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:

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"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.

- 4.6 Where a notice or order has been issued by the Property Standards Officer pursuant to this By-law, the owner and occupant thereof shall:
 - a. repair and maintain the property in accordance with the standards or,
 - b. remove or, demolish and remove, the whole or the offending part of the property that is not in accordance with the standards, or
 - c. in the event that the property is to be cleared of any building, structure, debris or refuse, the owner or occupant shall complete such work and shall leave the property in a graded and leveled condition.

Section 5 Yards, Vacant Property and Farms

- 5.1 All yards and vacant property shall be kept clean and free from rubbish and other debris and from objects or conditions that might create a health, fire or accident hazard to any occupants, or a hazard or detriment to the environment, or surface or ground water. Open, non-forested areas of all yards shall be graded so that a permanent grass cover can be established and maintained, and all reasonable means shall be employed to prevent erosion and sedimentation, control weeds and present an orderly and well-kept appearance.
- 5.2 Noxious weeds, as defined by the Weed Control Act, R.S.O. 1990, c.W.5, as amended, and Regulations passed under the Act, such as ragweed, poison ivy and thistles, among others, shall be eliminated from yards.
- 5.3 All farm land shall be kept free and clear of rubbish or other debris, and all farms shall use normal farm practices to control injurious insects, termites, rodents, vermin or other pests and remove dead, decayed or damaged trees that may create a health, fire or accident hazard.
- 5.4 Wrecked, discarded, dismantled, unlicensed, unplated, derelict and abandoned vehicles, machinery, campers, trucks, tractors, construction equipment, buses, streetcars, trailers, boats and any other similar types of items shall not be parked, stored or left on a property that is not otherwise exempt from the requirements of this By-law, unless it is necessary for and ancillary to the operation of a business enterprise or farm use lawfully situated on the property.

Section 6 Sewage and Drainage

- 6.1 Human Sewage, waste water, and organic waste shall be discharged into a sewage system approved by the Ministry of the Environment and/or the Dufferin County Building Department.
- 6.2 No Human Sewage, organic waste, or waste water of any kind shall be discharged onto the surface of the ground, whether onto a natural or artificial surface, drainage system or into any lake, stream, ditch or watercourse.
- 6.3 Where a sewage system does not exist, sewage, waste water, and organic waste shall be disposed of in a manner acceptable to the local health authorities.

- 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

Section 11 Signs

11.1 Signs shall be maintained in good repair and shall be mounted in a safe manner to prevent any hazard to persons or property.

Section 12 Construction, Storage, Salvage and Scrap Yards

12.1 All property, whether in operation as a commercial enterprise or not, shall be effectively screened from other property, streets or roads by suitable fences, hedges, trees or landscaping where such property is used for the storage of machinery, goods, salvage or scrap, the parking of derelict vehicles, the operations of machinery or when used for any other purpose which may detract from the good appearance of or from an abutting or neighbouring residential property.

Section 13 Vermin Control

- 13.1 Every property shall be maintained so as to be as free as possible from rodents, insects and vermin, and the methods used for exterminating these pests shall be in accordance with the provisions of the *Pesticides Act*, R.S.O. 1990, as amended, and all regulations made thereunder.
- 13.2 Any opening in a basement, cellar, crawl space or roof space used or intended to be used for ventilation, and other opening in a basement, cellar, crawl space or roof space which might admit vermin, shall be screened in order to effectively exclude vermin.

Building Standards

Section 14

- 14.1 Exterior walls, roofs, chimneys, eaves, foundations, doors, shutters, balconies, porches, exterior steps or stairs, ramps and signs appurtenant to or attached to any building or structure shall be maintained so as to be free of defects which may constitute possible accident hazards.
- 14.2 Every part of any building shall be maintained in a safe and structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight as may be put on it through normal use. Building materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 14.3 Exterior building walls and components shall be maintained in good repair free from cracked, broken, rotten, loose or warped masonry, stucco and other defective cladding or trim.
- 14.4 The exterior of the foundation walls of buildings shall be maintained in structurally sound condition.
- 14.5 All other exterior surfaces shall be composed of materials which provide adequate protection from the weather.
- 14.6 Any dilapidated or collapsing building(s) and structure(s) shall be repaired and maintained in accordance with the standards herein or such building(s) or structure(s)

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 forthwithin, 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.

