

THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW No. 2023-03

BEING A BYLAW FOR THE PROPERTY STANDARDS OF THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS.

WHEREAS under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality to establish a Property Standards Committee and for prescribing the 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 Town of Smooth Rock Falls includes provisions relating to property conditions;

AND WHEREAS the Council of the Corporation of the Town of Smooth Rock Falls is desirous of passing a by-law under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the *Building Code Act*, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the *Building Code Act*, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

AND WHEREAS section 8 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended provides the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 128 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that where a municipality has authority by an Act or By-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of the Corporation of the Town of Smooth Rock Falls hereby enacts the following:

PART I
DEFINITIONS

1.01 In this By-law:

- 1) **"Accessory Building"** means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 2) **"Act"** means an enactment or statute of the Province of Ontario.
- 3) **"Apartment Building"** means a building containing more than four dwelling units with individual access from an internal corridor system.
- 4) **"Approved"** means acceptance by the Property Standards Officer.

- 5) **"Basement"** means that space or portion of a building that is partly below grade, which has half or more of its height measured from floor to ceiling above the average exterior finished grade.
- 6) **"Building"** means any structure used or intended to be used for supporting or sheltering any use or occupancy.
- 7) **"Building Code"** means the *Building Code Act, S.O. 1992, c.23*, as amended, and any regulations made thereunder.
- 8) **"By-law"** unless otherwise referred to herein means this "Property Standards By-law".
- 9) **"Chief Building Official"** means the Chief Building Official appointed under section 3 of the *Building Code Act, S.O. 1992, c.23* and shall include the Property Standards Officer and their designate.
- 10) **"Committee"** means the Property Standards Committee for the Corporation of the Town of Smooth Rock Falls.
- 11) **"Council"** means the Council of the Town of Smooth Rock Falls.
- 12) **"Dwelling"** means a building structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair.
- 13) **"Dwelling Unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment.
- 14) **"Exterior Property Area"** means the building lot excluding buildings.
- 15) **"Fence"** means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.
- 16) **"First Storey"** means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft) above grade.
- 17) **"Ground Cover"** means organic or non organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- 18) **"Guard"** means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 19) **"Habitable Room"** means any room in a dwelling unit used or designed to be used for the purpose of living, sleeping, eating, cooking or preparation of food and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.

- 20) **“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 or an approved area of refuge, usually located outside the building.
- 21) **“Multiple Dwelling”** means a building containing three or more dwelling units.
- 22) **“Non-Habitable Space”** means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a building or a room or space which does not comply with the minimum standards for residential occupancy.
- 23) **“Non-Residential Property”** means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or thereon.
- 24) **“Occupant”** means any person or persons over the age of eighteen (18) years in possession of the property.
- 25) **“Officer”** shall include the Chief Building Official, a Property Standards Officer or Property Standards Inspector, a Building Inspector, the Fire Chief, a Fire Prevention Officer or a Fire Prevention Inspector, a Police Officer, or a Municipal Law Enforcement Officer, as appointed;
- 26) **“Owner”** shall include:
- (a) the registered owner of the land on which the building is situated;
 - (b) the owner of a building;
 - (c) the person managing or receiving the rent of the land or the building, or who would receive the rent if the land and building were let, whether on the person’s own account or as agent or trustee or receiver of any other person;
 - (d) a vendor of the building under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement;
 - (e) the person for the time being receiving installments of the purchase price if the building were sold under an agreement for sale;
 - (f) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the building;
 - (g) an owner as defined by the Condominium Act 1998, S.O. 1998, c. 19, as amended and any successor legislation; and,
 - (h) any person having care and control of the land or building.
- 27) **“Person”** means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.
- 28) **“Property”** means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property.
- 29) **“Repair”** includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this Property Standards By-law.
- 30) **“Safe condition”** means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any

person on or about the property and includes a structurally sound condition.

