

## BY-LAW NO. 64-2008

### A BY LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE BEING A BYLAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE CORPORATION OF THE TOWN OF CARLETON PLACE.

**WHEREAS** the Council of the Corporation of the Town of Carleton Place, Ontario is empowered to enact a By-law pursuant to the provisions of Section 15.1 of *The Building Code Act* and amendments thereto.

**AND WHEREAS** there is in effect in the Town of Carleton Place an Official Plan which includes provisions relating to property conditions;

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place HEREBY ENACTS that all property owners within the Town of Carleton Place are required to comply with the following minimum standards of occupancy.

#### 1. DEFINITIONS

In this By-law

- 1.1 **Accessory Building** means a detached, subordinate building or structure not used for human habitation, located on the same lot with the main building and used incidentally to the main building and includes a private garage where such garage does not form part of the main building.
- 1.2 **Alteration** means (as applying to a building) a change from one major occupancy class or division to another, or to a structural change such as an addition to the area and height, or the removal of part of a building, or any change to the structure such as the construction, cutting into or removal of any wall, partition, column, beams, joist, floor or other support, or a change of the fixtures and equipment.
- 1.3 **Barrier** means a structure intended to block, obstruct or prevent access to an area or sound, whether constructed of wood, metal, concrete or other type of material.
- 1.4 **Building** means a structure as defined in *The Building Code Act*, C.23, Section 1(1)(a) or part of a structure occupied or capable of being occupied in whole or in part for its intended use and includes a vacant building or structure that could be intended for such use except for its state of disrepair.
- 1.5 **Committee** means the Property Standards Committee of the Town of Carleton Place, members of which are appointed annually by the Striking Committee of Council.
- 1.6 **Corporation** means the Corporation of the Town of Carleton Place.
- 1.7 **Dwelling Unit** means a suite operated as a housekeeping unit, used and intended to be as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.
- 1.8 **Excavation** means the space created by the removal of soil, rock or fill for the purpose of construction.
- 1.9 **Fence** means a structure enclosing a yard or a portion thereof and includes a structure constructed of open wire mesh, boards on boards, pickets, rail or lattice type construction, whether of wood, metal, masonry or a combination thereof or other material.

- 1.10 **Habitable Room** means any room in a dwelling used or intended to be used for living, sleeping, cooking, or eating purposes.
- 1.11 **Land(s)** means grounds and vacant lot(s) exclusive of buildings, save and except an accessory building.
- 1.12 **Maintenance** means the preservation and keeping in repair of a property.
- 1.13 **Multiple Use Dwelling** means a building containing both a dwelling unit and a non-residential property.
- 1.14 **Municipality** means the Corporation of the Town of Carleton Place.
- 1.15 **Non-Habitable Room** means any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to, and vertical travel between storeys.
- 1.16 **Non-Residential Property** means a building or structure not occupied or capable of being occupied in whole or in part for the purpose of human habitation and including the lands and premises appurtenant thereto.
- 1.17 **Occupancy** means the use or intended use of a building or part thereof, for the shelter or support of persons, animals or property.
- 1.18 **Occupant** means any person or persons over the age of eighteen in possession of the property.
- 1.19 **Officer** means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this By-law.
- 1.20 **Owner** includes
- a) the person for the time being, managing or receiving the rent of/or as shown on the assessment roll, on the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any person, or who would so receive the rent if such land and premises were let;
  - b) lessee or occupant of the property who, under terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 1.21 **Person** includes public bodies, bodies corporate, societies, inhabitants of counties, municipalities or other districts, in relation to the acts and things that they are capable of doing and owning respectively.
- 1.22 **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, accessory buildings, fences and erections thereon, whether heretofore and hereafter erected, and includes vacant lands.
- 1.23 **Repair** means the provisions of such facilities and 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.

- 1.24 **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 land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences or any fixtures or structures associated with the building or its yard.
- 1.25 **Sewage System** means the municipal sewer system if one is available, and if not, a private sewage disposal system approved under *The Building Code Act* and regulations.
- 1.26 **Sight Triangle** means the area at the intersection of two streets as defined in the Town of Carleton Place=s Development Permit By-law.
- 1.27 **Standards** means the standards of the physical condition and of occupancy prescribed for property by this By-law.
- 1.28 **Unsafe Condition** means the physical state of property, structure, barrier and/or building(s), whether vacant or occupied, that in the opinion of the Property Standards Officer.
- 1.29 **Waterfront Property** means the area of water which is immediately capable of use from the land, together with the area of land adjacent to the water, which is necessary to allow use of the above area of water.
- 1.30 **Yard** means the land around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building.

