



The Corporation of the Municipality of Morris-Turnberry BY-LAW No. 15-2014

WHEREAS under Subsection 15.1-(3) of the Building Code Act, S.O. 1992, c.23 as amended, a by-law may be passed by the Council of the Municipality prescribing the standards for the maintenance and occupancy of property within the municipality provide the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS, pursuant to Section 15.1 (2) of the Building Code Act, the Morris-Turnberry Official Plan, adopted 2006, Section 8.2 - states that the Municipal Council and committees will implement the plan by passing a zoning by-law, building by-law and other appropriate by-laws;

AND WHEREAS, the Council of The Municipality of Morris-Turnberry is desirous of passing a by-law under Subsection 15.1-(3) of the Building Code Act, S.O. 1992, c.23 as amended;

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

NOW THEREFORE the Council of The Municipality of Morris-Turnberry hereby enacts the following:

I Short Title:

This by-law may be cited as the “**Property Maintenance and Occupancy Standards By-Law**”.

II Definitions:

1. Accessory Buildings: Means a detached building, the use of which is incidental and subordinate to the main use of any building on the premises, and which is not intended for human habitation.

2. Balustrade: Means a row of balusters or spindles surmounted by a railing.
3. Basement: Shall mean that portion of a building between two floor levels which is partly under ground but which has at least one-half of its height, from the finished floor to the finished ceiling or the underside of the floor joist of the storey next above, as the case may be, above adjacent average finished exterior grade.
4. Bathroom: Means a room containing at least one water closet, one lavatory, and one bathtub or one shower.
5. Building: Any structure used or intended for supporting or sheltering any use or occupancy.
6. Committee: Means Property Standards Committee established under this By-law.
7. Corporation: Means the Corporation of The Municipality of Morris-Turnberry.
8. Discarded or Abandoned Vehicle: Shall mean a vehicle which is not equipped with valid license plate for the current year or the immediately preceding year.
9. Discarded or Abandoned Equipment: Shall mean equipment in disrepair and not in use.
10. Dwelling: A building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.
11. Dwelling Unit: Shall mean a suite of two or more rooms, designed or intended for human habitation in which plumbing facilities are provided, in which facilities are provided for cooking or for the installation of cooking equipment, in which a heating system is provided, and which has a private entrance in conformance with the Ontario Building Code.
12. Fire Resistance Rating: Means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to a fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived therefrom as prescribed in the Ontario Building Code.
13. Ground Cover: Means organic or non-organic materials applied to prevent the erosion of the soil eg.-Concrete, Flagstone, Gravel, Asphalt, Grass or other form of landscaping.
14. Habitable Room: Any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.

15. Long Grass/Weeds: Shall mean grass or weeds in excess of six inches in length.
16. Maintenance: The preservation or keeping in repair of property.
17. Municipality: Means The Corporation of The Municipality of Morris-Turnberry.
18. Means of Egress: Means a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare. Means of Egress includes exits and access to exits constructed in accordance with the Ontario Building Code.
19. Multiple Dwelling: A building containing three or more dwelling units.
20. Multiple Use Building: A building used or capable of being used for both residential and non-residential purposes.
21. Non-Habitable Room: Any room in a dwelling or dwelling unit other than a habitable room, and includes a bathroom, a water closet room, a laundry, a pantry, a lobby, a communications corridor, stairway, closet, a boiler room or other spaces provided for service and maintenance of the structure or for public use, and for access to, and vertical travel between storeys.
22. Non-Residential Property: A building or structure not occupied or capable of being occupied in whole or in part for the purposes of human habitation and includes the lands and premises appurtenant thereto, and all outbuildings, fences, or erections, thereon or therein.
23. Noxious: Means any structure, weed, shrub, animal, insect, or rodent which, from its nature or operation creates a nuisance or is offensive by reason of the creation of noise, objectionable odour, dust, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, abandoned equipment, weed, shrub, animal, insect, or rodent, which may be declared by the Property Standards Committee to be Noxious or offensive.
24. Notice: Means a notice of violation to demolish or repair property served by the Property Standards Officer, pursuant to this By-Law.
25. Occupancy: Means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
26. Occupant: Any person or persons over the age of Eighteen Years (18yrs), in possession of the property.

