

THE CORPORATION OF THE VILLAGE OF CASSELMAN

BY-LAW NO: 2015-036

BEING A BY-LAW TO PROVIDE STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY IN THE VILLAGE OF CASSELMAN

**WHEREAS** Section 7 of the Building Code Act, 1992, S .O. 1992, c.23 and amendments thereto, provide that a Council of a municipality may pass by-laws.

**AND WHEREAS** Council of the Corporation of the Village of Casselman deems it desirable to establish standards for the occupancy and maintenance of certain buildings and properties, so that owners and occupiers provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of buildings and properties.

**AND WHEREAS** fees and charges may be imposed under the authority of the Municipal Act, S .O. 2001, c. 25, as amended, section 391, and the Building Code Act, 1992, S .O. 1992, c. 23, as amended, in particular section 15.5;

**NOW THEREFORE** the Municipal Council of the Corporation of the Village of Casselman hereby enacts as follows.

**1. Short title** This by-law may be cited as the "Property Standards By-Law".

**2. Definitions**

**"Accessory Building"** means a detached subordinate building that, is devoted exclusively to a use normally incidental to the main use

of the property ;

(b) is not used for human habitation;

(c) is on the same lot as the main building, and accessory building includes a farm building ;

**"Adequate"** means equal or amounting to what is sufficient; fitting; suitable, equal to what is required.

**"Approved"** means acceptance by the authority having jurisdiction .

**"Basement"** shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building .

**"Building"**

(a) means a structure occupying an area greater than ten square meters consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto ;

(b) a structure occupying an area of ten square meters or less that contains plumbing, including the plumbing appurtenant thereto ;

(c) plumbing not located in a structure, a sewage system ;

(d) structures designated in the building code.

**"Building Code"** means the regulations made under Section 34 of the Building Code Act, 1992, S .O. 1992, c. 23, as amended.

**"Building Code Act"** means the Building Code Act, 1992, S .O. 1992, c. 23, as amended.

**"Bathroom"** means a room containing a bathtub or shower with or without a water closet and wash basin.

**"Cellar"** shall mean that portion of a building between two floor levels, which is partly underground and which has more than one-half its height from finished floor to the underside of the first floor joists below the average finished grade level adjacent to the exterior walls of the building .

**"Chief Building Official"** means the Chief Building Official of the Village of Casselman or authorized representative.

**"Commercial Container"** means a receptacle:

(a) used for the storage and collection of garbage, refuse and trade waste;

and

(b) designed to permit it being emptied by a forklift packer vehicle .

**"Committee"** means The Property Standards Committee established under this By–Law.

**"Corporation"** shall mean the Corporation of the Village of Casselman.

**"Council"** means the Council of the Corporation of the Village of Casselman.

**"Crawl Space"** means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1 .8 m (5ft 11 in) in height .

**"Debris"** includes but is not limited to garbage, rubbish, refuse, or wrecked, decayed, dilapidated, or inoperative vehicles or machinery, and parts thereof.

**"Demolish"** means the clearing of all buildings and structures and the clearing of debris or refuse and the grading or leveling of the lands.

**"Dwelling"** means a building or structure, or any part of it, occupied or capable of being occupied, in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

**"Dwelling Unit"** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**"Farm Building"** means a building or part thereof which does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or for the production, storage or processing of agricultural and horticultural produce or feed .

**"Fence"** means any freestanding structure, screen, wall or barrier other than a building erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a

property, providing security or protection to property, and does not include a hedge.

**"Fire Code"** means the regulations made under the Fire Protection & Prevention Act.

**"Floor Area"** means the maximum area contained within the outside walls of a building or within the walls of a room, as the case may be.

**"Grade"** means the average level of proposed or finished ground adjoining a building at all exterior wall.

**"Ground Cover"** means any suitable material applied to the ground to prevent the erosion of soil and includes concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

**"Guard"** means a protective barrier, with or without openings through it, that around openings in floors or at the open sides of stairs, landing, balconies, mezzanines, galleries, raised walkways or locations to prevent accidental falls from one level to another.

**"Habitable Room"** means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.

**"Handrail"** means the hand support along the edge of stairs.

**"Heating Appliance"** means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code.

**"Inspector"** means a property standard, building inspector or any other person appointed to enforce this by-law.

**"Last Known Address"** means the address which appears on the assessment rolls of the Corporation.

**"Maintenance"** shall mean the preservation and keeping in repair of a property.

**"Means of Egress"** means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp or other exit facility used for the escape of persons from any point within a building, a floor area, a room or a contained open space to a public thoroughfare usually located outside the building.