- 31) **“Sewage system”** means the Town of Smooth Rock Falls system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Porcupine Health Unit within the Town of Smooth Rock Falls.
- 32) **“Sign”** means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use.
- 33) **“Vehicle”** includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.
- 34) **“Visual barrier”** shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official.
- 35) **“Waste”** means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather
- 36) **“Yard”** means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

PART II

GENERAL STANDARDS FOR ALL PROPERTY AND USES

2.01 SCOPE

- 1) No person, being the owner or occupant of a property, shall fail to maintain the property to conformity with the standards required in this Property Standards By-law.
- 2) The owner of any property which does not conform to the standards in this Property Standards By-law shall repair and maintain the property to conform to the standards in this Property Standards By-law or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded and leveled condition.
- 3) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.
- 4) All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.

2.02 YARDS

- 1) Every yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a health, fire or accident hazard.

- 2) Every yard and property shall be kept free from garbage, rubbish, waste or accumulation of such materials that prevent access to, or exit from, the property.
- 3) Such maintenance includes, but is not limited to, the removal of the following:
 - a) rubbish, garbage, litter and waste;
 - b) trees, bushes and hedges, including any branches or limbs, which are decayed, dead, or damaged, and brush;
 - c) wrecked, dismantled, inoperative or discarded vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment confirms with any relevant By-laws, statutes, or regulations; and
 - d) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

2.03 SURFACE CONDITIONS

Surface conditions of yards shall be maintained so as to:

- a) prevent ponding of storm water;
- b) prevent instability or erosion of soil;
- c) prevent surface water run-off from entering basements;
- d) not exhibit an unsightly appearance;
- e) be kept free of garbage and refuse;
- f) be kept free of deep ruts and holes;
- g) provide for safe passage under normal use and weather conditions, day or night; and
- h) not create a nuisance to other property.

2.04 OUTDOOR STORAGE OF MATERIALS

No machinery or parts thereof, or other object or material, not associated with the normal occupancy and use of a property, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than those intended for immediate use on the property, shall not be stored or allowed to remain on an exterior property area.

2.05 GARBAGE DISPOSAL-CHUTES-ROOMS-CONTAINERS-STANDARDS

- 1) Garbage chutes, disposal and collection rooms, containers and receptacles shall be washed down, disinfected and maintained to be clean, odour free and in good working order and good repair.
- 2) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days.
- 3) All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection By-law where applicable.
- 4) Garbage storage areas shall be screened from public view.

2.06 UNENCLOSED PORCH - BALCONY

- 1) Every unenclosed porch or unenclosed balcony, and every exterior and common area shall be kept free of garbage, waste, or appliances.

2.07 GRASS-TREES- BUSHES-HEDGES-LANDSCAPING

- 1) Grass, trees, bushes, hedges and other landscaping, shall be maintained to prevent overgrowth in relation to the neighbouring environment. Grass shall not reach a height of more than 20 centimetres.

2.08 LOT GRADING-DRAINAGE

- 1) All yards shall be maintained with adequate surface water drainage, including suitable provisions for its disposal, without causing erosion and so as to prevent ponding or the entrance of water into a basement or crawlspace.
- 2) No roof, driveways or other surface drainage, and the drainage of water from swimming pools shall be discharged:
 - a) on an entranceway, walkway, sidewalk, stair, steps or adjacent property; or
 - b) or in such a manner that it will penetrate or damage a building, structure or property.
- 3) Every roof drainage system shall be discharged onto the ground at least 1 meter (39 inches) from the building or structure, provided that it does not damage adjacent properties, or cause erosion.
- 4) No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.

2.09 WALKWAYS AND DRIVEWAYS AND PARKING LOTS

- 1) Surface conditions of walkways, driveways, yards and parking lots shall be installed and maintained in a safe condition with non-organic ground cover so as to:
 - a) prevent ponding of storm water;
 - b) be kept free of garbage and waste, litter, rubbish, salvage, refuse, decaying or damaged trees, branches and limbs, objects or conditions that might create a fire, health or accident hazard;
 - c) provide for safe passage under normal use and weather conditions, day or night; and
 - d) be free from health and other hazards.

2.10 SNOW DISPOSAL-STORAGE

- 1) Every owner or occupant of a building shall keep the roof of the building or buildings and the surrounding lands free from accumulation of snow or ice that may create an accident hazard.
 - a) The deposit or accumulation of snow must be maintained in such a manner and location on a property so as to prevent a hazard, flooding, erosion or other damage to neighbouring private or public lands.

2.11 EXTERIOR LIGHTING

- 1) Every stairway, exterior exit and entrance doorway, cellar, basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 2) All parking areas and common areas shall be illuminated so as to provide safe passage under normal use.

