

CORPORATION OF THE MUNICIPALITY OF BRIGHTON

PROPERTY STANDARDS BY-LAW

082-2002

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**THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON
BY-LAW NUMBER 082-2002**

**Being a by-law to provide standards for the maintenance of the
physical condition and occupancy of property within the
Municipality of Brighton**

WHEREAS the Corporation of the Municipality of Brighton deems it desirable to enact the following by-law for prescribing standards for the maintenance and occupancy of all property within the Municipality and prohibiting the use of such property that does not conform to the standards; and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS the Municipality of Brighton has in effect an Official Plan that includes provisions relating to property standards as provided in the *Building Code Act, S.O. 1992, c.23*;

NOW THEREFORE the Council of the Corporation of the Municipality of Brighton hereby ENACTS as follows:

1. DEFINITIONS

1.1. *Accessory Building*

means a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same property therewith.

1.2. *Approved*

means, as applied to grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this by-law; approved by the Building Inspector under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code, or approved by other authority designated by law to give approval to the matter in question.

1.3. *Balustrade*

means a row of balusters or spindles surmounted by a railing.

1.4. *Bathroom*

means a room containing at least a toilet and bathtub or shower, or two rooms that contain a total of at least one toilet and one bathtub or one shower.

1.5. *Basement*

means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to ceiling, above the adjacent finished grade level adjacent to the exterior walls of the building.

1.6. Building

means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.

1.7. Cellar

means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to ceiling, below the adjacent finished grade.

1.8. Committee

means a Property Standards Committee, established under Section 15 of the Building Code Act, as set out in this by-law.

1.9. Corporation

means the Corporation of the Municipality of Brighton.

1.10. Derelict Vehicle

means any vehicle (except farm machinery in a zone that permits agricultural) which is dismantled or has been in a state of neglect and disrepair for at least 30 days, and which is not enclosed within a garage or carport.

1.11. Dwelling

means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would be or could be intended to be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit.

1.12. Dwelling Unit

means a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside.

1.13. Fire Resistance Rating

means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.

1.14. Guard

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

1.15. Ground Cover

means organic or non-organic materials applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

1.16. Habitable Room

means a room designed for living, sleeping, eating or food preparation including a den, library, sewing-room or enclosed sunroom.

1.17. Maintenance

means the preservation and keeping in good repair of a property.

1.18. Municipality

means the Corporation of the Municipality of Brighton.

1.19. Non-Residential Property

means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the lands and premises appurtenant thereto, and all outbuildings, fences or erection thereon or therein.

1.20. Noxious

means when used with reference to any land, building or structure, a use which, from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may become hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

1.21. Notice

means a Notice of Violation and Order to Demolish or Repair property served by an officer pursuant to this by-law.

1.22. Occupancy

means the use or intended use of building or part thereof for the shelter or support of person, animals or property.

1.23. Occupant

means any person or persons over the age of eighteen years in possession of the property.

1.24. Officer

means a Property Standards Officer appointed by the Corporation to administer and enforce this by-law.

1.25. Owner

includes:

- a) the person who, for the time being, receives the rent of, or manages, or pays the municipal taxes on residential property in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if the residential property were let; or
- b) a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement; or
- c) the person for the time being receiving installments of the purchase price of the land or premises in connection with which the word "owner" is used, sold

- under an agreement for sale whether on his own account or as an agent or trustee for any other person or who would so receive the installments of the purchase price if such land premises were sold under agreement for sale; and
- d) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

1.26. *Person*

means any human being, association, firm partnership, incorporated company, corporation agent or trustee, and the heirs, executors or legal representatives of a person to whom the context can apply according to law.

1.27. *Plumbing and Plumbing Fixtures*

means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connection to water, gas, sewerage, or vent pipes.

1.28. *Premises*

means that portion of real property which is owned by a specific person and includes all buildings and structures thereon.

1.29. *Property*

means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, and erections thereon, whether heretofore or hereafter erected and includes vacant property.

1.30. *Repair 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.

1.31. *Sewage*

means any liquid waste containing animal, vegetable, or mineral matter in suspension or solution but does not include roof water or runoff.