**"Multiple Dwelling"** means a building containing two (2) or more dwelling units.

**"Non-Habitable Room"** means any room in a building or dwelling unit other than an habitable room, and includes:

- (a) a bathroom, powder room, rest room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, garage ;
- (b) other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys.

**"Normal Farm Practice"** means a practice that,

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or

- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.

**"Notice"** means a notice of violation and nonconformity with this By-Law.

**"Occupant"** means any person or persons over the age of eighteen (18) years in possession of the property.

**"Ontario Building Code"** means the Building Code Act, 1992, S.O. 1992, c. 23, as amended.

**"Officer"** means a property standards officer who has been assigned or appointed by the Corporation of the Village of Casselman as a Property Standards Officer and/or Municipal Law Enforcement Officer to either administer or enforce this by-law and includes a building inspector for the Corporation of the Village of Casselman.

**"Order"** means any order issued under the Ontario Building Code.

**"Owner"** includes,

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and ;
- (b) the 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 maintenance and occupancy of property.

**"Person"** means an individual, firm, corporation, association or partnership.

**"Plumbing System"** means a system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing.

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

**"Repair"** shall mean the provision of such facilities and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established in the by-law.

**"Residential Property"** means any property that is used or is capable of being used as a dwelling, two-unit dwelling or multiple dwelling, and includes any land or buildings that are appurtenant to such establishment including but not limited to all steps, walks, driveways, parking spaces, fences and yards.

**"Retaining Wall"** means a structure which supports and confines a mass of earth or water where there is an abrupt change in ground elevation.

**"Restroom"** means a room in a non-residential property, which includes a minimum of one (1) water closet and one (1) wash basin, which are connected to the plumbing system.

**"Rubbish"** means any combustible or non-combustible, discarded or waste material, except garbage or brush.



**"Sanitary Sewage"** means liquid or water borne waste

- (a) of industrial or commercial origin ;
- or
- (b) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste .

**"System"** means the Village of Casselman's sanitary sewage system, storm sewage or a private sewage disposal system approved by the South Nation Conservation.

**"Sign"** means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea.

**"Storage garage"** means a building or part thereof intended for the storage or parking of motor vehicles, and which contains no provision for the repair or servicing of such vehicles.

**"Storey"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

**"Storm Sewage"** means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation.

**"Storm Sewer"** means a sewer that conveys storm sewage.

**"Structure"** means a combination of materials to form a construction or fixed erection which is not adapted to permanent or continuous occupancy, and shall include a tent, reviewing stand, platform, staging, wall, retaining wall, radio or television antenna supporting structure, shed, coal or garbage bin, fence, sign, and every other construction or fixed erection not a building.

**"Suite"** means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, motor hotels, boarding houses, lodging houses or rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

**"Village"** means the Corporation of the Village of Casselman or the geographic area of the Corporation of the Village of Casselman as the context requires.

**"Unsafe Condition"** means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the property.

**"Vacant Land"** means land, other than open space land, with no buildings and not devoted to the practice of farming.

**"Vermin"** means a mammal, bird or insect injurious to humans, games or crops including but, not limited to foxes, rats, mice, moles, owls, weasels, fleas, bugs or lice.

**"Yard"** shall mean land other than publicly owned land, around and appurtenant to the whole or any part of the property and used or

capable of being used, in connection with the property whether or not the land is owned by the owner of the building.

**All other definitions are defined in the Ontario Building Code.**

### **3. General Requirements**

(1) No owner or occupant of a property shall use, occupy, or allow, permit to acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.

(2) The owner of a property shall repair, maintain and keep the property in accordance with the standards and take immediate action to eliminate any unsafe conditions.

(3) Every occupant of a dwelling unit, in that part of the dwelling unit that the occupant occupies or controls shall:

(a) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;

(b) keep all exits from the dwelling unit clean and unobstructed;  
and

(c) maintain the dwelling unit in a clean and sanitary conditions.

(4) The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded and leveled condition.

(5) This by-law does not apply so as to prevent a farm meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

(6) All repairs to any property shall be made in a good workmanlike manner with materials that are suitable, sufficient for the purpose, free from defects and approved by the Ontario Building Code.