27. Officer: Means a Property Standards Officer appointed by the Municipality to enforce this By-Law.
28. Owner:
- a) Includes 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 his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
 - b) A vendor of such land under agreement for sale who has paid any municipal taxes thereon, after the effective date of the agreement.
 - c) The person for the time being receiving installments of the purchase price of the land or premises in connection with which the word "Owner" is used, sold under an agreement for sale, whether on his/her own account, or as an agent or trustee for any other person, or who would so receive the installments of the purchase price if such land or premises were sold under an agreement for sale.
 - d) A 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 the maintenance and occupancy of property.
29. Person: Includes an individual, firm, corporation, association or Partnership.
30. Plumbing and Plumbing Fixtures: Means water heating facilities, water pipes, garbage disposal units, water closets, bathtubs, showers, installed washing or drying machines, laundry tub, sinks or other similar equipment, catch basins, drains, vents, traps, together with all connections with water, gas, sewerage or vent pipes.
31. Premises: Means that portion of real property which is owned by a specific person, company, or corporation and includes all buildings and structures thereon.
32. 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, accessory buildings, fences and erections thereon, whether, theretofore or hereafter, Erected and includes vacant property.
33. 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 a By-law

made in conformity with the Ontario Building Code, the Ontario Water Resources Act, Plumbing Regulations, the Regulation of Ontario Hydro Electric Power Corporation of Ontario and Regulations made under the Public Health Act of Ontario.

34. Residential Property: Any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and/or prepare and serve meals, and includes any land or building that are appurtenant to such establishment and all steps, walks, driveways, parking spaces, and fences associated with the dwelling or its yard.
35. Sewage: Any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.
36. Sewage System: The municipal sanitary sewage system or private sewage disposal system constructed in conformance with the Ontario Building Code.
37. Standards: The standards of physical condition and occupancy prescribed by this By-law.
38. Sub-Standard: Means a quality less than that required by this By-law.
39. Supplied: Means installed, furnished or provided by the owner.
40. Unsafe Condition: Means any condition that would cause under or unexpected hazard to life, limb, or health of any person authorized or expected to be on or about the premises.
41. Yard: Means the 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.

III. MAINTENANCE OF YARD AND ACCESSORY BUILDINGS

1. Yards - All yards shall be kept free from;
 - a) Rubbish, garbage, waste and other debris.
 - b) Objects and conditions that might create health, fire or accident hazards.
 - c) Heavy undergrowth and noxious plants, such as ragweed, poison ively, poison oak
 - d) Dead decaying or damaged trees or other natural growth and the branches and limbs which creates an unsafe or unsightly condition.

- e) Any vehicle, equipment and machinery including a trailer, which is in a wrecked, discarded, disassembled or abandoned condition shall not be parked, stored or left in a yard, unless it is necessary for the operating of a business enterprise lawfully situated on the property. This shall not apply to prevent the occupants of the premises from repairing a vehicle for his/her own use, other than for commercial purposes, the repair of which shall be actively carried on.
- f) Dilapidated or collapsed structures or erections and any unsightly condition.

2. **Landscaping** – Hedges, planting, trees or other landscaping required by the Municipality as a condition of site development, re-development, or re-arrangement, shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out their intended function and maintain an attractive appearance.

3. **Rubbish** –

- a. Sufficient receptacles shall be provided to contain all garbage, rubbish, ashes and waste. The receptacles shall be made of metal or plastic, made of watertight construction, provided with a tight fitting cover and maintained in a clean state.
- b. Every property shall be kept free of refuse or litter.
- c. Every non residential building shall be provided with sufficient receptacles to contain all refuse and litter as may be generated by customers or other members of the public.

4. **Passageways** – Steps, walks, driveways, parking spaces and other similar use of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

5. **Drainage** –

- a. Exterior property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of storm water thereon, and shall be cultivated or protected with suitable groundcover to prevent erosion of the soil.
- b. No roof drainage shall be discharged on sidewalks, stairs, or neighbouring property or into a sanitary sewer.
- c. Surface water shall be drained away from the main building and any accessory buildings so as to prevent the entrance of water into such building and excessive or continuous ponding of surface water in a yard shall be prevented. Every residential building and accessory building shall be equipped with eaves troughing and down spouts capable of conducting water away from the building and adjacent buildings if there is excessive or continuous ponding of water at or near the building or to adjacent buildings

6. Sewerage –

- a. Sewerage or organic waste shall be discharged into the sewerage system and at no time shall sewerage be discharged into the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- b. Notwithstanding subsection a. above, where a municipal sanitary sewer has not been installed, all sewerage shall be discharged into a private sewage disposal system which has been installed in compliance with the Ontario Building Code.