## 2. MAINTENANCE OF LANDS

### 2.1 CONDITIONS OF LANDS

- 2.1.1 a) All lands shall be kept clean and free from rubbish and debris and from objects or conditions such as holes that might create a health, fire or accident hazard, including dilapidated buildings, structures or vegetation such as trees which may be hazardous to the health, safety and welfare of the inhabitants.
- b) In accordance with subsection 2.1.1a), all lands shall be cleaned and removed of objects or conditions that might create a health, fire or safety hazard and left in a graded and level condition.
- 2.1.2 No person shall leave land after an excavation in an excavated condition for longer than 30 days. All land shall be graded and left in a level condition.
- 2.1.3 No vehicle, trailer, boat, barge or mechanical equipment which is in a wrecked, discarded, dismantled, abandoned or inoperative condition shall be parked, stored, moored or left on lands or water front property in any residential designation.
- 2.1.4 Where vehicles, trailers, boats, barges or mechanical equipment are required for business purposes, they shall be screened from the street and public by fence/barrier or suitable planting. All such businesses must be licenced to do so and be permitted by the applicable Development Permit By-law requirements for that location.
- 2.1.5 a) All outdoor salvage yards and outdoor storage yards shall be enclosed by a solid board barrier not less than 2.44 metres (8 feet) in height and are subject to the Carleton Place Development Permit By-law.

- b) Salvage, storage or automobile storage yards are not permitted in residential designations. To own or operate any of the above mentioned yards, a licence issued by the Clerk is required.

## 2.2 CONDITIONS OF YARDS

- 2.2.1 Yards shall be kept clean and free from rubbish or debris and objects or conditions that may create a health, fire or accident hazard. The yard shall be cleaned and removed of objects or conditions and left in a safe condition.
- 2.2.2 Yards shall be kept clean and free of any vehicle or vehicles including a trailer which is in a wrecked, discarded, dismantled, un-licenced, inoperative or abandoned condition.
- 2.2.3 All front yards shall be kept free from wrecked, discarded or inoperative recreation equipment and furniture. Storage in rear and side yards shall not impede the required setbacks for that designation and must be enclosed by a solid wood fence, or other suitable method.
- 2.2.4 Appliances such as refrigerators, stoves and freezers shall not be left in yards and shall not be used as places of storage.
- 2.2.5 Dead, decayed or damaged trees, shrubs, hedges, bushes or parts thereof that create an unsafe condition as identified by an arborist or forester shall be promptly removed from the property.
- 2.2.6 A minimum distance of 0.76 metres (2.5 feet) shall be maintained between fire hydrants and all hedges, shrubs, trees, fences and other obstructions.
- 2.2.7 No person shall have, plant, grow, maintain, or permit on their property any hedge, shrub, plant or tree which:
  - a) the location obstructs the safety of the public, or
  - b) affects the safety of vehicular traffic of pedestrian traffic; or
  - c) overhangs, or encroaches upon any sidewalk or pavement or traveled portion of any street or highway posing a safety risk to pedestrians and motorists; or
  - d) is located in a sight triangle with a height higher than 0.8 metres (2.62 feet)
- 2.2.8 The owner of a residential property shall maintain the residential property or part thereof and land which he occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris as per the Town of Carleton Place's *Garbage By-law*.
- 2.2.9 Compost heaps shall be retained on all sides by lumber, concrete blocks, plastic gallons, or other materials suitable for such a use.
- 2.2.10 Compost heaps shall not be located in any front yard. All composts located within an exterior side yard must be 6 metres (19.68 feet) from the lot line.
- 2.2.11 Firewood and building materials shall be neatly piled in rear or interior side yards only. All required yard setbacks prescribed in the Development Permit By-law shall apply.

## **2.3 DRAINAGE**

- 2.3.1 Sewage and organic waste shall be discharged into an approved sewage system.
- 2.3.2 No sewage shall be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.3.3 Storm water shall be drained from the yard so as to prevent recurrent or excessive ponding, or the entrance of water into a basement or cellar.
- 2.3.4 No roof drainage shall be directly discharged onto sidewalks, stairs, neighbouring property, onto any roadway or sanitary sewer.