(7) Without restricting the generality of section 3 (6) :

(a) the requirement that repairs be made in a "good workmanlike manner" includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and color with adjoining decorative finishing materials ; and,

(b) the requirement that repairs be made with materials that are "suitable and sufficient for the purpose" includes a requirement for materials reasonably compatible in design and color with adjoining decorative finishing materials.

#### **4. Structural Standards**

(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal or permitted use, and having a factor of safety as required by the Ontario Building Code .

- (2) All exterior surfaces of buildings, structures, fences and retaining walls, including mobile structures and buildings, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a non-residential farm building or structure may have unprotected wood surfaces.
- (3) The exterior walls, chimneys, roofs and other parts of buildings, structures, fences and retaining walls, including mobile structures and buildings on the property shall be free from loose or insufficiently secured, rotten, warped or broken materials and objects. Such material and objects shall be removed, repaired or replaced.

## **5. Sewage and Drainage**

- (1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists, and where a municipal sanitary sewer does not exist, the sewage shall be disposed of in a manner in accordance with the Ontario Building Code requirements for on-site sewage systems.
- (2) Roof drainage or discharge from a sump pump or swimming pool shall not be permitted to discharge on a sidewalk, stairs, neighboring property, or a street unless authorized by the subdivision agreement or any other agreement with the Village of Casselman.
- (3) Storm sewage shall be drained from a yard so as to eliminate recurrent standing water or surface ponding, and such drainage shall be controlled, directed or limited so as to prevent the entrance of water into a basement or cellar on the property or adjoining properties basements or cellars.
- (4) Eavestroughs and downspouts shall be maintained:

- (a) watertight and free from leaks,
- (b) in good working order, and free from any obstructions,  
and
- (c) in a stable condition and shall be securely fastened to the structure.

(5) Catch basins shall be kept in good repair and free of debris and obstructions, which would prevent them from functioning properly.

## **6. Vacant Building**

- (1) Where any building is vacant or unoccupied, the owner shall protect such building against the risk of accident or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized person to the building, by effectively preventing entrance by unauthorized persons.
- (2) For the purpose of section 6 (1) doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the opening with :
  - (a) boarding which completely covers the opening with at least 12.7mm (1/2".) weatherproofed sheet plywood securely fastened to the building ;
  - (b) rigid composite panels, securely fastened to the building ;
  - (c) Sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;

- (d) Brick and mortar securely fastened to the building ; or
- (e) Concrete blocking and mortar securely fastened to the building.

(3) The options available in section 6(2) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by section 6(2) shall be considered not to include the use of a less secured option which has, more than once, failed to exclude unauthorized entry, and further where the owners control, attendance or lack of security measures to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in section 6(2).

(4) Vacant buildings shall be kept clear 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.

(5) Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property .

## **7. Damaged Buildings**

(1) Where a building is damaged by accident, storm, neglect or other causes or intentional damage, the owner shall protect the building

against further risk of further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons, by closing and securing opening to the building with :

(a) boarding which completely covers the opening with at least 12.7mm (1/2".) weatherproofed sheet plywood securely fastened to the building;

(b) rigid composite panels, securely fastened to the building ;

(c) Sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building ;

(d) Brick and mortar securely fastened to the building;

(e) Concrete blocking and mortar securely fastened to the building .

(2)The options available in 7(1) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by section 7(1) shall be considered not to include the use of a less secured option which has more than once failed to exclude unauthorized entry, and further where the owners control, attendance or lack of security measures to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in section 7(1).

(3)The exterior walls and other surfaces of a building shall have smoke damage or other defacement removed and the surfaces refinished.



(4) Any such work required under this section, shall be done in compliance with the Ontario Building Code, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirements to obtain a building or demolition permits.

## **8. Fire Damaged Buildings**

- (1) Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.
- (2) In the event of fire or explosion, damaged or partially burnt material, demolished material shall be forthwith removed from the premises, except that such material may be temporarily stored for a maximum period of thirty (30) days within the barricaded fire damaged building or unit .
- (3) Any foundation left after a fire, explosion or the demolition of a structure shall be filled up within thirty (30) days, in such a manner as to prevent an accident hazard.
- (4) Any such work required under this section, shall be done in compliance with the Ontario Building Code, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits.

## **9. Exterior Walls**

- (1) Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors 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, vermin or other damage.