7. Signs – All signs permitted under by-laws of the Corporation shall be maintained in a good state of repair.

8. Accessory Buildings and Fences -

- a. Accessory buildings including garages, carports, and fences shall be kept in good repair and free from health, fire, and accident hazard.
- b. Where an accessory building or any condition a yard may harbour noxious insects or rodents, all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.
- c. Exteriors of accessory buildings shall be weather resistant through the use of appropriate weather resistant materials.
- d. All dilapidated auxiliary buildings including fences shall be removed or repaired.

IV. Maintenance of Buildings

1. Structural Standard –

- a. Every part of a building 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 use; materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- b. All exterior surfaces shall be of materials which provide adequate protection from weather.
- c. The exterior walls, roofs and other parts of a building shall be free from loose, rotten, warped and broken materials and objects; such materials and objects shall be removed, repaired or replaced.

2. Fire and Accident Prevention –

- a. When, because of the existence of a building or accessory structure, or the contents thereof, an unsafe condition exists to persons on or about

the exterior property areas of a premises, the building code shall apply to the extent necessary to abate the condition.

- b. In the event of a fire or other disaster, measures shall be taken as soon as possible to make the necessary repairs. Without restricting the generality of the foregoing, such measures include making the building or accessory structure safe and repairing damaged surfaces exposed to view.
- c. In the event the building or accessory structure is beyond repair, the land shall be cleared of all the remains and left in a graded and level condition.
- d. Materials of an inflammable nature shall be safely stored or removed at once from the property.
- e. Every dwelling unit shall have installed in it a smoke detector device and such smoke detector device shall be maintained in an operating condition.

3. **Pest Prevention** –

- a. A building shall be maintained free from rodents and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act 1973, Chapter 25, as amended, and all regulations pursuant thereto.
- b. A basement or cellar window used for ventilation and any other opening in a basement or cellar which might let in rodents or insects shall be screened with wire mesh or such other material as will effectively exclude rodents and insects.

4. **Foundations** –

- a. The foundation walls and basement, cellar or crawl space floor of a building shall be maintained in good repair, and be structurally sound so as to prevent dangerous settlement of the building, or the entrance of moisture, insects or rodents into the building.
- b. Every basement, cellar and crawl space in a building shall be adequately drained and vented.
- c. Without limiting the generality of subsection a., the maintenance of a foundation includes:-
 - i. The jacking up, underpinning or shoring of the foundation where necessary.
 - ii. Installing subsoil drains at the footing where necessary.
 - iii. The grouting of masonry cracks.
 - iv. Waterproofing the wall and joints.
 - v. Repairing or replacing decayed, damaged or weakened sills, piers, posts, or other supports.

- vi. Making sills, piers, posts, or other supports, waterproof and resistant to insects by the application of suitable materials or treatment.

5. **Exterior Walls** –

- a. Exterior walls, parapet walls, and components thereof, shall be maintained in good repair, weather tight, free from loose or unsecured objects and materials and in a manner to prevent deterioration due to weather and insects.
- b. The maintenance of exterior walls shall include:-
 - i. The applying of paint or materials to preserve all exterior wood and metal work
 - ii. The restoring, repairing or replacing of the wall, the bricks and the mortar, the stucco, shingles or cladding, the coping, the flashing and the waterproofing and the caulking of the walls and joints.

6. **Roofs** –

- a. The roof, including the fascia board, soffit, cornice and flashing, shall be maintained in a weather tight condition so as to prevent leakage.
- b. The maintenance shall include repairing of the roof and flashing, applying waterproof coatings, venting, installing or repairing eaves trough and rain water piping, and using other suitable means.
- c. Eaves troughs and down pipes shall be kept in good repair, in good working order and water tight and free from leaks.

