

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE **AMENDED BY:**

REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 2000-040 (.....)

DATE

200/04/03

BY-LAW No. 98-106 (BU-1)

+ 2003-0065 (BU-1)  
May 26/03

BEING A BY-LAW FOR THE PRESCRIBING OF STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE MUNICIPALITY.

**RECITALS**

WHEREAS Section 15.1 of the Building Code Act, R.S.O. 1990, c.B.13, as amended, authorizes the passing of a by-law prescribing standards for the maintenance and occupancy of property within the municipality;

AND WHEREAS the Official Plan for the Town of Georgina includes provisions relating to conditions of maintenance and occupancy of property.

NOW THEREFORE the Council of the Corporation of the Town of Georgina enacts as follows:

**SECTION 1: Interpretation**

- 1.1 Short Title: This By-law may be cited as the "*Property Standards By-law*".
- 1.2 Definitions: In this By-law, unless stated otherwise, certain terms shall be defined as indicated in the lettered paragraphs of this section. When the words appear capitalized, the meanings prescribed in this section shall apply. When the words appear in lower case letters, they should be read as having their ordinary dictionary meaning.
- A) "APPLIANCES" shall include refrigerators, stoves, clothes washers, clothes dryers, dishwashers and hot water tanks;
  - B) "APPROVED CONTAINER" means a container as defined in Town of Georgina By-law No. 96-119 (PWO-1).
  - C) "BUILDING CODE ACT" means the Building Code Act, S.O. 1992, as amended;
  - D) "COUNCIL" means the elected Council of the Town of Georgina;
  - E) "DWELLING UNIT" means one or more rooms used, or intended for use  
as a single housekeeping unit, which may contain facilities for one or more of the following elements:
    - i) Cooking;
    - ii) Eating;
    - iii) Sleeping;
    - iv) Living; and/or
    - v) Sanitary Facilities.
  - F) "EXTERIOR COMMON AREAS" includes roads, pathways, parking areas, garbage storage areas, yards and playground areas.
  - G) "EXTERIOR WALL" includes all window components and trim, fascia, and soffits.
  - H) "FIRE CODE" means the Fire Prevention and Protection Act, 1997;
  - I) "GUARD" means a barrier, that may or may not have openings through it to prevent people from accidental falls;
  - J) "HABITABLE SPACE" means a room or area used or intended to be

- used for living, sleeping, cooking or eating purposes and includes a washroom;
- K) "INTERIOR COMMON AREAS" includes laundry rooms, garbage rooms, corridors, boiler rooms, parking garages, storage areas and recreation rooms;
  - L) "LAND LEASE COMMUNITY" means a residential complex containing a series of individual DWELLING UNITS which are permanent structures;
  - M) "ORDER" means an order issued pursuant to section 15.2(2) or 15.7(1) of the BUILDING CODE ACT;
  - N) "OWNER" includes any PERSON who acts on behalf of the owner in the leasing, renting, or maintaining of a PROPERTY. "OWN", "OWNS", and "OWNED" shall have corresponding meanings;
  - O) "PERSON" includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, and a natural person. "PERSONS", shall have a corresponding meaning.
  - P) "PROPERTY" means property as defined in section 15.1(1) of the BUILDING CODE ACT.
  - Q) "SEWAGE SYSTEM" means a municipal sanitary sewage system or a private sewage disposal system and includes a sewage system, and/or sewage works as defined in the Building Code.
  - R) "TOWN" means The Corporation of the Town of Georgina and, where the context so implies, members of its staff and Council;
  - S) "VEHICLE" includes motor vehicles, boats, trailers, recreational vehicles, off-road vehicles, motorized snow vehicles, farming implements, road building equipment and/or construction equipment such as a bulldozer or backhoe.
  - T) "WASHROOM" means an area which provides one or more of the following items:
    - i) toilet;
    - ii) washbasin;
    - iii) bathtub or shower.

- 1.3 Number/Gender: All words and personal pronouns relating to words contained in this by-law shall be read and constructed with the number and gender of the PERSON referred to in each case.
- 1.4 Headings: The headings of sections, paragraphs, clauses, and/or sentences in this by-law are inserted for ease of reference only and do not affect the interpretation of this By-law.
- 1.5 Severability: In the event that any of the provisions of this By-law are deemed invalid or void, in whole or in part, by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 1.6 Schedules: The schedules and/or attachments to this By-law form an integral part of it.
- 1.7 Legislation: Reference to this legislation within this By-law shall be deemed to include such legislation, as amended, including all successor legislation.
- 1.8 Scope: This By-law shall apply to all properties, buildings, structures, and premises located within the geographical boundaries of the Town of Georgina.