- (2) Exterior walls and their components shall be maintained to prevent the entry of vermin and birds.
- (3) Exterior walls and their components shall be repaired of vandalism or other damage, including keeping them free of defacements by paint, inscription or other markings and the repair of broken windows.
- (4) Exterior walls of a building or structure, and their components shall be maintained so as to be free of posters :
  - (a) which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or
  - (b) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.
- (5) Pursuant to the Municipal Act, S. O. 2001, c. 25 as amended, the cost of removal of posters by the Corporation of the Village of Casselman is collectable against the owner of the advertising device under the terms of the said Municipal Act notwithstanding the other content of this by-law .
- (6) Patching and repairs to exterior walls shall be made with the same or visually similar material and shall blend with the existing adjacent material or the whole shall be painted or clad to form a solid appearance with the surrounding surface.

## 10.

### Roofs

- (1) A roof and all of its components shall be weather-tight so as to be free from leaks into the dwelling or loose, unsecured or unsafe objects or materials.
- (2) Roofing materials or components which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (3) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a weather-tight condition, and able to prevent the leakage of water into the building.
- (4) Dangerous accumulations of snow or ice shall be removed from the roof.
- (5) A roof shall be kept clean and free from,
  - (a) rubbish or other debris ;
  - (b) objects or conditions that may create a health or accident hazard .
- (6) All chimneys, smoke or vent stacks, aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.

## 11.

### Doors and Windows

(1) All exterior openings for doors or windows shall be fitted with doors or windows.

(2) Windows, doors, skylights and basement or cellar hatchways shall be kept in good repair, weather-tight and 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 re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

(3) 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.

(4) All windows in a dwelling unit that are capable of being opened shall be provided with screens and the screens shall be maintained in good repair so as to effectively prevent the entry of vermin.

(5) The owner of a multiple dwelling, upon the written request of an occupant of the dwelling shall provide and install a protective device on any window that,

(a) has a moveable sash,

and

(b) is more than 1.8 m (6') above adjacent finished ground level.

(6) The protective device shall be installed within seven days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, provided that such person and the occupant giving notice may agree that the protective device is not required on every such window that meets the requirements of section 11 (5) above.

(7) The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 mm (4") or a guard in accordance with the Ontario Building Code.

(8) The owner of a building containing ten (10) or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible to occupants of the building.

## **12. Dampness**

The interior floors, ceilings and walls shall be kept free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a cellar, basement or crawl space floor.

## **13. Foundations and Basements**

(1) The foundation walls shall be maintained in good repair and structurally sound and shall be maintained by methods including but not limited to shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging or waterproofing the walls .

- (2) Every dwelling, unless the slab on grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock.
- (3) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

#### **14. Stairs, Balconies, Porches and other platforms**

- (1) Interior and exterior stairs, landings, balconies, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- (2) Handrails shall be installed and maintained in good repair on all exterior stairs which have more than three (3) risers and on all interior stairs within dwelling units which have more than two (2) risers.
- (3) No exterior or interior stairway, including a fully enclosed outside stairway but not including a fire escape, shall have,
  - (a) an angle exceeding 45 degrees from the horizontal ;
  - (b) a tread less than 230.5 mm (9 1/4") in depth or greater than 355mm (14")
  - (c) a rise less than 125 mm (4 7/8") or greater than 200mm (7 7/8")

(d) a run less than 210 mm (8 1/4") or greater than 355mm (14")

(4) Risers shall have uniform height in any one flight with a minimum tolerance of;

(a) 6mm (1/4" in) between adjacent treads or landings, and;

(b) 6mm (1/4" in) between the tallest and shortest risers in a flight.

(5) Handrails shall be located between 865mm (34") and 965mm (38") measured vertically above a line drawn through the outside edges of stair nosing.

(6) Except as provided in section 14 (2) and 14 (3), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, mezzanines, galleries and raised walkways, shall be protected by a guard on each side that is not protected by a wall for the length where,

(a) there is a difference in elevation of more than 600 mm (23 5/8") between the walking surface and the adjacent surface,

(b) the adjacent surface within 1.2m (48") from the walking surface has a slope of more than 1 in 2.

(7) Guards are not required,

(a) at loading docks,

(b) at floor pits in repair garages, or

(c) where access is provided for maintenance purposes only.

(8) When an interior stair has more than two (2) risers or an interior ramp rises more than 400 mm (16"), the sides of the stair or ramp and the landing or floor level around the stairwell or ramp shall be protected by a guard on each side that is not protected by a wall.