1.32. *Sewerage System*

means the municipal sanitary sewerage system when it becomes available; until then, a private sewage disposal system approved by the Medical Officer of Health.

1.33. *Standards*

means the standard for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this by-law.

1.34. *Sub-Standard*

means a quality less than that required by this by-law.

1.35. *Unsafe Condition*

means any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the premises.

1.36. Yard

means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted.

1.37. Zoning By-law

Shall mean Zoning By-law Number 730-87 of the former Township of Brighton and Zoning By-law Number 1988-521 of the former Town of Brighton, passed under Section 35 of the Planning Act 1983, and all amendments thereto.

2. MAINTENANCE OF YARD AND ACCESSORY BUILDINGS**2.1. Yards**

2.1.1. Every yard, including vacant lots shall be kept clean and free from:

- a) heavy undergrowth and excessive growth of grass and weeds;
- b) noxious plants, such as, ragweed poison oak, etc.;
- c) dead, decaying or damaged trees or other natural growth, and the branches and limbs which create an unsafe condition;
- d) garbage, rubble, waste, construction material or other debris that constitutes a health, fire or safety hazard;
- e) holes, pits, excavations or trenches constituting a safety or health hazard;
- f) wrecked, dismantled, inoperative or unused vehicles, trailers, boats, snowmobiles or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business;
- g) dilapidated, collapsed or partially constructed structures; and
- h) injurious insects, termites, rodents, vermin or other pests.

2.2. Exemptions

2.2.1. Property located in the following zone, as designated in the Zoning By-law, shall be exempt from the provisions of Section 2.1.1.(a) of this by-law

- a) Environmental Protection (EP), Open Space (OS) and Flood Potential (FP) Zones;
- b) Agricultural (A) Zones and all other zones that permit agricultural use, with the exception of the yard spaces surrounding any *dwelling unit* (i.e. a minimum of 0.2 ha (0.5 acres) approximately);
- c) Development zones more than 60 metres from all other abutting zones unless otherwise directed by Council.

- 2.2.2. Nothing contained herein shall be deemed to prevent an antique car, being a motor vehicle more than 30 years old, from being stored on any property for restoration purposed provided it is housed in a building.
- 2.2.3. Nothing contained herein shall be deemed to prevent the parking of one unlicensed vehicle in a residential zone, as designated in the Zoning By-law, provided that vehicle is not wrecked, dismantled or inoperative condition.
- 2.2.4. Yards which allow for natural uncut grasses (i.e. vetch), and alternative gardening or landscaping methods may be permitted at the discretion of Council.
- 2.2.5. Nothing contained herein shall be deemed to prevent operative farm machinery, currently being utilized by an ongoing farm operation, from being stored on any yard or vacant lot in Agricultural (A) Zones and all other zones that permit agricultural use, with the exception of the yard spaces surrounding any *dwelling unit*.
- 2.2.6. Inoperative farm machinery may be stored on property zoned agricultural and in other zones that permit agricultural use but shall be stored in accordance with Section 5.1.3 and in such manner as not to be readily visible from a traveled road.

2.3. *Sewage and Drainage*

- 2.3.1. Sewage or organic waste shall be discharged into the municipal sanitary sewage system where such a system exists, or shall disposed of in a manner acceptable to the local health authorities.
- 2.3.2. Storm water shall be drained from the property so as to prevent excessive ponding or the entrance of water into a basement or cellar.
- 2.3.3. Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.
- 2.3.4. All yards and exterior property areas shall be cultivated or protected with suitable ground cover to prevent erosion of the soil.
- 2.3.5. No roof drainage or sump pump shall be discharged on sidewalks, stairs or neighboring property or into a sanitary sewer.
- 2.3.6. No person shall change the grade of any property, by filling or excavating, which affects the natural stormwater drainage of the property or adjacent properties without the prior written approval of the Corporation.

- 2.3.7. No person shall install, alter, relay or repair a private stormwater or groundwater drain that discharges onto a neighboring property or into a municipal storm sewer, creek or roadside drainage ditch without the prior written approval of the Corporation.