- 3) Lighting shall be maintained in a good working order.

2.12 RETAINING WALL

- 1) All retaining walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition.

2.13 WELLS –CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION

- 1) A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

2.14 ACCESSORY BUILDINGS

- 1) The foundations, walls, roofs and all parts of accessory buildings and other structures appurtenant to the main building shall be:
 - a) constructed with suitable materials;
 - b) maintained in good repair;
 - c) protected from deterioration by the application of paint or other suitable protective material.

2.15 FENCE

- 1) A fence erected on a property or separating adjoining properties shall be maintained:
 - a) in good repair meaning free from loose or insufficiently secured, rotten, warped or broken materials;
 - b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
 - c) shall be free of dangerous objects;
 - d) reasonably plumb, unless specifically designed to be other than vertical; and
 - e) protected by paint, preservative or other weather resistant material.

2.16 TOWER-GANTRIES-MASTS-ANTENNAE

- 1) Towers, gantries, masts, antennae and structures of similar character and any attachment thereto shall be maintained:
 - a) reasonably plumb, unless specifically designed to be other than vertical;
 - b) in good repair; and
 - c) in a safe and structurally sound condition.

2.17 SIGNS

- 1) A sign and any structure connected therewith shall be installed and maintained:
 - a) in good repair;
 - b) in a safe and structurally sound condition; and
 - c) in a reasonably vertical plane unless otherwise approved by the Town of Smooth Rock Falls. An unused or discarded sign shall be removed from the property or shall be stored within a building.

2.18 COMPOST HEAPS

The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height, and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic or wood container designed for composting.

PART III RESIDENTIAL STANDARDS

3.01 GENERAL CONDITIONS

- 1) Every owner, occupant, tenant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition, and shall dispose of garbage and debris on a regular basis, in accordance with municipal by-laws.
- 2) Every owner, occupant, tenant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including corridors, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3) Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.

3.02 PEST PREVENTION

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

PART IV EXTERIOR PROPERTY AREAS

4.01 STRUCTURAL SOUNDESS

- 1) All repairs and maintenance of property required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- 2) Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected;
 - b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
 - c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration; and d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

4.02 FOUNDATION WALLS AND BASEMENTS

- 1) All foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.

- 2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent or control the leakage of water into the building.

4.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, and weather tight, free from loose or unsecured objects and maintained in good repair:

- 1) In good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, loose or unsecured objects;
- 2) Shall be maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of weather tight finishing, or the installation of termite shields, if required;
- 3) All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated; and
- 4) Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

4.04 WINDOWS-SCREENS-DOORS

- 1) Windows, doors, skylights and basement or cellar hatchways shall be maintained 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 reglazing where necessary. Where screening is provided on windows and doors, it shall also be maintained in good repair.
- 2) In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- 3) Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- 4) In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 5) Every window in a leased or rented dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of 100 mm. diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

- 6) When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure, it shall be protected with:

a) mesh screening, metal grills, or other equivalent durable rust proof material; or b) other protection so as to effectively prevent the entry of rodents, large insects or vermin.

4.05 ROOFS-CANOPIES-MARQUEES-AWNINGS

- 1) All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust by application of weather-coating material.
- 2) Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.
- 3) Without restricting the generality of this Section, such maintenance includes:
- a) removal of loose, unsecured or rusted objects or materials;
- b) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
- c) keeping all roof-related structures plumb unless specifically designed to be other than vertical.

4.06 EAVES TROUGH SYSTEM-METAL DUCTS-FLASHING

- 1) Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.
- 2) Every eaves trough, roof gutter, rainwater pipe, downspout and flashing shall be properly secured and be kept in good repair, free from obstructions and health hazards.
- 3) Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
- 4) Every roof drainage shall be discharged onto the ground at least 1 meter (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

4.07 CHIMNEY FLUES

- 1) Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained free from obstruction and shall prevent:
- a) the entrance of smoke or gases into a building
- b) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures; and
- c) fire, health or other hazards.
- 2) Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

4.08 GARARGE-CARPORT

- 1) Garages and carports, including floors, shall be maintained in good repair and free from hazards.