## **SECTION 2: General Provisions**

- 2.1 Occupancy: No PERSON shall occupy or use a PROPERTY which does not conform with the standards set out in the schedules of this By-law, attached

hereto.

- 2.2 Permit Occupancy: No OWNER shall permit the occupancy or use of a PROPERTY which does not conform with the standards set out in the schedules of this By-law attached hereto.
- 2.3 Owners Duty To Conform: Every OWNER of a PROPERTY shall carry out repairs as required, and take such other remedial action necessary to conform with the standards contained within schedules of this By-law attached hereto on a continual basis.

### **SECTION 3: Orders and Penalties**

- 3.1 Issuance of Order: Every officer who finds that a PROPERTY does not conform with any of the standards prescribed in Schedules attached hereto, may make an ORDER pursuant to the provisions of the BUILDING CODE ACT.
- 3.2 Appeal of an Order: Where a PERSON is served with an ORDER under section 15.2(2) of the BUILDING CODE ACT, and wishes to appeal the contents of the ORDER, they may file an appeal by:
- a. sending a Notice of Appeal to the secretary of the Property Standards Committee; and
  - b. such Notice sent by Registered Mail within 14 days of the ORDER being served.
- 3.3 Confirmation of Order: Every ORDER shall be deemed confirmed where an appeal has not been filed within the prescribed period.
- 3.4 Compliance with Order: Every PERSON to whom an ORDER is issued shall, where the ORDER has been confirmed, comply with the requirements and/or conditions of the ORDER by the prescribed date.
- 3.5 Failure to Comply with an Order: Failure to comply with the requirements of an ORDER shall constitute an offence pursuant to section 36 of the Building Code Act, S.O. 1992, c.23, as amended.
- 3.6 Completion of Work by the Municipality: Where an OWNER fails to comply with the conditions of an ORDER within the prescribed time period, the TOWN and its agent may enter upon the PROPERTY and take the actions necessary for compliance with the ORDER.
- 3.7 Recovery of Costs: All costs incurred by the TOWN under section 3.6 may be recovered as taxes upon the PROPERTY.
- 3.8 Certificate of Compliance: Where an OWNER has complied with the requirements of an ORDER, and requests a Certificate of Compliance, the investigating officer shall issue a Certificate upon receipt of the prescribed fee.
- 3.9 Fee - Issuance of Certificate of Compliance: Every PERSON requesting a Certificate of Compliance, shall pay the fee prescribed by COUNCIL in schedule "I" of this by-law. Such fee shall be paid at the time of placing the request.

### **SECTION 4: Penalties**

- 4.1 Penalty: Every PERSON who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with

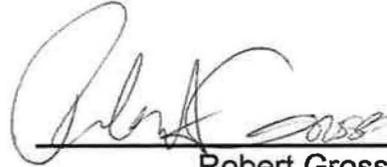
section 36 of the Building Code Act, S.O. 1992, c.23, as amended, for each offence committed.

**SECTION 5: Repeals and Coming into Force:**

- 5.1 Repeal of Preceding By-law: By-law No 87-176 (BU-1) of the Town of Georgina is hereby repealed.
- 5.2 Coming into Force: This By-law shall come into force upon the date passed by the Council for the Town of Georgina.

READ a first and second time this 17<sup>th</sup> day of August, 1998.

READ a third time and finally passed this 17<sup>th</sup> day of August, 1998.



