

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER 27 -2019

BEING A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWNSHIP OF MELANCTHON, FOR PROHIBITING THE OCCUPANCY OR USE OF SUCH PROPERTY THAT DOES NOT CONFORM TO THE STANDARDS, AND FOR REQUIRING PROPERTY BELOW THE STANDARDS PRESCRIBED HEREIN TO BE REPAIRED AND MAINTAINED TO COMPLY WITH THE STANDARDS OR THE LAND THEREOF TO BE CLEARED OF ALL BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AND LEFT IN A GRADED AND LEVEL CONDITION.

WHEREAS under Section 15.1 (3) of the Building Code Act, 1992, S.O. 1992, c.23, a By-law may be passed by the Council of a Municipality prescribing standards for the maintenance and occupancy of property within the municipality, provided the Official Plan for the Municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Corporation of the Township of Melancthon includes provisions relating to property conditions

NOW THEREFORE the Council of the Corporation of the Township of Melancthon hereby enacts as follows:

Section 1 Title

1.1 This By-law may be cited as the "Property Standards By-law".

Section 2 Definitions

2.1 In this By-law:

“Accessory Building” means a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation, except in the case of a guest cabin.

“Barn” means a building located on a farm to house livestock and/or hay and straw and/or farm machinery and implements.

“Basement” means that portion of a building between two floor levels which is partly underground, but which at least 0.5 metres of its height, from finished floor to finished ceiling, is above the adjacent finished grade.

“Building” means any structure as defined by the Ontario Building Code Act, S.O. 1992, used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a fence or wall.

“Cellar” means the portion of a building between two floor levels which is partly or wholly underground and which has less than 0.5 metres of its height, from finished floor to finished ceiling, above adjacent finished grade.

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

“Corporation” means the Corporation of the Township of Melancthon.

“Derelict Vehicle” means a motor vehicle that:

a) is inoperable, and

b) has no market value as a means of transportation or, has a market value as a means of transportation that is less than the costs of repairs required to put it into operable condition.

“Dwelling” means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land, all outbuildings, fences and structures appurtenant thereto.

“Dwelling Unit” means one or more habitable rooms designed, occupied or intended to be occupied as living quarters. This definition shall not include a mobile home, a private garage or any vehicle as defined herein.

“Farm” means land used for the tillage of soil, the growing of vegetables, fruits, grains or other staple crops. This definition shall also apply to land used for livestock raising, dairying, including a barn yard, or woodlots.

“Lot” means a parcel of land other than publicly-owned land, whether occupied or unoccupied.

“Maintenance” means the preservation and keeping in repair of a property.

“Means of Egress” means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a building, floor area, room or contained open space used as a dwelling unit to a public thoroughfare or approved open space.

“Occupant” means any person(s) over the age of eighteen years in possession of the property.

“Officer or Property Standards Officer” means a person who has been so appointed or designated by the Corporation and having the responsibility of administering and enforcing this By-law

“Owner” means any person or corporation that is the registered or beneficial holder of the title of the property and would include the person for the time being, who is managing or receiving the rent of the land or premises, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee of an occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for maintenance and occupancy of property.

“Property” means a building or structure, or part of building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, travel trailers, vans, inoperable vehicles, equipment, outbuildings, accessory buildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.

“Repair” includes the provision of such facilities and the making or additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established by this By-law.

“Rubbish” means any waste material, refuse, broken matter, trash or litter.

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

“Sewage System” means a private sewage disposal system approved by the Ministry of the Environment and/or the County of Dufferin Building Department.

“Standards” means the standards of physical condition prescribed for property by this By-law.

“Structure” means anything constructed, placed or erected other than a building, the use of which requires location on the ground, or attached to something having location on the ground, and for the purpose of this By-law, shall include a sign and a vehicle as defined in The Highway Traffic Act, whether or not the wheels have been removed or is operable.

“Tenant” means a person paying rent for the temporary use or occupancy of land or buildings of another person and includes a lessee, occupant, subtenant, and all assigns thereunder.

“Travel Trailer” means any trailer capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such trailer is jacked up or that its running gear is removed. This definition shall not include a mobile home as defined herein.

“Vacant Property” means property upon which there is no building or structure of any kind (excluding a fence).

“Vehicle” means an automobile, a boat, a commercial motor vehicle, a farm implement, a mobile home, a motorcycle, a snowmobile, a travel trailer.

“Yard” means a space, appurtenant to a building, structure or excavation, located on the same lot as such building, structure or excavation, and which space is open, uncovered and unoccupied from the ground upward except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law. Where a dwelling is located on a farm, the yard is deemed to be the one acre on which the dwelling is situate, but does not include the remainder of the farm, or a barn yard.