## **2.4 WALKS, PARKING AREAS, DRIVEWAYS**

- 2.4.1 Steps, walks, driveways, parking spaces and similar areas of a yard shall be maintained in good repair, including snow and ice removal, so as to afford safe passage therealong.
- 2.4.2 All areas used for vehicular traffic and parking shall be kept free of rubbish, garbage and other litter and shall be kept in good repair.

## **2.5 LIGHTING STANDARDS**

- 2.5.1 All artificial lighting for yards and parking areas is to be maintained in good working order.
- 2.5.2 Any lights used to illuminate yards or parking areas shall be so directed to deflect light down and away from abutting properties and shall not obstruct the vision of pedestrians and motorists.

## **2.6 DAMAGED MATERIAL**

- 2.6.1 In the event of fire or explosion, measures shall be taken as soon as possible to prevent injury and access to the damaged property, in so far as permitted by the proper authorities.
- 2.6.2 Damaged or partially burnt material shall be removed and replaced forthwith once the investigations are completed by fire authorities.

## **2.7 FENCES, BARRIERS**

- 2.7.1 Fences, barriers and retaining walls shall be kept in good repair and free from accident hazards or risk of fire or dangers to health.
- 2.7.2 No fences, barriers or retaining walls may be built on the property line of an adjoining property which is in close proximity to the neighbouring dwelling unit that might limit emergency access to any buildings on the adjoining property. No fence, barrier or retaining wall over 0.8 metres (2.6 feet) may be erected, constructed or placed in the sight triangle.
- 2.7.3 a) No person shall erect, construct, or place a fence or barrier with a height in excess of 2.5 metres (8.2 feet) in any residential designation within the Town of Carleton Place.

- b) The calculation for height of a fence at any given point shall be measured from the grade at the base of the fence, as follows:
  - i) to the top of the fence where erected at grade and where there is no grade difference between the two sides of the fence; or
  - ii) from the higher grade to the top of the fence where erected at grade and there is a grade difference between the two sides of the fence.

2.7.4 Notwithstanding Section 2.7.3 a) construction of a barrier or a fence exceeding 2.5 metres in height is permitted in a residential designation if required by a development permit agreement or any other legislation which would deem a barrier or fence a necessity.

2.7.5 No barbed wire or fencing which carries an electric current and sharp projections or any other dangerous characteristics either on the inside or outside shall form part of a fence in any residential designation.

2.7.6 The provisions of section 2.7.3 a) and b) and 2.7.5 do not apply to a barrier erected upon abutting land which is used for industrial purposes, for railway right-of-way, or for hydro, telephone or utility installations, or for public works installations which are hazardous to the public or for noise and sound barriers.

## **2.8 ACCESSORY BUILDINGS**

2.8.1 An accessory building, including garages and carports shall be kept in good repair and in accordance with the Municipality's Development Permit By-law.

2.8.2 Where an accessory building, structure or lands harbor insects, vermin or rodents, all necessary steps shall be taken to eliminate such insects, vermin or rodents and to prevent reoccurrence.

2.8.3 The exterior of any accessory building shall be weather resistant to prevent water leakage into the structure.

2.8.4 Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yards or repaired to the minimum standards prescribed in this by-law.

## **3. PROPERTY STANDARDS**

### **3.1 STRUCTURAL STANDARDS**

3.1.2 Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load for which it was designed having a factor of safety required by the Ontario Building Code and amendments thereto.

3.1.3 Materials which show excessive damage, dry rot or other deterioration shall be repaired or replaced.

3.1.4 Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.

## **3.2 GENERAL CLEANLINESS**

- 3.2.1 Every building and dwelling unit shall use sufficient weather resistant receptacles to contain all garbage, rubbish and ashes, as required by the Town of Carleton Place's *Garbage By-law*, relating to the handling, collection and disposal of garbage, ashes and other refuse.
- 3.2.2 Garbage, rubbish and ashes shall be promptly stored in approved receptacles and removed as required by the said By-law. Garbage shall be stored in the rear yard of an area in the building if an area in the building is not available.
- 3.2.3 Receptacles shall be:
- a) made of metal or plastic
  - b) of watertight construction
  - c) capable of being tightly closed; and
  - d) maintained in a clean state
- 3.2.4 Materials of an inflammable nature shall, if they are lawfully on the property, be safely stored in accordance with appropriate legislation.
- 3.2.5 Containers shall be made available in a prominent position on non-residential property for the disposal of refuse which may be discarded by customers and others and the land shall be kept free from refuse.
- 3.2.6 Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse on any other thing or object that may cause a health or accident hazard.
- 3.2.7 Buildings or structures used for the storage of garbage, rubbish, ashes and other refuse prior to disposal shall be deemed to be accessory buildings or structures within the meaning of this by-law.