Robert Grossi, Mayor



Larry Simson, Town Clerk

**Schedule "A" of By-law No. 98-106 (BU-1)**

**General Standards**

- 1.0 **Securement of Unoccupied BUILDINGS:** Every OWNER of an unoccupied building or premises shall take the appropriate measure to secure the building or premises against unauthorized entry.
- 1.1 **Materials used for Securement:** Every OWNER shall ensure that all materials used in the boarding up, covering, etc. of entry ways and windows into an unoccupied building or premises are:
- a) affixed in a secure manner
  - b) treated with a preservative
  - c) color co-ordinated with the building or premises.
- 1.2 **Vacancy longer than 90 days:** Where a building or premises remains vacant for a period longer than 90 days, the OWNER shall ensure that all utilities other than those required to maintain the safety and security of the building or premises are disconnected.
- 2.0 **General Maintenance:** Every OWNER shall ensure that:
- a) every floor, stair, verandah, porch, deck, balcony and loading dock, every structure similar to any of them, and any covering, guard or surface finishing shall be maintained:
    - i) in a proper state of repair;
    - ii) free of defect or damage, any unsafe, dangerous or unsightly condition; and
    - iii) where applicable, in complete and proper working order at all times.
  - b) every cabinet, cupboard, shelf and counter top is maintained in a structurally sound condition, free from cracks and deterioration;
  - c) interior cladding of wall and ceilings is maintained free from holes, leaks, deteriorating materials, mold, mildew or other fungi;
  - d) a protective finish is to be applied to all repairs made to walls and ceilings;
  - e) all APPLIANCES supplied by the landlord in the instance of a rental unit shall be maintained in working order in a safe and efficient operating conditions at all times;
  - f) where a locker or storage is supplied as part of a rental accommodation, the area shall be kept free of dampness and mildew;
  - g) all common areas are to be kept clean;
  - h) garbage is removed regularly so as not to cause a risk to the health or safety of any person;
  - i) any chute or container used for the transportation or storage of garbage is cleaned and disinfected regularly so as not to cause a risk to the health or safety of any person;
  - j) every existing interior door shall be maintained so that it is capable of performing its intended function and any damage or missing parts shall be repaired or replaced;
  - k) in a mobile home park, trailer park or a LAND LEASE COMMUNITY:
    - 1) Private roadways within the park or community shall be:
      - ii) kept free of holes and obstructions; and
      - iii) maintained to control dust.
    - 2) excavations made for repairs shall be filled in and the grounds returned to their previous condition;

**Schedule "B" of By-law No. 98-106 (BU-1)**

**Structural Elements**

- 1.0 **Basic Structural Integrity - Weight:** The structural elements of every building or structure shall be maintained in a sound condition so as to be capable of safely sustaining their own weight and any load or force that may normally be imposed.
- 1.1 **Structural Integrity - Protection from Weather:** Every foundation wall, basement, cellar or crawl space floor, slab at ground level, exterior wall and roof shall be structurally sound, weather tight 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.
- 2.0 **Drainage:** Storm water run off shall be drained from the grounds of the premises and any area below exterior grade so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.
- 3.0 **Roofing - General:** Every roof shall be water tight.
- 3.1 **Roofing - Maintenance:** The roof and any cornice flashing, fascia, soffit, coping, gutter, rainwater leader, vents or other roof structure, shall:
  - a) be maintained so as to properly perform their intended function; and
  - b) be kept clear of obstructions, hazards and dangerous accumulations of snow and ice.
- 4.0 **Maintenance of Fences and Guards:** Retaining walls, GUARDS and fences in EXTERIOR COMMON AREAS shall be maintained in a structurally sound condition, free from hazards or defects, with a weather protective surface finish applied to all exposed components.

**Schedule "C" of By-law No. 98-106 (BU-1)**

**Plumbing and Sewage Systems**

- 1.0 **General Maintenance - Plumbing:** All plumbing and drainage systems and appurtenances shall be maintained free from leaks, defects or obstructions and adequately protected from freezing.
- 2.0 **General Maintenance - Sewage System:** Every sewage disposal shall be maintained in a good state of repair and free of defect.
- 2.1 **Sewage System:** In a mobile home park, trailer park or where a DWELLING UNIT is located within an un-serviced area of the municipality:
  - a) Sewage holding tanks parks shall be emptied whenever necessary;
  - b) Sewage connections and other components of a sewage system shall be provided and secured to prevent discharge of sewage outside of the SEWAGE SYSTEM.
- 3.0 **Water Supply:** Every kitchen sink, washbasin, bathtub and shower shall be provided, by safe equipment, with hot and cold running water.
- 4.0 **Water Pressure:** Adequate water pressure, sufficient for normal household use shall be available for each dwelling unit.
- 5.0 **Mobile Homes:** The provisions of section 4.0 of schedule "C" shall apply to a mobile home park or trailer park.
- 6.0 **Water Temperature - Hot Water:** The ordinary temperature of the hot water provided must be at least 43 degrees Celsius.
- 7.0 **Washroom Construction:** Every washroom shall be enclosed and shall have:
  - a) a water resistant floor; and
  - b) a door that can be:
    - i) secured form the inside, and
    - ii) opened from the outside in an emergency.
  - c) any walls and the ceiling around a bathtub or shower shall be water resistant.
  - d) no toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

**Schedule "D" of By-law No. 98-106 (BU-1)**

**Electrical**

- 1.0 Electrical Supply: Every OWNER shall provide a supply of electrical power to all HABITUAL SPACE.
- 2.0 Maintenance - General: The wiring and receptacles necessary to provide electrical power shall be maintained in a proper state and free of defect or damage, and shall comply with the Electrical Safety code under the Power Corporation Act.
- 2.1 Maintenance - Independent Community: Electrical supply and connections in a mobile home park, or trailer park supplied by the OWNER of the park or shall be maintained in a proper state, free of defect or damage and shall be sufficiently grounded.
- 3.0 Appliance Outlets: Every DWELLING UNIT shall have outlets suitable for a refrigerator and a stove.