(9) Except for existing guards that have been maintained in good condition and are a minimum height of 900 mm (33") all guards that are required to be replaced due to their deteriorated condition or to be installed under section 14 (7), shall be constructed in accordance with the Ontario Building Code and all such guards shall be maintained in good repair at all times.

## **15. Walls, Ceilings and Floors**

(1) Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, mould, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.

(2) Every floor in a dwelling shall be reasonably smooth and leveled 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 vermin and free of mould.

(3) Every floor in a bathroom, toilet room, kitchen, shower room and laundry room shall be maintained so as to be impervious to water and readily cleaned.

(4) Sufficient thermal insulation to prevent condensation shall be provided between heated spaces and unheated attic spaces.



(5)When walls and ceilings are replaced, they shall be surfaced with a finish compatible with the surrounding finishes.

## **16. Plumbing and Water**

(1)All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects.

(2)All water pipes and appurtenances thereto shall be protected from freezing.

(3)All waste pipes shall be connected to the sewage system through water seal traps.

(4) Every dwelling and every building to which water is available under pressure through piping shall be provided with :

(a)piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area;

(b) Piping for cold water connected to every toilet and hose bib.

(5) Hot water shall be supplied at a temperature of not exceeding 49° C. Section 16 (5) does not apply to hot water supplied to installed dishwashers or clothes washers.

(6) Every dwelling shall be provided with an approved supply of potable water from at least one of the following sources:

(a) Municipal Water System;

(b) Communal Water System;

(c) Private Source. (Shall be tested regularly by the Eastern Ontario Health Unit).

(7) 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 defects that may harbor germs or impede thorough cleansing.

## **17. Heating Systems**

(1) Except for spaces exempted by the Ontario Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22° C (72° F) at the outside design temperature specified in the Ontario Building Code.

(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) The heating system and all mechanical equipment associated with building services shall be operated and maintained:

- (a) in good working order;
- (b) free from unsafe conditions; and
- (c) in accordance with the requirements of the Ontario Building Code.
- (4) Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
- (5) Every fireplace, chimney, smoke pipe, flue, vent and similar construction shall be maintained so as to be free from defects and shall prevent gases and smoke from leaking into the dwelling unit.
- (6) An adequate supply of fuel shall be available at all times.
- (7) Air conditioners shall be maintained in a safe mechanical and electrical condition.

**18. Electrical Services**

- (1) The capacity of the electrical connection to a building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be :
  - (a) adequate for the intended use ; and
  - (b) maintained at all times,
    - (i) free from unsafe conditions
    - (ii) in accordance with the requirements of the Ontario Electrical Code.
- (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.

- (3) Extension cords, which are not part of a fixture, shall not be permitted on a semi-permanent or permanent basis where, in the opinion of the Officer, a hazardous condition exists.

**All electrical wiring must be inspected by the Electrical Safety Authority. Separate inspection applications (permits) must be filed. For more information please call the Electrical Safety Authority at 1-877-372-7233**

## **19. Lighting**

- (1) 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.
- (2) Lighting fixtures and appliances installed throughout a residential building, including dwelling unit, including stairways, hallway, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.
- (3) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.
- (4) Section 19(3):

- (a) does not apply to lighting located by a road authority,
  - (b) does not apply to property owned or occupied by a municipal, provincial or federal government. or authority,
  - (c) does not require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section,
  - (d) does not require that an illuminated outdoor advertising sign on the premises of a business to be turned off any time the business is open to the public, but may require the redirection, movement or the placing of shades or barriers to comply with the standards in this section, or
  - (e) does not require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for those purposes, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section.
- (4) Every habitable room except a kitchen, bathroom or toilet room shall have window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten (10) percent of the floor area for living and dining rooms and five (5) percent of the floor area for bedrooms and other finished rooms.

**20.****Walks and Safe Passage**

- (1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such driveway or area leads to a street.
- (2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under their normal use.
- (3) All surfaced paths, walkways, patios, steps, ramps, building entrances, driveways and parking areas shall be adequately illuminated at night so as to afford safe use.