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

8. **Exterior Doors and Windows** –

- a. Exterior doors and windows shall be maintained in good repair, reasonably draft free and weather tight.
- b. Maintenance may include painting, repairing or renewing damaged, decayed or deteriorated doors, door frames, casings and thresholds, window sashes and window frames and casings, screens, refitting doors and windows, weather stripping, repairing or replacing defective or missing door and window hardware, re-screening, re-glazing, and using other suitable means of weather proofing.
- c. Nothing in this section shall be construed as preventing doors, windows, and other openings in an unoccupied building or accessory structure from being protected from damage or prevent entry. Materials used for protection shall be afforded an application of paint, varnish or other approved colouring or preservative on the exterior.

9. **Stairs and Porches** –

- a. Any inside or outside stair, balcony, porch or canopy shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible accident hazard.
- b. The maintenance shall include repairing or replacing treads or risers that show excessive wear or are broken, warped, loose or otherwise defective and supporting structural members that are rotted or deteriorated.
- c. Painting or coating with a preservative unless constructed of a material inherently resistant to deterioration.
- d. A handrail, banister or balustrade shall be installed so as to guard against accident or injury on the open side of a balcony, landing, and stairway having more than eight (8) risers.

10. **Chimneys and Fireplaces** –

- a. Every chimney smoke pipe and flue in or on a building, actually in use or available for use, shall be maintained so as to prevent gasses from leaking into the building, and at all times shall be kept in good repair and maintained free from loose rocks, mortar and loose or broken capping. The maintenance shall include clearing the flue of obstructions, sealing open joints and repairing masonry.
- b. Every fireplace used or intended to be used in a building for burning fuel in open fires shall be maintained so that adjacent combustible materials and structural members shall not be heated to unsafe temperatures. The maintenance shall include securing connection to a chimney that complies with the standard of this by-law, lining and repairing and re-lining with fire resistant material and installing and repairing and replacing the hearth.

V. **Standards of Fitness for Occupancy**

1. **Cleanliness** – Every floor, wall, ceiling and fixture in a building shall be maintained in a clean and sanitary condition and the building shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.
2. **Water** –
 - a. Every dwelling shall be provided with an adequate supply of drinkable running water from a source approved by the local Medical Officer of Health.
 - b. Adequate running water shall be supplied to every fixture.
 - c. Every dwelling shall be provided with an adequate supply of hot and cold water.

3. **Plumbing and Plumbing Fixtures** – All installed plumbing, including Plumbing fixtures, drains, vents, water pipes, water closets, and connecting lines to the water and sewer systems, shall be maintained in good working order and repair, free from leaks or other defects and all water pipes and appurtenances thereto shall be protected from freezing.
4. **Toilet, Kitchen and Bathroom Facilities** –
 - a. Every self-contained dwelling unit shall be provided with at least one serviceable kitchen sink, water closet, wash basin, and bathtub or shower, and an acceptable means of sewage disposal.
 - b. Where toilet, kitchen, or bathroom facilities are shared by the 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. The number of toilets, kitchens or bathrooms required shall be related to the number of occupants sharing the facility in accordance with the municipal by-law.
5. **Bathrooms and Toilet Rooms** –
 - a. All bathrooms and toilet rooms should be located within, and be accessible from within the dwelling.
 - b. All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant.
6. **Kitchens** –
 - a. Every self-contained dwelling unit shall contain a kitchen area equipped with a sink, served with hot and cold water where available, storage facilities, a counter top work area and space for a stove and refrigerator.
 - b. Every kitchen shall have provided an adequate and approved gas or electrical or other fuel supply for cooking purposes.
 - c. There shall be at least seventy-six centimeters (76 cm) clear space above any exposed cooking surface.
7. **Heating System** -
 - a. Every dwelling unit shall be provided with a heating system capable of maintaining a room temperature of seventy (70°) degrees Fahrenheit or twenty (20°) degrees celcius, in all habitable rooms, bathrooms and toilet rooms.
 - b. The required heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely.
 - c. Permanently sealed connections shall be kept between all heating

equipment sufficient outlet for the escape of all noxious gases, so as to prevent any health, fire or accident hazard.

- d. Rigid connections shall be kept between all heating equipment burning gaseous fuels and the supply line.
- e. A space that contains a heating unit shall have a natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- f. No room heater shall be placed so as to cause a fire hazard to walls, curtains and furniture, nor to impede the free movements of persons within the room where the heater is located.
- g. Where any heating equipment burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location and properly constructed as to be free from fire and accident hazards.
- h. Where buildings contain two or more dwelling units, fuel fired heating appliances shall be located safely enclosed or separated from the remainder of the building in conformance with the Ontario Building Code.