PART V
INTERIOR OF BUILDINGS, STRUCTURES AND DWELLINGS

5.01 INTERIOR STRUCTURE-COLUMNS-BEAMS

In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

5.02 WALLS-CEILINGS-FLOORS

- 1) Every interior surface and finishes of walls and ceilings shall be maintained:
 - a) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned
 - b) free of holes, cracks, loose plaster or other material
 - c) in a safe condition; and
 - d) so as to possess the fire resistant properties required by the Building and Fire Codes.
- 2) Every floor shall be smooth and level and maintained so as to be free from all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- 3) Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.
- 4) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 5) Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

5.03 STAIRS-HANDRAILS-GUARDS

- 1) Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
- 2) Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
 - a) All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

5.04 ELEVATORS

- 1) Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
- 2) Elevators and other elevating devices, including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems, shall be operational and maintained in good condition.

5.05 KITCHENS

- 1) Every dwelling shall contain a kitchen area equipped with:
 - a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - b) a suitable storage area of not less than 0.23 cubic metres (8 cubic ft.);
 - c) a counter or work area at least 610 mm. (2 ft.) in width by 1,220 mm. (4 ft.) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
 - d) a space provided for cooking and refrigeration appliances, including suitable electrical or gas connections, and/or solid fuel burning appliances.

5.06 TOILET AND BATHROOM FACILITIES

- 1) Where a dwelling or dwelling unit contains a bathroom, it shall consist of at least one fully operational water closet, washbasin and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- 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) Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

5.07 PLUMBING

- 1) All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 2) Plumbing systems on a property shall be provided, installed and maintained:
 - a) in compliance with the respective requirements of any applicable Act or By-law;
 - b) in good working order and good repair; and
 - c) in a safe condition.
- 3) All plumbing fixtures shall be connected to the sewage system through water seal traps.

5.08 HEATING, HEATING SYSTEMS, AND VENTS

- 1) Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70° F) in the occupied dwelling units. The heating system shall be maintained in good working condition so as to be capable of safely heating the individual dwelling units to the required standard.
- 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) Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition, and in a convenient location so as to be free from fire or accident hazard.
- 4) Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling which is not used, designed or intended to be used for human habitation, into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- 5) All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.

5.09 EGRESS

- 1) Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- 2) Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow
- 3) The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- 4) In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- 5) Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- 6) All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;
 - a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
 - b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

5.10 VENTILATION

- 1) Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

- 2) Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- 3) When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this By-law.
- 4) An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- 5) Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

5.11 LIGHTING

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

5.12 DISCONNECTED UTILITIES

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

PART VI RESIDENTIAL OCCUPANCY REQUIREMENTS

6.01 OCCUPANCY STANDARDS

- 1) A non-habitable room shall not be used as a habitable room.
- 2) No kitchen shall be used as a bedroom.
- 3) No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:
 - a) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
 - b) each habitable room shall comply with all the requirements for ingress, egress, c) light, ventilation and ceiling height set out in this By-law;
 - d) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water.

6.02 TOILET AND BATHROOM FACILITIES

- 1) Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
- 2) All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.

- 3) All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- 4) No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

PART VII
NON-RESIDENTIAL PROPERTY STANDARDS

7.01 YARDS

- 1) Every owner, and every occupant in that part of non-residential property that is occupied or controlled by the occupant, shall maintain to the standards as described in this By-law and:
 - a) in a sanitary and safe condition, free from litter, refuse and waste including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - b) free from objects conditions which are health, fire or safety hazards
- 2) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unrestrictive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

7.02 GUARDRAILS

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

7.03 VENTILATION

- 1) All non-residential properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that persons within the property are not exposed to conditions harmful to their health or safety.
- 2) Ventilation shall be provided for every locker room, clothes drying room and room in which plumbing fixtures are installed, either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which ventilation will ensure a complete change of air within the rooms at least once per hour.
- 3) Mechanical ventilating equipment and the supports shall be maintained in good repair and in safe mechanical condition.

7.04 LIGHTING

- 1) All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

7.05 SALVAGE YARD

- 1) Salvage yards shall be effectively screened from public view.