**21.****Fences, Barriers, Retaining Walls and Signs**

- (1) Fences, barriers, retaining walls and signs shall be kept;
  - (a) in good repair ;
  - (b) free from accident hazards;
  - (c) protected by paint, preservative or other weather resistant material, except for wooden fences made of cedar, redwood or treated wood;
  - (d) so as not to present an unsightly appearance ;
  - (e) stable;
  - (f) vertical, unless specifically designed to be other than vertical, as in the case of retaining walls;
  - (g) free of barbed wire
  - (h) shall not be electrical
  - (i) shall not create a health or injury hazard.

(2) Unsightly markings, stains or other defacements on the exterior surfaces of fences, screens or other enclosures shall be removed and the surface shall be refinished when necessary.

(3) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure. A sign permit may be required.

(4) Sections 21 (1) and 21 (2) shall not apply to a dwelling on a farm property.

## **22. Toilet Room, Kitchen and Bathroom Facilities**

(1) Every dwelling unit shall contain a minimum number and type of working plumbing fixtures, consisting of:

- (a) a kitchen sink;
- (b) a water closet;
- (c) a hand wash basin;
- (d) a bathtub or shower.

(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) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.

(4) A hand wash basin shall be located in the same room as each toilet or in an adjoining bathroom, provided that no sink in a kitchen shall be considered a hand wash basin for the purpose of this section.

- (5) No toilet or urinal shall be located within a habitable room.
- (6) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, 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. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
- (7) Every dwelling unit and residential care facility shall be provided kitchen with the following :
- (a) Kitchen areas within dwelling units either separated from combination with other spaces, shall have a minimum area not less than 4.2 square meters (45.2 square feet) including the area occupied by the base cabinets, except that in dwelling units containing sleeping accommodation for not than 2 persons, the minimum area shall be 3.7 square meters (39.8 square feet);
- (b) cupboards or pantry for the storage of food, dishes, and cooking utensils, having an interior capacity of at least 0.8 cubic meters (30 cubic feet), of sufficient design that when loaded the cupboards or pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be secured; and
- (c) without affecting the above requirements, space sufficient to accommodate a cooking range or countertop cooking unit, beside or in the countertop and without placing the device in a doorway or a path of egress .



(8) A space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

(9) Where it is not physically possible within the existing design and structure of the dwelling unit to comply with the provisions of section 22 (7) a smaller manufactured efficiency type unit is acceptable.

### **23. Ventilation**

(1) Except as provided in section 23 (2), every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.

(2) The natural ventilation requirements prescribed in section 23 (1) may be omitted from any room where the equivalent ventilation is provided by mechanical ventilation equipment.

(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.

(4) All systems of mechanical ventilation shall be maintained in good working order.

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

### **24. Fire Escapes, Alarms and Detectors**

(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 in accordance with the Ontario Building Code or the Ontario Fire Code, where applicable.

- (2) 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 open able window or door in accordance with the Ontario Building Code or the Ontario Fire Code, where applicable.
- (3) Except as provided in section 23 (4), every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of .09 square meters (1 square foot).
- (4) Within dwelling or dwelling units, sufficient smoke alarms shall be installed so that;
  - (a) there is at least one smoke alarm on each floor level, including basements, that is 900mm (33") or more above or below an adjacent floor level;
  - (b) each bedroom is protected by a smoke alarm either inside the bedroom or, if outside, within 5m (16 '), measured following corridors and doorways, of the bedroom door;
  - (c) the distance, measured following corridors and doorways, from any on a floor level to a smoke alarm on the same level does not exceed 15m (29').

(4) Smoke alarms required in section 24 (3) shall be audible within the bedrooms when the intervening doors are closed.

(5) Smoke alarms shall be installed in conformance with the manufacturer's instructions.

(6) Any act, code or by-law that is more restrictive shall supersede section 24.

## **25. Occupancy Standards**

(1) No person shall use or permit the use of a non-habitable room in a dwelling unit for a habitable room purpose.

(2) The maximum number of residents in a dwelling unit shall not exceed one (1) person per 9.3 square metre (100 square foot) of habitable room floor area.

(3) For the purposes of section 25 (2),

(a) child under twelve (12) years of age shall be deemed to be one-half (1/2) person;

(b) habitable room space does not include the floor area under a ceiling which is less than 1.95 m (6'5") high;

(c) in the case where a finished ceiling is not applied to the underside of the joists, the bottom of the joists shall be deemed to be a ceiling.

