and such measures may include boarding of doors, windows, or other openings; or
 - (b) Do any work or **Repairs** which, in the opinion of the **Property Standards Officer**, are necessary to secure a **Vacant Building** or **Heritage Property** from unauthorized entry or protect a **Vacant Building** or **Heritage Property** against the risk of fire, accident, or other danger; or
 - (c) Do any work or **Repairs** which, in the opinion of the **Property Standards Officer**, are necessary to preserve the **Heritage Attributes** or a **Heritage Property**.
- 37.4 Where a **Vacant Building** or **Heritage Property** is boarded or required to be boarded:
- (a) Boarding materials shall be installed and maintained in good order;
 - (b) Boarding materials shall be installed to exclude precipitation and wind from entering the **Vacant Building** or **Heritage Property**, and to secure the **Vacant Building** or **Heritage Property** from unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;
 - (c) Unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather resistant material;
 - (d) Boarding materials shall be selected, coated, coloured, and installed to match surrounding door/window frames and exterior wall finishes;
 - (e) In the case of a **Heritage Property**, a **Property Standards Officer** may specify additional or different requirements to ensure the protection of **Heritage Attributes** and to minimize visual impacts.
- 37.5 Where a **Vacant Building** or **Heritage Property** remains vacant for more than ninety (90) consecutive days, the **Owner** shall ensure that all utilities serving the **Vacant Building** or **Heritage Property** are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the **Vacant Building** or **Heritage Property**, or unless such utilities are otherwise required by law to remain connected, or required to maintain and monitor proper heating and ventilation to prevent damage to the **Heritage Attributes** at a **Heritage Property**.
- 37.6 When openings in a **Vacant Building** or **Heritage Property** previously boarded or secured become unsecured, such openings shall be secured again, and as determined by the **Property Standards Officer** may require the use of materials and fasteners of greater strength, installed in such a manner to deter their removal or destruction.

- 37.7 Where a **Vacant Building** or **Heritage Property** has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a **Property Standards Officer** may issue an **Order** to remove all previously installed boarding from windows and doors and to **Repair** the **Vacant Building** or **Heritage Property** in compliance with the standards set out in this By-law and in keeping with the protection of the **Heritage Attributes** of a **Heritage Property**.

38.0 ADMINISTRATION AND ENFORCEMENT

- 38.1 A **Property Standards Officer** is responsible for the administration and enforcement of this By-law.
- 38.2 A **Property Standards Officer** may, upon producing proper identification, enter upon any **Property** at any reasonable time without a warrant for the purpose of inspecting the **Property** to determine:
- (a) Whether the **Property** conforms with the standards prescribed in this By-law;
or
 - (b) Whether an **Order** made under this By-law and the **Building Code Act** has been complied with.
- 38.3 A **Property Standards Officer** shall not enter or remain in any room or place actually being used as a **Dwelling** unless:
- (a) The consent of the **Occupant** is obtained, the **Occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the **Building Code Act**;
 - (b) A warrant issued under the **Building Code Act** is obtained;
 - (c) The delay necessary to obtain a warrant or the consent of the **Occupant** would result in an immediate danger to the health or safety of any **Person**;
 - (d) The entry is necessary to terminate a danger under subsection 15.7(3) or 15.10(3) of the **Building Code Act**; or
 - (e) The requirements of section 38.4 are met and the entry is necessary to remove an **Unsafe Condition** under clause 15.9 (6)(b) of the **Building Code Act** or to **Repair** or demolish under subsection 15.4(1) of the **Building Code Act**.
- 38.4 Within a reasonable time before entering the room or place of a purpose described in section 38.3 (e), the **Officer** shall serve the **Occupant** with notice of their intention to enter it.

38.5 A **Property Standards Officer** for the purposes of an inspection has all the powers as provided for in section 15.8(1) of the **Building Code Act**.

38.6 The prescribed fee for an inspection shall be payable by an **Owner** as set out in the current version of the **Town's Fees and Charges By-law**.

39.0 ORDERS AND COMPLIANCE

39.1 An **Owner** of a **Property** shall comply with the standards and requirements prescribed in this By-law.

39.2 Every **Property Standards Officer** who finds that a **Property** does not conform with any of the standards of this By-law, may make an **Order** pursuant to the provisions of section 15.2 of the **Building Code Act**:

(a) Requiring the **Property** that does not conform with the standards to be **Repaired** and maintained to conform with the standards; or

(b) Requiring that the site be cleared of all **Buildings** or **Accessory Building, Structures** or **Waste**, debris and refuse and left in a graded and levelled condition.

39.3 Every **Owner** of **Property** shall comply with an **Order** made pursuant to this By-law and the **Building Code Act** requiring compliance as confirmed or modified. If an **Order** of a **Property Standards Officer** is not complied with in accordance with the **Order** as deemed confirmed or as confirmed or modified by the **Committee** or a Judge or a Justice of the Peace, the **Town** may cause the **Property** to be **Repaired** or demolished accordingly.

39.4 Where any **Person** fails to comply with an **Order** issued, the **Town** may enter and cause the required work to be done at the cost of the **Person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

(a) Any costs incurred by an **Owner** or **Person** as a result of any required work to be done as outlined in section 39.4 shall also include any fees as per the current version of the **Town's Fees and Charges By-law**.

39.5 An **Order** issued under this By-law may be served personally and/or served by sending it via registered mail and/or email to the last known address of:

(a) The **Owner** of the **Property** at the address shown on the municipal tax roll;

(b) The **Person** identified as contravening this By-law;

(c) If sent via email, the **Order** shall be sent to the last known email address of the **Person(s)** or corporation(s) in which the **Order** is addressed to.