8. Electrical Service –

- a. A residential unit and, where required by the Regulations of the Power Corporation Act, buildings and accessory structures shall be:-
 - i. connected to an electrical supply system and wired to receive electricity.
 - ii. provided with sufficient electrical outlets in every room or space such that the use of extension cords or multioutlet attachments to wall or other receptacle outlets would not be required on a continuing daily basis.
 - iii. provided with an adequate supply of electric power available at all times in all parts of every room.
- b. The capacity of the connection to the building and the system of circuit distributing the electrical supply with the building shall be adequate for the use and intended use and shall be in compliance with Ontario Hydro regulations.
- c. Every habitable room, except a kitchen, shall contain at least one (1) electrical duplex convenience outlet, and every kitchen shall contain at least two (2) duplex convenience outlets.
- d. Fuses or overload devices shall not exceed limits set by the Hydro Electric Power Commission of Ontario.
- e. Existing wiring and electrical equipment shall be in good serviceable and safe condition, as required by the Ontario Hydro.

9. Egress

- a. Every dwelling unit shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- b. There shall be provided and maintained a secondary means of egress from the building for every dwelling unit located on each floor above the first floor and for two (2) or more dwelling units located in the basement so as to provide a safe and convenient means of egress in case of an emergency.
- c. All required means of egress shall be maintained so as to permit safe, continuous and unobstructed passage at all times.

10. Walls and Ceilings -

- a. Interior walls and ceilings shall be maintained in clean condition and free of holes or cracks and loose covering or other defects.
- b. The maintenance shall include repairing or filling holes and cracks and removing and replacing loose or defective parts.

11. Floors -

- a. Floors shall be maintained in a clean and sanitary condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, deterioration or other defects which are health, fire or accident hazards.
- b. Where floors are covered, the covering shall be maintained in a safe condition free from worn, torn, damaged or holed parts in which dirt collects or which forms a health or accident hazard.
- c. Lavatory or washroom floors, shoeroom floors, toilet room and bathroom floors shall be maintained reasonably impervious to water and in such condition as to permit easy cleaning.
- d. The maintenance shall include installing, repairing, refinishing and replacing a floor or floor covering to provide the required standards.

12. Thermal Insulation -

Thermal insulation of buildings to minimize heat losses shall be done in accordance with the provisions of the Building Code where necessary and practicable.

13. Light -

- a. Every habitable room, except for a kitchen shall have a window or windows, skylights or translucent panels that face directly to the outside with an unobstructed light transmitting area of not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.

- b. All public halls and stairs in a multiple occupancy building shall be illuminated at all times so as to provide safe passage.

14. Ventilation –

- a. Every habitable room shall have an opening or openings for natural ventilation and such opening shall have a minimum aggregate unobstructed free flow area of three square feet.
- b. An opening for natural ventilation may be omitted from a kitchen, living room or living-dining room if mechanical ventilation is provided, which changes the air once each hour.
- c. Every bathroom or toilet room shall be provided with an opening or openings for natural ventilation, or a system of mechanical ventilation which operates whenever the light is turned on in the bathroom or toilet room.

15. Occupancy Standards –

- a. No person shall use, or permit the use of, a non-habitable room in a building for a habitable room purpose.
- b. The maximum number of occupants in a dwelling unit shall not exceed one person per nine (9) square metres of habitable room floor area;
any child under one year of age shall not be counted when computing the number of occupants; any child over one year, but less than twelve years shall be deemed one-half person in the computation of the number of occupants.
- c. The floor area under a ceiling which is less than two (2) metres high shall not be counted for the purpose of computing habitable room space.
- d. Every room used for sleeping purposes in a dwelling or dwelling unit shall provide a minimum width of 1.8 metres and 17 cubic metres of air space for each occupant; the corresponding floor area should not be less than $\frac{3}{7}$ square metres for each additional occupant.
- e. No basement or cellar space shall be used as a dwelling unit or as a habitable room unless it is otherwise permitted and meets the following requirements:-
 - i. the dwelling unit or habitable room meets all requirements for egress, light, ventilation and ceiling height set out in this by-law;
 - ii. floor and walls are constructed so as to be impervious to leakage of underground and surface run-off water.