## **26. Accessory Buildings**

- (1) Every accessory buildings shall be kept in good repair and free from health, fire and accident hazards.
- (2) An accessory building or structure used or capable of being used as an out-house or outdoor pit privy is prohibited and shall be removed from any property unless used on a temporary basis and in conjunction with:
  - (a) a construction site;
  - (b) a public event.
- (3) All accessory buildings are subject to Section 7 of this by-law.

## **27. Pest and Vermin Prevention**

- (1) Dwellings shall be kept free of rodents, vermin and insect  
Methods used for exterminating such pests shall the provisions of the Pesticides Act.
- (2) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

## **28. Enforcement**

- (1) Persons appointed or assigned for the purposes of enforcing or administering this by-law are property standards officers and/or Municipal Law Enforcement Officer, and have the authority to carry out the duties assigned to officers under this by-law and the Ontario Building Code Act, and may enforce the provisions of this

by-law and the applicable sections of the Ontario Building Code Act.

(2) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992, S.O. 1992, C.23 so as to provide for :

- (a) repair of the property;
- (b) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, where the cost of doing the work does not exceed \$20,000.
- (c) where the cost of doing the work exceeds \$20,000, the Property Standards Officer or Senior Municipal Law Enforcement Officer shall seek the authorization from Council of the Corporation of the Village of Casselman to carry out the requirements of the order.
- (d) upon completion of the work, repairs or demolition by or behalf of the Corporation of the Village of Casselman, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the tax roll and collected in the same manner and with the same priorities as municipal real property taxes as provided for by statute.

## **29. Responsibilities and Compliance with Orders**

(1) The owner or occupant of a property shall:

- (a) comply with all standards prescribed in this By-law.
- (b) not permit any person to use or occupy any property owned, managed or controlled by that person unless such property conforms to the standards prescribed in this By-law.
- (c) comply with any final and binding order of the Property Standards Officer.
- (d) produce documents or things requested by the Inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof, allow entry by the inspector or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the Building Code Act, S.O. 1992, C. 23
- (e) ensure, that in complying with this By-law, and in carrying out work required under an order or other obligation under the By-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons, and giving adequate warning where such risks cannot be so avoided so as to allow such persons to avoid the danger or risks.

- (2) A person affected by a property standards order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an officer, and shall be liable to pay any applicable fees, charges or expenses.
- (3) Where an officer determines there is compliance under this By-law with an order issued and/or registered on the title to a property, the order shall be discharged from the title.
- (4) Where the proof submitted in section 29 (2) is insufficient for the officer to determine compliance of the property with the order or part of the order, the person shall, subject to the Building Code Act, S.O. 1992, C. 23, permit or arrange for a reasonable and timely inspection by the officer to determine compliance or that the proof submitted confirms compliance.

### **30. Administration**

- (1) This By-law shall apply to all properties within the boundaries of the Corporation of the Village of Casselman.
- (2) Where a provision of this By-law conflicts with a provision of another By-law in force within the municipality, the provisions that establish the highest standards to protect the health, safety and welfare of the general public, shall prevail.

### **31. Property Standards Officer and Property Standards Committee**

- (1) Property Standards Officer and Property Standards Committee.  
The Council of the Corporation of the Village of Casselman shall appoint an Officer(s) to be responsible for the administration and enforcement of this By-law.
- (2) The Council of the Corporation of the Village of Casselman shall appoint at large, by resolution or by By-law of Council, no fewer than three (3) persons of the municipality to the Property Standards Committee for the term of office concurrent with Council.
- (3) The term of office for the members of the Committee shall be for three (3) years with one term expiring annually so that the first appointments shall be for one (1), two (2) and three (3) years.
- (4) All members shall serve beyond their terms of office as required until reappointed or replaced by the Council of the Village of Casselman.
- (5) The Committee shall,
  - (a) elect a Chairperson from its members ;
  - (b) make provisions for a Secretary of the Committee, said Secretary being an employee of the Corporation other than an Officer.
- (6) When the chairperson is absent through illness or otherwise, the Committee may appoint another member as acting chairperson.
- (7) Two (2) members of the Committee shall constitute a quorum.



(8) Any member of the Committee may administer oaths.

(9) The Secretary shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, applies to the minutes and records.

(10) A member of the Council of the Corporation or an employee of the Corporation is not eligible to be a member of the Committee, but a teacher employed by a Board of Education or School Board is not deemed to be an "employee" for the purpose of this section.