2.2 References to the Building Code Act are to the Building Code Act, S.O. 1992, c. 23 as amended from time to time and to the regulations passed under it, as amended from time to time.

Section 3 Application of By-law

3.1 This By-law applies to all property within the Township of Melancthon

Section 4 General Obligations

4.1 The owner of property in the Township of Melancthon shall repair and maintain the property in accordance with the standards prescribed by the By-law. Such repair shall include the posting of the correct municipal address or six digit emergency number, whichever is applicable, at a location on the property clearly visible to emergency vehicles.

4.2 No person shall occupy, use, permit the use of, rent or offer to rent any property that does not conform to the standards of this By-law.

4.3 Abandoned wells shall be decommissioned in accordance with the requirements of the Ministry of the Environment, or be fully protected against accidental opening.

4.4 Where a Property Standards Officer has placed or caused the placing of a placard containing the terms of a notice or order upon the premises under the authority of the Building Code Act, no one shall remove the said placard except with the consent of a Property Standards Officer.

4.5 The obligations created by this By-law on the owner or occupant shall be joint and several.

- 6.4 No roof drainage or waste water of any kind shall be discharged on public sidewalks or neighbouring property. No Surface drainage shall be discharged onto neighbouring property in any manner that would create a nuisance.
- 6.5 No natural soil, topsoil, road gravel or other fill material shall be permitted to erode by the action of wind or storm-water runoff if such material is being carried onto adjacent property or into lakes, streams, ditches or watercourses.
- 6.6 Storm water shall be drained from yards in a manner designed to prevent recurrent or excessive ponding or the entrance of water into a basement or cellar of other property owners.

Section 7 Safe Passage

- 7.1 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under customary use and weather conditions.

Section 8 Accessory Buildings or Fences

- 8.1 Accessory buildings and fences shall be kept in good repair and free from health, fire and accident hazards.
- 8.2 Barbed or razor wire shall not be used for fencing purposes on any lot in any built-up residential community, hamlet or estate residential area except where the fence is on the boundary next to an adjacent agriculture or rural area.

Section 9 Garbage Control

- 9.1 Every building and every dwelling unit within every dwelling shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes which are to be stored outside of a building.
- 9.2 Garbage, rubbish and ashes shall be removed and disposed of at the Corporation's approved landfill site or, where waste collection services are provided by the Corporation, made available for removal in accordance with the pertinent By-law of the Corporation and all amendments thereto.
- 9.3 Plastic bags containing garbage or rubbish shall not be stored outdoors unless protected from damage.
- 9.4 Composting shall comply with all health regulations and the compost pile shall be located in the yard so as to not pose a nuisance to adjacent property.
- 9.5 Manure and other farm by-products shall be disposed of in accordance with the Township of Melancthon By-laws and the applicable Provincial legislation.

Section 10 Swimming Pools

- 10.1 All swimming pools, wading pools, ponds and any appurtenances thereto, including fences and gates, and all electrical fixtures and lines supplying the pool shall be installed and maintained in a state of good repair and in a safe condition

shall be removed, the property cleared of all remains and left in a graded level and tidy condition.

14.7 In the event a building or structure is destroyed by fire or natural disaster:

- a. Immediate steps shall be taken to prevent or remove a condition which might endanger person(s) in, on or near the property and
- b. Immediate steps shall be taken to properly support and barricade such buildings or structures; and either
- c. Repairs shall be undertaken and completed forthwith, to the standards in this By-law and any other applicable law, or
- d. The said building or structure shall be demolished, the property cleared of all remains and left in a graded level and tidy condition.

Section 15 Egress

15.1 Every building shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.

15.2 A secondary means of egress, as required by the Building Code Act, shall be provided from every separate dwelling unit located on a floor above the main or first floor, so as to provide a safe and convenient means of egress in case of an emergency.

15.3 The means of egress and fire warning devices in all buildings shall be to the satisfaction of the applicable Fire Department serving that area of the Township and otherwise be maintained to comply with paragraph 15.1 and 15.2.

Section 16 Roofs

16.1 The roof and any cornice flashing, fascia, soffit, coping, gutter, rainwater leader, vent or other roof structure,

- a. shall be watertight;
- b. Shall be maintained to properly perform their intended function; and
- c. Shall be kept clear of obstructions, hazards and dangerous accumulations of snow and ice.

Section 17 Retaining walls, guards and fences

17.1 Retaining walls, guards and fences in exterior common areas shall be maintained in a structurally sound condition and free from hazards.

Section 18 Structural soundness, etc.