## **3.3 PEST PREVENTION**

- 3.3.1 Buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with provisions of *The Pesticide Act*, R.S.O. 1990 Chapter P. 11 and all regulations passed pursuant thereto.
- 3.3.2 Openings and holes in a building containing residential units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

## **3.4 BASEMENT FLOORS AND FOUNDATIONS**

- 3.4.1 The foundation walls and basement, crawl space or cellar floor of a building shall be maintained in good repair and structurally sound so as to prevent the entrance of moisture and rodents and where necessary, shall be so maintained by shoring of the walls, installing sub soil drains at the footings, grouting masonry cracks and waterproofing the walls or floor.
- 3.4.2 Every building, unless slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock, and all footings, foundation walls, piers, slab-on-grade shall be of unit masonry or other suitable material as prescribed by the Ontario Building Code and amendments thereto.

### **3.5 EXTERIOR SURFACE**

- 3.5.1 All exterior exposed wooden surfaces showing excessive deterioration because they are not inherently resistant to deterioration, shall be periodically treated with an approved protective substance or coating, or otherwise repaired, coated, sealed or treated to protect them from further deterioration or weathering.
- 3.5.2 Exterior walls of a building and their components shall be maintained so as to prevent their excessive deterioration and where necessary shall be so maintained by painting, restoring or replacing of the surfaces.
- 3.5.3 Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained so as to prevent collapse of the same or injury to the occupants of the building or to the public.

### **3.6 WATER PROOFING**

- 3.6.1 The roof of a building including the fascia, soffit, cornice and flashing shall be maintained in a water tight condition so as to prevent leakage of water into a building.
- 3.6.2 Dangerous accumulations of snow or ice both shall be removed as soon as possible from the roofs of buildings.
- 3.6.3 Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

### **3.7 STAIRWAYS AND PORCHES**

- 3.7.1 Inside or outside stairways and any porch, deck, balcony, verandah or landing appurtenant to it, shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible accident hazard and all coverings, treads or risers that are broken, warped or loose and all supporting structural members that are rotted or deteriorated beyond repair shall be replaced.
- 3.7.2 A handrail shall be installed in a stairwell or open stairway with more than three risers and a guard shall be installed on the open sides of any balcony or landing more than 0.6 metres (2 feet) above any adjacent surface, in accordance with the requirements of the Ontario Building Code. Handrails and guards shall be maintained in good repair so as to provide protection against accident or injury.
- 3.7.3 Inside or outside stairways must be maintained free from accumulation of items, things or ornaments that may pose a safety hazard when entering and exiting a building.

### **3.8 FLOORS**

- 3.8.1 Every floor in a building shall be maintained so as to be free of broken or rotted boards, protruding, damaged or deteriorating surfaces or surfaces in a dangerous condition, or surfaces that might admit rodents into a room and all defective floor boards shall be repaired or replaced.
- 3.8.2 Where the floor of a building has been covered with a covering that has become worn or torn, so that it is dangerous to the health and safety of the inhabitants, the covering shall be repaired or replaced.

3.8.3 Every bathroom, toilet room and kitchen floor shall be of suitable material to be impervious to water and easily cleaned and sanitized.

### **3.9 WALLS AND CEILING**

3.9.1 Every wall and ceiling in a building shall be maintained so as to be free of holes, cracks, loose or torn coverings or other defects that may be a safety hazard.

3.9.2 Walls surrounding showers and bathtubs shall be of suitable material to be impervious to water.

### **3.10 DOORS, WINDOWS AND SECURITY**

3.10.1 Windows, doors and basement cellar hatchways shall be maintained in good repair and weather tight. Rotted or damaged doors, doorframes and their components, window frames, sashes and casings shall be renewed and defective hardware, weather stripping and broken window glass shall be replaced.