2.4 *Parking Area, Walks and Driveways*

- 2.4.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking stone, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 2.4.2 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

2.5 *Accessory Buildings, Fences, and Other Structures*

- 2.5.1 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- 2.5.2 Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

2.6 *Garbage Disposal*

- 2.6.1 All garbage and refuse shall be promptly placed in the suitable container and made available for removal in accordance with the County of Northumberland Waste Collection By-law. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 2.6.2 Where private containerized garbage pick up is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.

2.7 *Compost Heaps*

- 2.7.1 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than two (2) square metres and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting. Larger compost heaps may be considered for non-residential properties.

3.0 RESIDENTIAL STANDARDS

3.1 *General Conditions*

- 3.1.1 Every owner, or occupant of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with the Municipal and County by-laws.
- 3.1.2 Every owner, or occupant of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.1.3 Accumulation or storage of garbage, refuse, appliances, or furniture in public hallways or stairways shall not be permitted.

3.2 *Pest Prevention*

- 3.2.1 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- 3.2.2 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

3.3 *Structural Soundness*

- 3.3.1 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.
- 3.3.2 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.
- 3.3.3 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, waterproofing walls, joints, and floors.
- 3.3.4 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

3.4 *Fire Damage*

- 3.4.1 In the event of fire, measures shall be taken as soon as possible to make the damaged residence unit or residence building compatible with its environment and intended use. Without restricting the generality of the foregoing, such measures shall include:
- a) making the residence building or residence unit or accessory building or structure safe;
 - b) cleaning any smoke or water damaged surfaces exposed to view;
 - c) refinishing such exposed surfaces so as to be in harmony with adjoining undamaged surfaces and the general environment;
 - d) repairing of fire damaged surfaces exposed to view.
- 3.4.2 In the event of the exterior surface becoming damaged or marked by water or smoke or by other natural causes, appropriate action shall be taken to restore or renew the affected surface.

3.5 *Exterior Walls*

- 3.5.1 Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.5.2 Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

3.6 *Windows and Doors*

- 3.6.1 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 3.6.2 In a dwelling unit all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 3.6.3 Where storm windows and doors are installed in a dwelling they shall be maintained in good repair.

- 3.6.4 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- 3.6.5 Solid core doors shall be provided for all entrances to dwellings units and hallways for reasons of security, fire separation, noise barrier and heat loss.
- 3.6.6 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 3.6.7 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.7 *Roofs*

- 3.7.1 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.7.2 Accumulations of ice or snow or both shall be promptly removed from the roofs of dwellings and accessory buildings.
- 3.7.3 Where eavestroughing, roof gutters, are provided it shall be kept in good repair, free from obstructions and properly secured to the building.

3.8 *Walls, Ceilings, and Floors*

- 3.8.1 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 3.8.2 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 3.8.3 Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

3.9 Stairs, Porches and Balconies

3.9.1 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

3.10 Guardrails and Balustrades

3.10.1 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24"). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

3.11 Kitchens

3.11.1 Every dwelling shall contain a kitchen area equipped with:

- a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- b) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
- c) a counter or work area at least 0.61 m (2 ft) in width by 1.22 m (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

3.12 Toilet and Bathroom Facilities

3.12.1 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and a bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

3.12.2 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

3.12.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

- 3.12.4 All appropriate plumbing fixtures shall be provided with an adequate supply of potable hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110°F).
- 3.12.5 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances there to shall be protected from freezing. All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 3.12.6 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defect that may harbour germs or impede thorough cleansing.

3.13 *Electrical Service*

- 3.13.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.13.2 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- 3.13.3 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area a second duplex outlet shall be provided.
- 3.13.4 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 3.13.5 Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

3.14 *Heating, Heating Systems, Chimneys and Vents*

- 3.14.1 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70°F.) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.

- 3.14.2 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- 3.14.3 Where a heating system or part thereof that requires solid or liquid fuel to operate a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- 3.14.4 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 3.14.5 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- 3.14.6 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- 3.14.7 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

3.15 *Fire Escapes, Alarms and Detectors*

- 3.15.1 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.
- 3.15.2 In addition to the provisions of article 3.15.1 hereof, in every dwelling unit in a building, a listed products of combustion detector, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall:
- a) be equipped with visual or audio indication that they are in operating condition;

- b) be mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

3.15.3 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

3.16 Egress

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

3.16.2 Each dwelling containing more than one dwelling unit shall have at least two 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 casement window having an unobstructed opening of not less than 1.067 by 0.558 metres, (42 x 22 inches) with a sill height of not more than 0.914 metres, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

3.17 Natural Light

3.17.1 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to, and not less, than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

3.18 Ventilation

3.18.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.