## Schedule "E" of By-law No. 98-106 (BU-1)

### Heating

- 1.0 Acceptable Level of Heat: Heat shall be provided and maintained so that the room temperature at 1.5 meters above floor level and one more meter from exterior walls in all HABITUAL SPACES and in any area intended for heavier use by the occupants, including recreation rooms and laundry rooms but excluding locker rooms and garages, is at least 20 degrees Celsius.
- 1.1 Exemption to Section 1.0: Section 1.0 of schedule "E" does not apply to a premises in which the occupant can regulate the temperature as long as a minimum temperature of 20 degrees Celsius can be maintained.
- 2.0 Heating System - Residential Premises: Every residential premises shall have permanent heating equipment capable of maintaining the temperature levels required by subsection 1.0 of schedule "E".
- 3.0 Portable Heating Equipment - Prohibition: No HABITUAL SPACE shall be equipped with portable heating equipment as the permanent primary source of heat.
- 4.0 Test Standards: Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 5.0 Supply of Services: Every OWNER shall ensure that:
  - a) fuel is supplied for the heating of HABITUAL SPACE on a continual basis in adequate quantities;
  - b) utilities supplied to HABITUAL SPACE shall be supplied continuously;
  - c) the supply of fuel and utilities may be interrupted for such reasonable period of time as may be required for the purpose of repair or replacement.
- 5.1 Exemption to Section 6.0: Subsections 6.0(a) and/or 6.0(b) of schedule "E" do not apply to an OWNER if a tenancy agreement makes the tenant responsible for the supply of fuel or utilities and the supply has been discontinued because of arrears in payment.
- 6.0 General Maintenance - Fuel Burning Devices: Heating systems, including stoves, heating appliances, fireplaces intended for use, chimneys, fans, pumps, filtration and other equipment provided to supply heat, shall be maintained in operational order and free of defect or damage.
- 7.0 Ventilation Requirement: Every space which contains heating equipment that burns fuel shall have an unobstructed natural or mechanical means of supplying the air required for combustion.
- 8.0 Fuel Storage: If the heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

**Schedule "F" of By-law No. 98-106 (BU-1)**

**Lighting and Ventilation**

- 1.0 Interior Lighting: All HABITUAL SPACE shall have artificial lighting to the level required by the Building Code.
- 2.0 Lighting Standards: All EXTERIOR COMMON AREAS and INTERIOR COMMON AREAS shall have artificial lighting sufficient so that those areas can be used or passed through safely and this artificial lighting shall be maintained in a good state of repair.
  - 2.1 Exemption to Section 2.0: Artificial lighting in INTERIOR COMMON AREAS that meets the level required by the Building Code is sufficient for the purpose of Section 2.0 of schedule "F".
  - 2.2 Location of Exterior Common Area Lighting: All artificial lighting located within, or used to illuminate an EXTERIOR COMMON AREA shall be mounted or erected in such a manner so as not to illuminate an adjacent property or public highway.
- 3.0 Ventilation Requirement: All HABITUAL SPACE shall have natural or mechanical means of ventilation in accordance with the Building Code.
- 4.0 Latch Restriction: Every window and exterior door, including a balcony door, that is capable of being opened and that is accessible from outside a dwelling unit or a building containing a dwelling unit, shall be equipped so that it can be secured from the inside.
- 5.0 Covering of Exterior Openings: Every existing opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function.
- 6.0 General Maintenance - Openings: Doors, windows, skylights, and all components thereof will be maintained so that:
  - a) they are weather tight; and
  - b) any damaged, missing or defective parts are repaired or replaced.
- 7.0 General Maintenance - Chimneys, Exhaust Vents, Etc.: Chimneys, smoke pipes, flues and gas vents shall be kept clear of obstructions and maintained so as to prevent the escape of smoke or gases into a building.
- 8.0 Toxic Fumes: Parking garages shall be maintained so as to prevent:
  - a) the accumulation of toxic fumes; or
  - b) the escape of toxic fumes into a building.