PART VIII
VACANT-DEMOLISHED-DAMAGED BUILDINGS

8.01 VACANT LANDS OR BUILDINGS

- 1) Every owner of vacant land as defined within this by-law shall ensure that the vacant land is maintained to the standards as described in Part 2, of this Property Standards By-law.
- 2) If any building is unoccupied, the owner or the agent shall protect every such building against the risk of fire, accident, or other hazard and shall effectively prevent the entrance thereto of all unauthorized persons.

8.02 DEMOLISH BUILDING

- 1) Where a building, accessory building, fence or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
- 2) Where a building, accessory building, fence or other structure is being demolished, every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining property and members of the public.

PART IX
ADMINISTRATION AND ENFORCEMENT

9.01 ENFORCEMENT

- 1) This By-law shall be administered and enforced by an Officer who is hereby authorized to enforce the provisions of this By-law.
- 2) No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer, in the exercise of a power or the performance of a duty under this By-law.
- 3) No person shall refuse to produce any documents or things required by an Officer under this By-law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.
- 4) No person shall knowingly furnish false information to the Town or an Officer with respect to this By-law.

9.02 OFFICERS RIGHT OF ACCESS

- 1) An Officer may enter upon and within, and inspect any land, property, building or structure at any time to determine if any section of this by-law is complied with, or to determine if any direction, notice or order issued pursuant to this By-law or the Municipal Act, 2001 as amended or any court has been complied with, or to perform any remedial work authorized by this By-law.

- 2) Notwithstanding subsection 9.02(1), the Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 437 of the Municipal Act, 2001, as amended are complied with.
- 3) The Officer shall have inspection powers described in Section 436 of the Municipal Act, 2001, as amended.

9.03 ORDERS-NOTICE-NON-COMPLIANCE

- 1) Where an owner is in contravention of any provision of this By-law, an Officer, in addition to any other action, may send a notice, in the form of a letter or email, to the owner, describing the contravention.
- 2) Any notice or direction given under this By-law shall be deemed good and sufficient service if: (a) personally delivered to the person to whom it is directed, (b) provided by a previously established electronic means of communication (c) mailed by ordinary or registered mail, and delivery to the mailing address of the owner of the property, according to the last revised Assessment Roll of the property which does not comply with this By-law, or (d) by being posted on the subject property.
- 3) Where any person fails to comply with an order issued pursuant to section 15.2 of the Building Code, the municipality may cause the required work to be done at the cost of the person. The cost of such work may be recovered by action or by adding the costs to the tax roll of the subject property and collecting them in the same manner as property taxes.

9.04 PENALTY

- 1) Any person or owner who fails to comply with an order, notice, direction, or other requirement under this By-law, or contravenes this By-law is guilty of an offence and is liable upon conviction to a penalty recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 2) A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and is liable upon conviction to a penalty recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 3) An owner who fails to comply with an order that is final and binding under this Bylaw is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in Section 36 of that Act, as amended.

9.05 CONTINUATION, REPETITION PROHIBITED BY ORDER

- 1) The Court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

9.06 GENERAL

- 1) This By-law shall apply to all property within the limits of the municipality.
- 2) Where a provision of this by-law conflicts with the provisions of another by-law, Act or regulation in force within the municipality, the provision, which establishes the higher standards to protect the

health, safety and welfare of the occupants and the general public, shall prevail.

- 3) Nothing in this bylaw shall be deemed to grant relief from the requirements of the Building Code Act, 1992, the Building Code, the Fire Protection and Prevention Act, 1997, or the Fire Code. Nor shall this by-law be viewed as limiting the Officer's election to proceed under any of the said legislation wherein they have reasonable grounds that a violation exists.
- 4) It is hereby declared that each and every of the foregoing provisions of this by-law is severable and that, if any provisions of this by-law should, for any reason, be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.
- 5) If any provision or article of this Bylaw is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Chapter and the remaining provisions or article shall remain in effect until repealed.

9.07 REPEALS

- 1) By-law No. 2008-17, and any amendments, of the Town of Smooth Rock Falls shall hereby be repealed.
- 2) By-laws of the Corporation of the Town of Smooth Rock Falls which are inconsistent with this By-law shall hereby be repealed.

READ a first and second time this 6th day of February 2023



MAYOR – Patrick Roberts



CLERK – Véronique Dion



READ a third time and finally passed this 6th day of February 2023.



MAYOR – Patrick Roberts



CLERK – Véronique Dion