3.18.2 All system of mechanical ventilation shall be maintain in good working order.

3.18.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

3.19 *Elevating Devices*

3.19.1 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 and inspected as required by the Elevating Devices Act.

3.20 *Disconnecting Utilities*

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

3.21 *Occupancy Standards*

3.21.1 The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (96.88 sq. ft.) of habitable floor area. For the purpose of computing habitable floor area any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.

3.21.2 No room shall be used for sleeping purposes unless it has a minimum width of two metres and a floor area of at least seven square metres (75.35 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person.

3.21.3 Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:

- a) each habitable room shall comply with all the requirements set out in this by-law;
- b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
- c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the Ontario Building Code;
- d) access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

4 VACANT LANDS AND BUILDINGS

4.1.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

4.2 *Vacant Lands*

4.2.1 Vacant land shall be maintained to the standards as described in 2.1 and 2.2 of this by-law.

4.2.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

4.3 *Vacant Buildings*

4.3.1 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

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

5 NON-RESIDENTIAL PROPERTY STANDARDS

5.1 *General Conditions*

5.1.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

5.1.2 The yards of non-residential property shall be maintained to the standards as described in Section 2 of this by-law.

5.1.3 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

5.2 *Parking Areas and Driveways*

- 5.2.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 5.2.2 Areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

5.3 *Structural Soundness*

- 5.3.1 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 5.3.2 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

5.4 *Exterior Walls*

- 5.4.1 Exterior walls of a building or a structure and their components, including soffits, fascia, window and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 5.4.2 Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

5.5 *Guardrail and Balustrades*

- 5.5.1 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24"). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

5.6 *Lighting*

- 5.6.1 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. However lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

6 ADMINISTRATION AND ENFORCEMENT

6.1 *General Conditions*

- 6.1.1 This by-law shall apply to all property within the limits of the Corporation.
- 6.1.2 The imperial measurements contained in this by-law are given for reference only.

6.2 *Officers*

- 6.2.1 The Council of the Municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law. Inspection and Enforcement Procedural Guidelines are included as Schedule 'C' to this by-law.
- 6.2.2 An officer or any person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any property.
- 6.2.3 An officer or any person acting under his/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.

6.3 *Notice of Non Compliance*

- 6.3.1 If, after a initial inspection, the officer is satisfied that in some respect, the property does not conform to the standards prescribed in the by-law, he or she shall serve or cause to be served by personal service upon or send by prepaid *Registered Mail* to the owner of the property and all who have interest therein a Notice of Non-Compliance containing particulars of the non-conformity and may at the same time provide all occupants with a copy of such Notice.
- 6.3.2 The Notice shall state that the property does not comply with the standard prescribed by the by-law and shall specify the standards with which the property does not comply.
- 6.3.3 The Notice shall state that after a certain date to be specified in the Notice of Non-Compliance by the Officer, the property will be subject to a re-inspection, at which time the officer may issue an Order under Section 6.4 of this by-law.

- 6.3.4 The Notice shall state that the officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the by-law.

6.4 *Order to Comply*

- 6.4.1 At any reasonable time, on or after the date specified in the Notice of Non-Compliance given under Section 6.3 where an Officer finds that the property does not conform with any of the standards prescribed in this by-law, the Officer may issue an Order:

- a) stating the municipal address or the legal description of such property;
- b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
- c) indicating the time for complying with the Terms and Conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner's expense; and
- d) indicating the final date for giving Notice of Appeal from the Order.

- 6.4.2 An Order issued in accordance with Article 6.4.1 shall be served on the owner of the property and such other persons affected by it as the officer determines. It shall be served personally or by *Registered Mail* sent to the last known address of the person to whom the Order is being given.