**Schedule "G" of By-law No. 98-106 (BU-1)**

**Safety and Security**

- 1.0 Unobstructed Exit: Every building containing more than one DWELLING UNIT shall for every DWELLING UNIT within it shall have a safe, continuous and unobstructed passage from every part of the interior to a safe exterior open space at street or ground level.
- 2.0 Secondary Exit Requirement: A secondary means of exit shall be maintained if the Building Code so requires.
- 3.0 Alarms: Every building containing a DWELLING UNIT shall, if required by the Building Code , FIRE CODE or Municipal By-law have the required number of operable smoke alarms and/or carbon monoxide alarms.
  - 3.1 Provincial Statute Requirement: All alarms required under section 3.0 of schedule "G" shall be maintained in an operable state, free of defect or damage, in the locations required by the applicable statute or by-law.
  - 3.2 Installation of Alarms: All alarms required under section 3.0 of schedule "G" shall be installed with permanent connections to an electrical circuit with no disconnect switch or shall be battery operated, in accordance with the provisions of the applicable statute or by-law.
- 4.0 Fire Fighting Provision - Independent Community: In a mobile home park, trailer park or a LAND LEASE COMMUNITY, every OWNER shall ensure that, where equipped all fire hydrants owned by the landlord are:
  - a) are tested annually, and maintained in an operable state free of defect or damage;
  - b) kept free from accumulations of snow and ice where access throughout the property may be gained during the winter months;
  - c) kept free from the accumulation of weeds, brush, debris, or any other item which may impede access;
  - d) have an adequate supply of water and adequate water pressure will be available for fire fighting efforts.
- 5.0 Protective Guards: A guard shall be provided and maintained along the open sides of stairs, ramps, balconies, mezzanines, landings or other areas where the vertical drop from the open side exceeds 60 centimeters.
- 6.0 Elevators: All elevators shall be properly maintained and kept in operation except for such reasonable time as may be required to repair or replace them.
- 7.0 Ground Hazards: Wells and holes in EXTERIOR COMMON AREAS shall be filled or safely covered or protected.
- 8.0 Security Doors and Intercom: Where equipped, every internal locking and release mechanism for a vestibule door, and the DWELLING UNIT to vestibule communication system shall be maintained free from defect and in complete and proper working condition.

**Schedule "H" of By-law No. 98-106 (BU-1)**

**Abatement of Nuisances**

- 1.0 **Vermin and Rodents:** Every premises shall be kept reasonably free of rodents, vermin and insects at all times.
- 1.1 **Prevention of Vermin and Rodents:** Openings and holes in a building that might permit the entry of rodents, vermin, insects or other pests shall be screened or sealed as appropriate.
- 1.2 **Extermination of Vermin, Rodents, etc.:** The method used for exterminating rodents and insects shall be in accordance with applicable municipal or provincial law.
- 2.0 **Exterior Common Areas - General Maintenance:** All EXTERIOR COMMON AREAS shall be maintained in a condition suitable for their intended use and free of hazards or damage.
- 3.0 **Exterior Areas - Weeds, Debris and Graffiti:** All EXTERIOR COMMON AREAS shall be free and clear of:
- a) Noxious weeds as defined in the Regulations to the Weed Control Act, R.S.O. 1990, c.W.5 and dead, decayed or damaged trees or parts of such trees that create an unsafe condition;
  - b) Rubbish or debris, including abandoned, derelict, unlicensed, or inoperative VEHICLES;
  - c) Structures that create an unsightly or unsafe condition;
  - d) Unsafe accumulations of ice and snow;
  - e) Abandoned or inoperable APPLIANCES;
  - f) Derelict, inoperative, or unused machinery, or components thereof;
  - g) Holes, pits, open wells, or unsecured excavations which may create an accident hazard; and
  - h) Graffiti.
- 4.0 **Securement and Storage of Refuse:** All refuse shall, while awaiting pickup for disposal, be kept in an APPROVED CONTAINER.
- 5.0 **Securement of APPLIANCE:** An APPLIANCE that is awaiting removal shall have all of its doors removed.
- 6.0 **Exterior Surfaces:** Driveways, ramps, parking garages, parking areas, paths, walkways, and outside stairs or landings and any similar areas shall be maintained:
- a) to provide a safe surface for normal use; and
  - b) where applicable, provided with clear, distinguishable pavement markings.

**Schedule "I" of By-law No. 98-106 (BU-1)**

<u>Item</u>	<u>Fee</u>
Certificate of Compliance	\$150.00