### **32. Right to Enter and Inspect**

(1) Where a by-law under Section 15 .1 of the Building Code Act, 1992, S.O. 1992, C. 23, is in effect, an officer acting under this By-law or any person acting under his or her instructions may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine:

- (a) whether the property conforms with the standards prescribed in the By-law; or
- (b) whether an order made under this By-law has been complied with .

(2) Notwithstanding section 32 (1), an officer shall not enter or remain in any room or place actually used as a dwelling without, requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and

entry made only under the authority of a warrant issued under this Act.

33. **Notice of Violation**

- (1) If, after inspection, an Officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- (2) The order referred to in section 33 (1) hereof shall,
  - (a) state the municipal address or the legal description of the property ;
  - (b) give 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) indicate the time for complying with the terms and conditions of the order and give 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;
  - (d) indicate the final date for giving notice of appeal from the order;
  - (e) be served or caused to be served,
    - (i) by personal service, or

(ii) by prepaid registered mail sent to the last address of the person to whom notice is to that person's agent for service.

34. **Appeal of Order**

- (1) An owner or occupant who has been served with an order made under this by-law, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- (2) An order that is not appealed within the time referred to in section 34 (1), is deemed to be confirmed.
- (3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order and may,
  - (a) confirm, modify or rescind the order to demolish or repair
  - (b) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the By-law are maintained.
- (4) any owner or occupant or person affected by a decision under section 34 (3), may appeal to a Judge of the Superior Court of Justice by notifying the Clerk of the Corporation in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision.

(5) On the appeal, the Judge has the same powers and functions as the Committee.

(6) An order that is deemed to be confirmed or modified by the Committee or Judge shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

### **34. Hearing**

(1) The Secretary of the Committee, in receipt of the notice of appeal, shall,

(a) 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; and

(b) give notice in writing of the date, place and time of the hearing referred to in section 35 (a) to:

(i) the appellant ;

(ii) the Officer who issued the order;

(c) any other interested persons who the Committee considers should receive the notice .

(3) The Committee shall hold the hearing referred to in section 35 at the date, place and time set out in the notice.

(4) The Committee may adopt its own rules of procedure.

- (5)The applicant may appear with or without Council at the hearing, to present the appeal.
- (6)The Corporation of the Village of Casselman may be represented at the hearing by an agent who is entitled to reply to the appeal presented on behalf of the applicant.
- (7)The Committee shall give its decision in writing.
- (8)The Secretary of the Committee shall notify,
  - (a) the appellant ;
  - (b) the Officer who issued the order;
  - (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail in accordance with the provisions of Section 33.

## **36. Registration of Order**

- (1)An order issued pursuant to section 33 (1) may be registered in the Land Registry or Land Titles 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 section 33.
- (2) When the requirements of the order have been satisfied, the Clerk of the Corporation of the Village of Casselman shall

forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

**37. Certificate of Compliance**

(1) An Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this by-law may issue a certificate of compliance to the owner.

**38. Penalties**

(1) A person who fails to comply with an order, direction or requirement made under the Ontario Building Code Act is guilty of an offence.

(2) A person who is convicted of an offence is liable to a fine pursuant to the Ontario Building Code Act of not more than \$50,000 .00 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.

(3) If a Corporation is convicted of an offence the maximum penalty that may be imposed upon the corporation is \$100,000 for a first offence and \$200,000 for a subsequent offence.

**39. Interpretation**

(1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

(2) Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only.

(3) In this by-law, the word "metre" shall be represented by the abbreviation "m", the word "centimetre" shall be represented by the abbreviation "cm", the word "millimetres" shall be represented by the abbreviation "mm", the word "feet" shall be represented by the abbreviation "ft", and the word "inches" shall be represented by the abbreviation "in".

(4) It is declared that if any section, subsection or part or parts thereof declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(5) The By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c .1, from carrying out a normal farm practice.

#### **40. Permits**

(1) If a building permit is required for the purpose of, building, repairing or demolishing a structure or building, it is the responsibility of the property owner to obtain such permit. Failure to obtain the proper permit could result in a fine under the Ontario Building Code.

#### **41. Power to Restrain**

(1) If this By-law, Acts or Regulations are contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this Act, the court in which the conviction is

entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**42. Severability**

Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

READ A FIRST, SECOND AND THIR TIME AND FINALLY ADOPTED ON THIS 26<sup>TH</sup> DAY OF MAY, 2015.

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Conrad Lamadeleine, Mayor

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Marielle Dupuis, Clerk