- 6.4.3 If the Officer is unable to effect service under article 6.4.2, he/she shall place a placard containing the terms of the Order in a conspicuous place on the property and the placing of the placard shall be deemed as sufficient service of the Notice or Order on the owner or other persons.

6.5 *Registration of Order*

- 6.5.1 An Order made under Article 6.4.1 may be registered in the proper Land Registry Office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under Article 6.4.1 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 the Order.

6.6 *Certificate of Compliance Charges*

6.6.1 The Corporation may charge a fee (set in Schedule 'A') for inspection and administration services, and a Certificate of Compliance issued under Section 15.5(2) of the Building Code.

6.7 *Property Standards Committee*

6.7.1 A Property Standards Committee shall be established by the Municipality of Brighton consisting of residents in the municipality.

6.7.2 Five (5) persons, not being members of Council or employees of the municipality or local board thereof, shall constitute and thereby be appointed as members of the Property Standards Committee. At least two (2) of the members shall be persons residing in the rural area of the municipality.

6.7.3 The term of office for any member shall not exceed a three-year term, and appointment to hold office should be staggered so that as nearly as possible, one third of such members shall retire each year.

6.7.4 This Committee shall be established under separate by-law.

6.7.5 The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair and shall make provisions for a secretary for the Committee, and any member of the Committee may administer oaths.

6.7.6 The members of the Committee shall be paid such compensation as the Council may provide.

6.7.7 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.

6.8 *Appeal of Order*

6.8.1 When the owner or occupant upon whom an Order has been served in accordance with Article 6.4.1 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a 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.

6.8.2 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the authority functions of the Officer and may confirm, modify, or quash the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the by-law and of the Official Plan or policy statement are maintained.

- 6.8.3 If any party is dissatisfied with the decision of the Property Standards Committee, an appeal can be made to the Appeal Court of Ontario, as per Section 15.3 (4),(5),(6), and (7) of the Building Code Act.

6.9 *Penalty*

- 6.9.1 No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order as confirmed or modified, the municipality in addition to other remedies,
- a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this article;
 - c) may cause a prosecution to be brought against any person who is in breach of such an Order and upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provisions of Section 36 of the Building Code Act, SO. 1992, c.23.

6.10 *Validity*

- 6.10.1 If an Article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 6.10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 6.10.3 This by-law may be referred to as “The Property Standards By-law”.
- 6.10.4 By-law Number 1998-974, is hereby repealed in its’ entirety.
- 6.10.5 This by-law shall come into force and take effect immediately on the date of passing.

READ A FIRST AND SECOND TIME , read a third time and finally passed this

17th day of June, 2002.

MAYOR

CLERK

SCHEDULE 'A' TO BY-LAW NUMBER 082-2002
FEES FOR THE INSPECTION OF PROPERTY, AS PER
REQUESTS MADE UNDER THE PROPERTY STANDARDS BY-LAW

- Certificate of Compliance \$400.00
- Inspection of Property Fee \$50.00

- No fees shall be charged for exterior inspections of property made by the Property Standards Officer that are carried out at the request of Council.

- Fees for the Inspection of Property shall be paid by the appropriate party as determined by the Property Standards Officer, in accordance with the agreement in Schedule 'B' of this by-law.

- Certificate of Compliance may include the cost of:
 - a) holding a Hearing with the Committee;
 - b) issuing a Certificate of Compliance;
 - c) Registration of an Order.

- Additional costs may result from:
 - a) of costs for inspections done in accordance with Section 18(1) of the Building Code Act; and
 - b) costs for court hearings and proceedings.

SCHEDULE 'B' TO BY-LAW NUMBER 082-2002
SAMPLE AGREEMENT

I, _____ (please print name), am lodging a formal complaint under By-law 082-2002, the Property Standards By-law, about the property at:

(Street No.)

(Street)

(Apartment #)

The complaint(s) include, but are not restricted to the follow:

I, the undersigned request that the property listed above be inspected by the Property Standards Officer(s) of the Municipality of Brighton, to take whatever action necessary under By-law 082-2002.