3.10.2 In a dwelling unit, all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.

3.10.3 In a building with a security system in place where persons are required to contact the tenant prior to being buzzed into the building, all intercom equipment must be kept free of defects and in good working order at all times.

3.10.4 Where mailboxes are supplied for the use of occupants, they shall be maintained in good condition and free from defects at all times.

### **3.11 WATER SUPPLY**

3.11.1 Every dwelling unit shall be provided with adequate supply of potable running water supplied by the Town's sewage system or an approved system which is acceptable to the District Health Unit and the Ontario Building Code.

3.11.2 Hot and cold running water shall be supplied for the following items:

- a) a bathtub or shower;
- b) a washbasin, and/or
- c) a sink

3.11.3 Cold water shall be supplied for toilets and shall be supplied with enough to flush the toilet.

3.11.4 All items listed in 3.11.2 and 3.11.3 shall be maintained in good working order.

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

### **3.12 PLUMBING SYSTEM**

3.12.1 All buildings shall have the sanitary facilities connected to the Town of Carleton Place's sewerage system. Where a building does not have its sanitary facilities hooked up to the Town's sewerage system, it shall be hooked to a septic system and maintained at a standard acceptable to the District Health Unit.

- 3.12.2 Plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewerage or septic system, shall be free from leaks and defects and in the event remedies are required, they shall conform to the Ontario Building Code.

### **3.13 TOILET AND BATHROOM FACILITIES**

- 3.13.1 Every dwelling unit except as otherwise provided shall contain bathroom plumbing fixtures consisting of at least one water closet, one wash basin and one bathtub or shower.
- 3.13.2 All bathrooms and toilet rooms shall be located within and be accessible from within the dwelling unit.
- 3.13.3 All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant.
- 3.13.4 The wash basin may be located in the same room as the water closet or in an adjoining room.
- 3.13.5 The occupants of two dwelling units each containing no more than two habitable rooms may share toilet and bathroom facilities provided that access to the facility can be gained without going through rooms of another dwelling unit, along an unheated corridor, or outside the building containing the dwelling units.
- 3.13.6 Each toilet room shall be provided with at least one opening for natural ventilation, or if natural ventilation is not provided than a system of mechanical ventilation is required. All ventilation shall conform to the Ontario Building Code.

### **3.14 KITCHENS**

- 3.14.1 Every self contained dwelling unit shall have a kitchen area equipped with cupboards for storing food, a countertop work area, space for a stove and refrigerator, and a sink supplied with hot and cold running water. Kitchen area countertop, cupboards and sink shall be maintained in good working order.
- 3.14.2 Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 3.14.3 Countertop work areas shall be impervious to moisture and grease, be kept in good repair and free from defects that may cause an accident or health problems.

### **3.15 HEATING SYSTEMS**

- 3.15.1 A heating system supplied for non-residential building where people are employed shall be capable of safely maintaining a 20 degrees centigrade temperature, unless the approved non-residential use requires an alternate temperature.
- 3.15.2 No room heater shall be placed as to cause a fire hazard to walls and any other equipment or to impede the free movement of persons within the room where the heater is located.
- 3.15.3 Every dwelling and dwelling unit shall be provided with a heating system capable of safely maintaining a 20 degrees centigrade temperature and shall be maintained in good working order.

- 3.15.4 All heating apparatus or equipment involving combustion shall be properly connected to a chimney or flue by a sealed connection.
- 3.15.5 All cooking apparatus or equipment involving combustion which requires a connection to a chimney or flue shall be properly connected to a chimney or flue by a sealed connection.
- 3.15.6 All connections between such equipment burning gaseous or liquid fuel shall be maintained in good repair.
- 3.15.7 In buildings having more than one non-residential unit or combination of non-residential and residential units with a central heating system, the same shall be located in a separate room having walls, ceiling and doors with a fire rating of not less than one hour, as prescribed by the Ontario Building Code and amendments thereto.
- 3.15.8 A space that contains a heating unit shall have natural or mechanical means of supplying air in accordance with the Ontario Building Code.
- 3.15.9 Where a heating system, or part of it, or any auxiliary heating system burns solid or fuel, it shall be provided, maintained and properly constructed so as to be free from fire hazards. A minimum of 1.53 metres (5 feet) clearance is required between fuel oil storage tanks and burners and only approved type storage tanks shall be used. As regulated by the *Fire Code Act* and amendments thereto.
- 3.15.10 Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to a duct leading to an approved chimney, in accordance with the *Fire Code Act*.
- 3.15.11 Every chimney, smoke pipe, flue, and gas vent actually in use or available for use, shall be kept clear of obstruction, all open joints shall be sealed and all broken and loose masonry shall be repaired.
- 3.15.12 Every chimney, smoke pipe, flue, and gas vent shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature.
- 3.15.3 Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected and installed as per CAN/CSA B 365 requirements.