18.1 Every floor of a basement, cellar or crawl space, and every slab at ground level, foundation wall, wall and roof shall be structurally sound, weathertight and damp-proofed and shall be maintained so as to reasonably protect against deterioration, including that due to weather, fungus, dry rot, rodents, vermin or insects.

Section 19 Required fixtures

- 19.1 Every dwelling unit shall contain and have accessible the following functional fixtures:
- a. A toilet.
 - b. A kitchen sink.
 - c. A washbasin.
 - d. A bathtub or shower.

Section 20 Hot and cold running water

- 20.1 Every kitchen sink, washbasin, bathtub and shower shall be provided, by safe equipment, with hot and cold running water.
- 20.2 The ordinary temperature of the hot water provided must be at least 43 degrees Celsius.

Section 21 Washroom requirements

- 21.1 Every washroom shall be enclosed and shall have,
- a. a water-resistant floor; and
 - b. a door that can be, secured from the inside, and opened from the outside in an emergency.
 - c. The walls and ceiling around a bathtub or shower shall be water-resistant.

Section 22 Supply of electrical power

- 22.1 A supply of electrical power shall be provided to all habitable space in a dwelling unit. Where available, electrical facilities complying with the requirements of Hydro One shall be provided for all properties.
- 22.2 The wiring and receptacles necessary to provide electrical power shall be maintained free of conditions dangerous to persons or property.
- 22.3 Every kitchen shall have outlets suitable for a refrigerator and a cooking appliance.
- 22.4 Extension cords shall not be used on a permanent or semi-permanent basis in any dwelling or dwelling unit.

Section 23 Maintenance of room temperature

- 23.1 Heat shall be provided and maintained so the heating facilities are capable of maintaining a temperature of at least 22 degrees Celsius at 1.5 metres above floor level and one metre from exterior walls in all living spaces and in any area intended for normal use.
- 23.2 No dwelling unit shall be equipped with portable heating equipment as the primary source of heat.

- a. the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code Act;
 - b. a warrant issued under the Building Code Act is obtained;
 - c. the delay necessary to obtain a warrant or the consent of the occupant would result in an immediate danger to the health or safety of any person;
 - d. the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3) of the Building Act Code; or
 - e. the requirements of section 29.3 are met and the entry is necessary to remove an unsafe condition under clause 15.9 (6) (b) of the Building Code Act or to repair or demolish under subsection 15.4 (1) of the Building Code Act.
- 29.3 Within a reasonable time before entering the room or place for a purpose described in Section 29.2 (e), the Officer shall serve the occupant with notice of his or her intention to enter it.
- 29.4 A Property Standards Officer for the purposes of an inspection has all the powers as provided for in Section 15.8 (1) of the Building Code Act.

Section 30 Order by Property Standards Officer

- 30.1 When the Property Standards Officer is satisfied that the property does not conform to the standards contained in the By-law, the Officer shall serve or cause to be served personally or by registered mail an Order. The Order shall include the following information:
- a. state the municipal address or the legal description of the such property;
 - b. giving reasonable particulars of the repairs to be made or stating that the property 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 repairs 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 of the Order.
- 30.2 The Order shall be served on the owner of the property and such other persons affected by it as the Property Standards Officer determines and a copy of the Order may be posted on the property. A Notice or Order issued pursuant to this By-law shall be served by personal service or by registered mail sent to the last known address of the person to whom notice is to be given or to the person's agent for service.
- 30.3 If a Notice of Order is served by registered mail, the service shall be deemed to have been received on the fifth day after the day of mailing unless the person or persons on whom service is being made established that he/she did not, acting in good faith, through absence, accident, illness, or other cause beyond his/her control, receive the Notice or Order until a later date.
- 30.4 The Order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under the previous subsection and, when the requirements of the Order have been satisfied, the Clerk of the Corporation 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.

Section 31 Property Standards Committee

31.1 A Property Standards Committee shall be established to review the Orders issued by an Officer upon application in accordance with Section 31.2 and it shall be appointed and operate as follows:

1. The Committee shall be composed of the current members of Council of the Corporation, not being fewer than three (3) persons,
2. The term of office for the members of the Committee shall be for a term concurrent with the Council term.
3. The Committee shall:
 - a. Elect a Chairperson from its members; and
 - b. When the Chairperson is absent through illness or otherwise, the Committee may appoint another member to act as Chairperson pro tempore
4. Three (3) members of the Committee shall constitute a quorum.
5. The Secretary of the Committee shall be the Chief Administrative Officer of the Corporation or her designate, being an Employee of the Corporation
6. The Secretary shall:
 - a. keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.
 - b. on receipt of the notice of appeal referred to in Subsection 31.2 shall
 - i. determine the date, place and time of the Hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice;
 - ii. give notice in writing of the date, place and time of the Hearing referred to in paragraph a to:
 1. The Appellant;
 2. The Officer who issued the Order, and
 3. Any other interested persons pursuant to Section 31.3,said notice to be served personally or by registered mail.
7. Any member may administer oaths
8. The applicant may appear with or without Counsel at the hearing, to present his appeal
9. The Corporation shall be represented at the Hearing by anyone authorized by Council, who is entitled to reply to the appeal presented on behalf of the Applicant
10. The Committee shall give its decision in writing
11. The Secretary of the Committee shall notify:
 - a. The Appellant
 - b. The Officer who issued the Order, and
 - c. Any other person who appeared at the hearing of the appeal, of the decision, by the causing a copy to be served personally or by registered mail.

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

31.3 The original complainant(s), if any, may make a written request to receive notice of any appeal, and if he or she has, notice shall be sent by registered mail not later than ten days prior to the hearing of the appeal, and the original complainant(s) shall also be

entitled to appear before the Committee to present their views on the matter at the hearing.

- 31.4 If an appeal is taken, the Committee as empaneled shall hear the appeal and shall have all the powers and functions of the Property Standards Officer and may, by majority vote, do any of the following things, if, in the Committee's opinion, doing so would maintain the general intent and purpose of the By-law and of the Official Plan:
- a. confirm, modify or rescind the order to demolish or repair;
 - b. extend, or shorten the time for complying with the Order.
- 31.5 Any owner or occupant or person, including the Municipality, affected by a decision of Committee may appeal to the Superior Court of Justice by notifying the Secretary of the Committee in writing and by applying to the court within fourteen days after the decision is sent.
- 31.6 The Superior Court of Justice shall appoint in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served.
- 31.7 On an appeal of a Property Standards Committee decision, the judge has the same powers and functions as the Property Standards Committee.
- 31.8 The Order, when no appeal is taken within the time prescribed or after an appeal pursuant to Section 31.2 or 31.5 is completed, shall be final and binding upon the owner or occupant, who shall comply with the said Order within the time and in the manner specified in the Order.

Section 32 Conflicts with Other By-laws and Statutes

- 32.1 Wherever a standard established by this By-law is different from a standard in relation to the same matter established by any other By-law in force in the Township of Melancthon or statute of the government of Canada or Ontario, the standard which provides the higher degree of protection for the health, safety and welfare of the occupants and of the general public shall prevail.

Section 33 Power of Corporation to Repair or Demolish

- 33.1 If the owner or occupant of property fails to repair or to demolish the property in accordance with an Order as confirmed or modified by the Committee or a judge, the Corporation in addition to all other remedies,
- a. shall have the right to repair, clean-up or demolish the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property without a warrant.
 - b. shall not be liable to compensate such owner, occupant or any other person by reason of anything done by or on behalf of the Corporation in its reasonable exercise of its powers under the provisions of this By-law and the Building Code Act, as amended; and
 - c. shall have a lien for any amount expended by or on behalf of the Corporation under the authority of this By-law together with interest thereon, upon the property in respect of which such amount was expended, and the certificate of the Clerk of the Corporation as to such amount shall be final and such amount shall be deemed to

38.2 An Officer shall issue a certificate to an owner who requests a certificate if such owner has paid the fee set by the Council of the Corporation, being in the amount of Fifty (\$50) dollars.

Section 39 Repeal & Enactment

39.1 By-law number 31-2018 is hereby repealed in its entirety and any other By-laws regarding property maintenance and standards are hereby repealed.

39.2 This By-law shall come into force and be in effect on the passing thereof.

THIS BY-LAW READ A FIRST AND SECOND TIME THIS 16TH DAY OF MAY, 2019.

READ A THIRD TIME AND ENACTED THIS 16TH DAY OF MAY, 2019

Original Signed

Mayor

Original Signed

Clerk

SCHEDULE "A"

**NOTICE OF APPEAL
TO THE PROPERTY STANDARDS COMMITTEE
Pursuant to Section 15.3 of the Building Code Act, S.O. 1992, c.23, as amended**

(DATE)

Secretary
Property Standards Committee
Corporation of the Township of Melancthon
157101 Highway 10
Melancthon, ON
L9V 2E6

RE: Property Standards Order
(Description and Location of Property in Violation)
Township of Melancthon

TAKE NOTICE of appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above referenced Order.

APPEAL TO PROPERTY STANDARDS COMMITTEE

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

Reference: Building Code Act, S.O. 1992, c.23, s.15.3

Signature of Owner or Authorized Agent