I, the undersigned agree, that if the Property Standards Officer(s) upon inspection of the property above determine that this complaint is frivolous and vexatious in manner, and/or the conditions are so minor as not to constitute any action under this by-law, I agree to pay the fee for the Inspection of Property (as set out in Schedule 'A', By-law 082-2002).

I, the undersigned also agree and understand, that if the complaint is valid, and does constitute action under By-law 082-2002, that any fees to be paid in relation to this complaint, as listed in the by-law, will be paid by the owner of the property. Owner of the property is determined in the definitions of By-law 082-2002.

This complaint was made by, and hereby understand and agree to the above agreement:

(print name)

(sign)

(Street No.)

(Street)

(Apartment #)

(Mailing Address)

(Postal Code)

Witnessed by the following employee of the Municipality of Brighton:

(print name)

(sign)

on this _____ day of _____, _____
(day) (month) (year)

SCHEDULE 'C' TO BY-LAW NUMBER 082-2002
INSPECTION AND ENFORCEMENT PROCEDURAL GUIDELINES

This by-law shall be administered and enforced by the Property Standards Officer based on the following guidelines.

1.0 Yards and Exterior Wall & Site Features

- 1.1 Inspection and enforcement, if required, shall be carried out on a routine basis for specific property, or properties as directed by Council.
- 1.2 General inspection and enforcement, if required, shall be conducted on a routine basis of all streets and neighbourhoods within the limits of the Corporation.
- 1.3 A specific property will be inspected upon receipt of a written complaint from an occupant or person residing in the Municipality of Brighton.

2.0 Interior Areas of Dwelling Units

- 2.1 A specific property will be inspected upon a receipt of a written complaint from an occupant or person residing in the Municipality of Brighton.
- 2.2 All interior inspections will require a minimum of two Municipality Staff to be present.

NOTICE OF NON-COMPLIANCE

Date

Owner's Name and Address

Dear Sir/Madam:

RE: *Description and Location of Property in Violation*

Be advised that on *Date of inspection* an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law No. 082-2002.

Schedule "A", attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the by-law.

Also be advised that the indicated by-law gives authority or the issuance of an ORDER TO COMPLY pursuant to *Section 1 5.2-(2)* of the *Ontario Building Code Act, S.O.1 99Z c.23*. However, it is desired that you will comply with this informal notice and that further action will not be necessary.

A reinspection of this property will take place on or about *Date* to ascertain compliance.

Should you require further information pertaining to this matter please feel free to contact the undersigned during normal business hours.

Property Standards Officer

**ORDER TO REMEDY VIOLATION
OF STANDARDS OF MAINTENANCE AND OCCUPANCY**

Pursuant to Section 15.2 of the Ontario Building Code Act

Date

Owner's Name and Address

Dear Sir/ Madam:

RE: *Description and Location of Property in Violation*

WHEREAS on _____ you were served with an NOTICE of NON-COMPLIANCE that required you to remedy certain violations of standards of maintenance and occupancy at your property, described above.

AND WHEREAS you have failed to remedy the noted violation(s) as set out in Schedule "A", attached hereto and which forms part of this ORDER.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in Schedule "A" be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law No. 082-2002 on or before

Date

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL: _____

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the Municipality may correct such violations at the expense of the owner. Should this Order be registered on title, the additional registration fee of \$400.00 will be added to the property taxes.

Corporation of the Municipality of Brighton
SUBSTANDARD PROPERTY
Building Code Act, S.O. 1992, c.23

**NOTICE OF VIOLATION
ORDER TO COMPLY**

RE: *Description and Location of Property in Violation*

THIS PROPERTY has been found NOT to be in conformity with the Standards of Maintenance and Occupancy established by this Municipality and as set out in the Property Standards By-law No. 082-2002.

SCHEDULE "A", attached hereto, sets out the work required to remedy such violation(s) and to bring the property into compliance with the by-law.

BE ADVISED THAT THIS PROPERTY MUST BE MADE TO CONFORM WITH THE BY-LAW ON OR BEFORE THE ____ DAY OF _____, 20__.

Further information may be obtained at the Property Standards Office located at 67 Sharp Road, Brighton, Ontario. Dated this Day of _____ 20__.

Note: It is an offence to remove or cover this placard.

Property Standards Officer