### **3.16 ELECTRICAL SERVICE**

- 3.16.1 The electrical wiring and all electrical fixtures located or used in a building, shall be installed and maintained in good working order and free of defects in accordance with regulations set by the *Power Corporation Act* and amendments thereto.
- 3.16.2 Every dwelling unit shall be wired for electricity and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards in normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 3.16.3 All electrical outlets shall conform to requirements set out in the *Power Corporation Act* and amendments thereto. (Hydro One).
- 3.16.4 Non-residential areas of a building shall contain sufficient electrical duplex outlets consistent with the requirements of Hydro One.

- 3.16.5 Fuses or overload devices shall not exceed limits set by Hydro One.
- 3.16.6 All air conditioners shall be equipped with proper devices for the prevention of condensation drainage upon public sidewalks or neighbouring properties.
- 3.16.7 All electrical appliances shall be maintained in a safe mechanical and electrical condition.

### **3.17 LIGHTING**

- 3.17.1 In non-residential buildings, sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to provide proper illumination in all passageways when the building is in use and for stairways in case of fire or other emergency.
- 3.17.2 Every habitable room of a dwelling, except a kitchen, bathroom, toilet room and basement, shall have a window or windows, skylights or translucent panels that face directly to the outside, at least 0.15 metres (6 inches) above the adjoining finished grade, with an unobstructed light transmitting area not less than 10 percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area. Requirements as prescribed by the Ontario Building Code.
- 3.17.3 An adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.
- 3.17.4 All halls and stairs in dwellings shall be sufficiently lighted to provide a safe passage way. Standby lighting shall be provided at floor level in exists and corridors used by the public for safe passage.
- 3.17.5 In multiple dwellings and non-residential buildings, every exit door to the outside shall have an illuminated exit light and illumination must be provided for all exterior stairways from top floor levels to grade.

### **3.18 VENTILATION**

- 3.18.1 Every habitable room shall be provided with either a natural ventilation or mechanical ventilation system in accordance with the Ontario Building Code.
- 3.18.2 Every bathroom or toilet room shall be provided with either a natural or mechanical ventilation system in accordance with the Ontario Building Code.
- 3.18.3 All systems of mechanical ventilation shall be maintained in good working order.
- 3.18.4 All enclosed spaces including basements, cellars, attics or roof space and crawl space shall be adequately vented to the outside air.

### **3.19 FIRE PREVENTION EQUIPMENT**

- 3.19.1 Fire prevention equipment shall be maintained in good working order so as to effectively perform its intended function and installed in accordance with the Ontario Building Code and the *Fire Code Act*.

### **3.20 ELEVATORS**

- 3.20.1 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 condition.

### **3.21 EGRESS**

- 3.21.1 In non-residential buildings there shall be provided an adequate means of egress from every floor area in accordance with the Ontario Building Code and the *Fire Code Act*.
- 3.21.2 Every dwelling and every dwelling unit shall have a means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- 3.21.3 In all multiple dwellings and converted dwellings, there shall be an adequate means of egress to grade level available to all dwelling units located within the building in accordance with the Ontario Building Code and the *Fire Code Act*.

### **3.22 OCCUPANCY STANDARDS**

- 3.22.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 3.22.2 The maximum number of occupants in a dwelling unit shall not exceed one person per 9.29 square metres (100 square feet) of habitable room floor area.
- 3.22.3 For the purpose of computing the habitable room space in Subsection 3.22.2, any child under one year of age shall be deemed one-half person.
- 3.22.4 For the purpose of computing the habitable room space in Subsection 3.22.2, the floor area under a ceiling which is less than 1.53 metres (5 feet) high shall not be counted.
- 3.22.5 Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 5.57 square metres (60 square feet) with not less than 3.71 square metres (40 square feet) for each additional occupant, provided that for the purpose of this Subsection, two children under the age of six years may be counted as one person.