- 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.

Section 24 Maintenance of heating systems

24.1 Heating systems, including stoves, heating appliances, fireplaces intended for use, chimneys, fans, pumps and filtration equipment, shall be maintained in a good state of repair and in a safely operable condition.

Section 25 Ventilation

25.1 All dwelling units shall be provided with natural or mechanical means of ventilation that is adequate for the use of the space.

Section 26 Smoke, gases and toxic fumes

26.1 Chimneys, smoke-pipes, flues and gas vents shall be kept clear of obstructions and maintained so as to prevent the escape of smoke and gases into a building and in conformance with the Ontario Building Code and as may be approved by the Chief of the Fire Department or his or her agent.

Section 27 Doors, windows and skylights

- 27.1 Every existing opening in the exterior surface of a building designed for a door or window shall be equipped with a door or window capable of performing the intended function.
- 27.2 Doors, windows and skylights shall be maintained so that they are weathertight, and any damaged or missing parts are repaired or replaced.

ADMINISTRATION AND ENFORCEMENT

Section 28

28.1 This By-law shall be enforced by the Corporation's Municipal By-law Enforcement Officer and by such other persons as are designated from time to time by the Council as Property Standards Officers.

Section 29 Entry by Property Standards Officer

- 29.1 The Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time, without a warrant, for the purpose of inspecting the property to determine:
 - a. whether the property conforms to the standards prescribed in this By-law; or
 - b. whether there is compliance with an Order made under this By-law and the Ontario Building Code Act.

Where an inspection is to occur the owner of the property shall be notified and advised that entry onto the property will be made for inspection purposes under this By-law unless an emergency situation exists.

29.2 A Property Standards Officer shall not enter or remain in any room or place actually being used as a dwelling unless,

- a. the consent of the occupant is obtained, the occupant first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code Act;
- b. a warrant issued under the Building Code Act is obtained;
- c. the delay necessary to obtain a warrant or the consent of the occupant would result in an immediate danger to the health or safety of any person;
- d. the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3) of the Building 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

be taxes and may be added to the collectors roll to be collected in the same manner as municipal realty taxes, or by action in any competent court. The "amount expended" shall include materials, labour, equipment, administration, fees, charges and legal expenses.

Section 34 Immediate Danger to Health and Safety

34.1 If, upon inspection of a property or building, the Property Standards Officer is satisfied that there is non-conformity with the standards prescribed in this By-law to such extent as to pose an immediate danger to the health and safety of any person, the Property Standards Officer may make an Order containing particulars of the non-conformity and requiring remedial repairs or other works to be carried out immediately to terminate the danger. The provisions of Section 15.7 of the Building Code Act, shall apply with regard to such an Order and the proceedings arising from it.

Section 35 Offence

- 35.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a penalty or penalties as provided in the Provincial Offences Act, R.S.O. 1990, c.P.33.
- Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a penalty or penalties as provided in Section 36 of that Act, as may be amended, for each offence committed.

Section 36 Administrative Penalty

- 36.1 For purpose of promoting compliance with this By-law, there shall be an administrative penalty of \$2,000.00 payable by an Owner being in non-compliance with this By-law or any Order issued thereunder.
- 36.2 The administrative penalty provided for in 36.1 constitutes a debt owed to the Corporation. If the penalty is not paid within fifteen days after the day it became due and penalty, the Treasurer of the Corporation may add the administrative penalty to the tax roll for any property in the Municipality for which all of the registered owners are responsible for paying the administrative penalty, and collect it in the same manner as Municipal taxes.

Section 37 Validity and Severability

- 37.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law, and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
- 37.2 A property may be determined to be in compliance with the standards set out herein, such compliance shall not be construed, constructed or deemed to mean that there is compliance with other municipal By-laws, including but not limited to the Municipality's Comprehensive Zoning By-law.

Section 38 Certificate of Compliance

38.1 An Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in the By-law may issue a certificate of compliance to the Owner.

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

Original Signed

Mayor

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: <u>Building Code Act</u>, S.O. 1992, c.23, s.15.3

Signature of Owner or Authorized Agent