- 39.6 Where service of an **Order** is made by registered mail, the **Order** shall be deemed served on the fifth (5th) day after the **Order** is mailed.
- 39.7 Where service of an **Order** is made by email, the **Order** shall be deemed served on the third (3rd) day after the **Order** was emailed or upon a response from any recipient of the **Order**.
- 39.8 In addition to service under section 39.6 and 39.7, an **Order** may also be posted on the **Property** in a location visible to the public. If an **Order** is posted on the **Property**, it shall be deemed served on the same day that the **Order** is posted.
- 39.9 If a **Property Standards Officer** has issued an **Order** under Section 15.8 of the **Building Code Act** where a professionals report or any other report is required within the **Order** and does not satisfy the **Property Standards Officer**, the **Property Standards Officer** may have the report peer reviewed by another qualified professional and all costs associated with the peer review shall be at the cost of the **Person** or **Owner** listed on the **Order**.
- (a) Where any costs are incurred by the **Town** as a result of a peer review, the costs associated with the peer review may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

40.0 APPEAL OF AN ORDER

- 40.1 An **Owner** who has been served with an **Order** made under this By-law and **Building Code Act** and who is not satisfied with the terms or conditions of the **Order** may appeal to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the **Order**.
- 40.2 The prescribed fee set out in the **Town's Fees and Charges By-law** shall be payable by an **Owner** upon filing a notice of appeal. Failure to pay the prescribed fee shall result in the appeal not being processed.
- 40.3 An **Order** that is not appealed within the time referred to in section 40.1 shall be deemed to be confirmed.
- 40.4 The **Committee** shall hear the appeal upon the **Town** receiving a notice of appeal and the prescribed fee as set out in section 40.2.
- 40.5 On an appeal, the **Committee** has all the powers and functions of the **Property Standards 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 the by-law and of the official plan or policy statement:

(a) Confirm, modify or rescind the **Order** to demolish or **Repair**.

(b) Extend the time for complying with the **Order**.

40.6 The **Town** in which the **Property** is situated or any **Owner** or **Person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the Clerk of the **Town** in writing and by applying to the court within 14 days after a copy of the decision is sent.

40.7 The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the matter in which and the **Persons** upon whom the appointment is to be served.

40.8 On the appeal, the judge has the same powers and functions as the **Committee**.

40.9 An **Order** that is deemed to be confirmed under section 40.3 or that is confirmed or modified by the **Committee** under section 40.4 or a judge under section 40.8 shall be final and binding upon the **Owner** who shall carry out the **Repair** or demolition within the time and in the manner specified in the **Order**.

41.0 POWER OF TOWN TO REPAIR AND DEMOLISH

41.1 If an **Order** is not complied with in accordance with the **Order** as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Town** in accordance with section 15.4 of the **Building Code Act** may cause the **Property** to be **Repaired** or demolished.

41.2 Where an **Order** is not complied with and the **Town** has caused the **Property** to be **Repaired** or demolished, the **Town** has priority lien status in accordance with section 1 of the *Municipal Act, 2001, as amended*, on the **Property** for the amount spent on the **Repair** or demolition and the amount may be added to the tax roll by the Treasurer of the **Town** and may be collected in the same manner as taxes on the **Property**.

42.0 EMERGENCY ORDERS

42.1 If upon inspection of a **Property** an **Officer** is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any **Person**, the **Officer** may make an **Order** in accordance with section 15.7 of the **Building Code Act** containing particulars of the non-conformity and requiring remedial **Repairs** or other work to be carried out immediately to terminate the danger.

43.0 CERTIFICATE OF COMPLIANCE

- 43.1 After inspecting a **Property**, a **Property Standards Officer** who is of the opinion that the **Property** is in compliance with the standards established in this By-law, may issue a certificate of compliance to the **Owner**.
- 43.2 The prescribed fee set out in the **Town's Fees and Charges By-law** shall be payable prior to the issuance of a certificate of compliance where it is issued at the request of the **Owner**.

44.0 PENALTY

- 44.1 Every **Owner** who fails to comply with an **Order**, as confirmed, any other **Order**, a direction or a requirement made under this By-law is guilty of an offence under Section 36 (1) of the **Building Code Act** and is liable to a penalty or penalties as set out in Section 36 of the **Building Code Act**.
- 44.2 Every **Person** or **Owner** who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the **Town's Administrative Monetary Penalty System By-law**, be liable to pay the **Town** an Administrative Monetary Penalty.

45.0 PROPERTY STANDARDS COMMITTEE

- 45.1 A **Committee** is hereby established in accordance with the **Building Code Act**.
- 45.2 The **Committee** shall be composed of such persons, not fewer than three (3), as **Council** considers advisable.
- 45.3 The **Committee** shall hold office for the term of **Council** or until such time as successors are appointed.

46.0 VALIDITY AND SEVERABILITY

- 46.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

47.0 TRANSITION

- 47.1 The repeal of by-laws referred to in Section 48.1 shall not affect any offence committed against the provisions of the by-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

48.0 REPEAL

48.1 That By-law 2002-81 and all amendments thereto are hereby repealed and replaced with this By-law.

49.0 FORCE AND EFFECT

49.1 This By-law shall come into force and effect on the date of passage.

BY-LAW PASSED AND ENACTED THIS 9TH DAY OF APRIL 2025.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SARAH CATHCART – DEPUTY CLERK