## **4 VACANT BUILDINGS**

### **4.1 VACANT BUILDINGS**

- 4.1.1 The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry can be achieved.
- 4.1.2 No partially or completely vacant building shall remain boarded up for a period longer than 2 years. After the said 2 years or an alternate time period set by the Property Standards Officer, the owner or agent or other person responsible, shall forthwith make the necessary repairs to make it fit for dwelling or other authorized uses in accordance with the Town of Carleton Place Development Permit By-law.
- 4.1.3 Where a vacant building is not maintained or fixed in accordance with the minimum standards, it shall be remedied or removed from the property and the land or waterfront property left in a graded level condition.

## **5 ADMINISTRATION AND ENFORCEMENT**

### **5.1 OFFICERS AND INSPECTORS**

- 5.1.1 The person or persons appointed as Property Standards Officers for the Corporation of the Town of Carleton Place shall be responsible for the administration and enforcement of this By-law.
- 5.1.2 The Property Standards Officer and any person acting under his or her instructions may at all reasonable times and upon producing proper identification, enter and inspect property.
- 5.1.3 The Property Standards Officer and any other person acting under his or her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under Section 21 of the *Building Code Act*.

### **5.2 NOTICE OF VIOLATION**

- 5.2.1 The Property Standards Officer may issue a Notice of Violation to the owner(s) or persons responsible for said property that does not conform to the standards of this By-law.
- 5.2.2 The Property Standards Officer may cause a placard to be placed on the exterior of any building which does not conform to the standards prescribed by this By-law. The placard shall state the particulars of the nonconformity and that the use of the property is prohibited until it conforms to the standards set by this By-law. No person shall pull down or deface any such placard.

### **5.3 ORDERS**

- 5.3.1 An Officer who finds that a property still does not conform to any of the standards, or has not had a response before or on a due date indicated on the Notice, may make and serve or cause to be served upon, or send by prepaid Registered Mail to such a person, an order to compel compliance containing:
- a) The Municipal address or legal description of such property;
  - b) Reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse, and left in a graded and leveled condition, the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance at the expense of the owner;
  - c) The final date for giving notice of appeal for the Order.
- 5.3 A Notice or an Order under Sub-section 5.2.1 and 5.3.1 and 5.4.1, when sent by Registered Mail, shall be sent to the last known address of the party or parties involved.

### **5.4 EMERGENCY POWERS**

- 5.4.1 Notwithstanding any other provisions of this By-law, if upon inspection of a property, the Officer is satisfied there is a non-conformity with the standards prescribed in this By-law to such an extent as to pose an immediate danger to the to the health or safety of any

person, the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

- 5.4.2 After making an order under Subsection 5.4.1, the Officer may either before or after the Order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger and for this purpose, the Municipality has the right, through its servants and agents, to enter upon the property from time to time.
- 5.4.3 If the Officer is unable to effect service under Subsection 5.4.1, he or she shall place a placard containing the terms of the order in a conspicuous place on the property, and placing of the placard shall be deemed to be sufficient service of the Order on the owner or other persons.
- 5.4.4 An Order under Subsection 5.4.1 may be registered in the property 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 under Subsection 5.4.1 and when the requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.
- 5.4.5 The Officer, Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by, or on behalf of the Municipality in the reasonable exercise of its power under Subsection 5.4.2.

## **5.5 RESPONSIBILITY OF OCCUPANT**

- 5.5.1 Notwithstanding the responsibility of the owner, where the maintenance of any property affected by this By-law is, by the written terms of a lease or an agreement for occupancy, made the responsibility of the occupant, the Property Standards Officer may require the occupant to repair and maintain the property to the satisfaction of the Property Standards Officer, in accordance with the particulars of the repairs set forth in the order.

## **5.6 PROPERTY STANDARDS COMMITTEE**

- 5.6.1 A Property Standards Committee shall be established of people appointed by the Striking Committee of Council.
- 5.6.2 The members of the Committee shall appoint one of themselves as Chair, and when the Chair is absent, the Committee may appoint another member to act as Chair "pro tempore" and any member of the Committee may administer oaths.
- 5.6.3 The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and Section 74 of *The Municipal Act* applies "mutatis mutandis" to such documents. The Secretary shall be comprised of a Municipal staff member appointed by the Committee.
- 5.6.4 A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure, but before hearing an appeal under Subsection 5.7.1, shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

## **5.7 APPEALS**

- 5.7.1 Where a Notice of Violation issued under Subsection 5.2.1 has been served, the owner or person responsible for the remedy of said violation(s) has seven days to appeal the Notice and its contents. The appeal hearing is held on the seventh day, unless other arrangements have been made with the Property Standards Officer before the date of the meeting. At this time, the Property Standards Officer will discuss the contents with the person to whom the Notice has been given. The time table and items to be remedied will be agreed upon and noted for the files.
- 5.7.2 Where an Order to Comply has been served in accordance with Section 5.3 and the owner or occupant is not satisfied with the terms or conditions of the order, they may appeal to the Committee by sending Notice of Appeal by Registered Mail to the Secretary of the Committee within fourteen days after service of the order. In the event that no appeal is taken, the order shall be deemed to have been confirmed.
- 5.7.2.1 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the Order to demolish or repair or may modify or rescind it or extend the time for complying if the general intent and purpose of the By-law and of the Official Plan or policy statement are maintained.
- 5.7.3 The Municipality in which the property is situated, or any owner, occupant or person affected by the decision under Sub-section 5.7.2, may appeal to a judge of the Ontario Court (General Division) by notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision:
- a) The judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his or her appointment, may direct that it shall be served upon such persons and in such manner as he or she prescribes.
  - b) The appointment shall be served in the manner prescribed the Judge, and
  - c) The Judge on such appeal has the powers and functions as the Committee.
- 5.7.4 The Order, as deemed to have been confirmed pursuant to Subsection 5.7.1, or as confirmed or modified by the Committee pursuant to Subsection 5.7.2, or in the event of an appeal to the Judge, pursuant to Subsection 5.7.3, as confirmed or modified by the Judge, shall be final and binding upon the owner, occupant or persons affected by the decision, who shall make the repair or effect the demolition within the time and in the manner specified by the order.

## **5.8 POWER OF CORPORATION TO REPAIR**

- 5.8.1 If the owner or occupant of a property fails to demolish the property or to repair in accordance with an Order as confirmed or modified, the Corporation of the Town of Carleton Place in addition to all other remedies:
- a) Shall have the right to demolish or repair property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property; and
  - b) Shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by, or on behalf of the Corporation of the Town of Carleton Place under the provisions of this Subsection.

- 5.8.1 c) Shall charge an administrative fee for services rendered on said property in accordance with an Order as confirmed or modified.

## **5.9 MUNICIPAL LIEN**

- 5.9.1 The municipality shall have a lien on the land for the amount spent on the repair or demolition under Subsection 5.8.1 and the amount shall be deemed to be Municipal Realty Property Taxes and may be added by the Treasurer of the Municipality to the Collector's Roll and collected in the same manner and with the same priorities as municipal real property taxes.

## **5.10 CERTIFICATE OF COMPLIANCE**

- 5.10.1 Following the inspection of a property, the Officer may, and on the request of the owner, shall issue to the owner a Certificate of Compliance if, in his or her opinion, the property is in compliance with the standards. When such a certificate is issued at the request of the owner, the fee shall be \$25.00.

## **5.11 PENALTY**

- 5.11.1 An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the *Building Code Act*, S.O. 1992, c23, and is liable to a penalty or penalties as set out in Section 36 of that Act.

## **5.12 VALIDITY**

- 5.12.1 If any section of this By-law is for any reason deemed invalid, the remaining sections shall remain in effect until repealed.
- 5.12.2 Where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 5.12.3 This By-law shall come into force and take effect upon its passing.
- 5.12.4 THAT By-law 4-91, being a by-law prescribing Property Standards for the Corporation of the Town of Carleton Place, be and is hereby repealed in its entirety.

## **5.13 TRANSITIONAL RULES**

- 5.13.1 After the date of the passing of this By-law, By-law No. 76-2001, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties, until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the Municipality shall have been concluded.

**6. SHORT TITLE**

6.1 This By-law shall be sited as the "*Property Standards By-law*"

**READ A FIRST TIME, A SECOND TIME, A THIRD TIME AND FINALLY PASSED THIS 14<sup>th</sup> DAY OF OCTOBER 2008.**

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Paul Dulmage, Mayor

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D.H. Rogers, Clerk