VI. General Administration

- 1. This By-law shall apply to all property in the Municipality of Morris-Turnberry.
- 2. Where a provision of this By-law conflicts with a provision of other By-laws,

- regulations, statutes, etc., the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
3. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this By-law shall continue in force.
 4. No person shall sell, mortgage or lease or agree to sell, mortgage or lease any property in respect of which an order has been served under this By-law or any By-law passed hereunder without first having furnished any prospective Purchaser, mortgagee or leesee with a true copy of any order issued.

VII. Administration and Enforcement

1. Enforcement Procedures –

- a. Any Action to remedy an infraction, described in this By-law, shall be commenced by the Officer in response to a visual inspection or a complaint. The complainant must submit their name and contact information.
- b. Each infraction will be reviewed on an individual basis by the officer, who will exercise his or her discretion as to whether an Order will be issued.
- c. The Officer shall inform the owner of the complaint, and arrange for an inspection of the infraction. The origin of the complaint will be privileged and confidential information.
- d. The Property Standards Officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter any room or place actually used as a dwelling with consent of the occupier, or under the authority of a search warrant issued under Section 142 of the Provincial Offenses Act.

2. Property Standards Officer –

- a. This By-law shall be administered and enforced by a Property Standards Officer appointed by the Municipality of Morris-Turnberry.
- b. Any Building Inspector of the Municipality, Health Inspector of the Huron County Health Unit, or Fire Inspector of the area Fire Departments are hereby authorized to assist the Property Standards Officer from time to time as required.

3. **Right of Entry** –

- a. An Officer or any of the aforementioned officials acting under his instructions may at all reasonable times and upon producing proper identifications, enter and inspect any property.
- b. An Officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without consent of the occupier except under the authority of a Search Warrant issued under Section 142 of the Provincial Offences Act, R.S.O. 1980, and amendments thereto.

4. **Notice of Violation** –

- a. If, after inspection, the Officer is satisfied that in some respect, the property does not conform to the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon or send by prepaid registered mail to the owner of the property and all persons shown by the records of the Land Registry Office and the Sheriff's Office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.
- b. After affording any person served with a notice provided for by (3) (a) of Section VII, an opportunity to appear before the Officer and to make representations in connection therewith, the Officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing:
 - i. the municipal address or the legal description of such properties;
 - ii. reasonable particulars of the repairs to be affected or a statement that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and leveled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the times specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and
 - iii. the final date for giving notice of appeal from the order.
- c. A notice or an order under (3) (a) or (3) (b) of Section VII when sent by registered mail shall be sent to the last known address of the person to whom it is sent.
- d. If the Officer is unable to effect service under (3) (a) or (3) (b) of Section VII, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.
- e. An order under (3) (b) of Section VII may be registered in the proper Land Registry Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the

date or which the order was served under (3) (b) of Section VII and, when the requirements of the order have been satisfied, the Clerk of the municipality shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

5. Property Standards Committee –

- a. A Property Standards Committee is hereby established to hear appeals, by an owner who is dissatisfied with the order.
- b. The committee shall be composed of the elected members of Council of the Corporation of the Municipality of Morris-Turnberry.
- c. The terms of office for the members of the Committee shall be their elected term as councilor of the Corporation of the Municipality of Morris-Turnberry.
- d. This committee appointment to be made or reviewed at the beginning of each elected council of the Corporation of the Municipality of Morris-Turnberry.
- e. The members of the Committee shall elect one of themselves as Chairman, and when the Chairman is absent through illness or otherwise, the Committee may appoint another member to act as Chairman Protempore and shall make provision for a secretary for the Committee, and any member of the Committee may administer oaths.
- f. Four members of the Committee constitute a quorum, and the Committee may adopt its own rules of procedure but before hearing an appeal under (5) of Section VII shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive notice.
- g. The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 78 of the Municipal Act, R.S.O. 1980 and amendments thereto applies with necessary modifications to such documents.

6. Rights of Appeal –

- a. When an owner or occupant upon whom an order has been served in accordance with this By-law is not satisfied with the terms or conditions of the order, he or she may appeal to the Committee by sending notice of appeal by registered mail to the secretary of the Committee within fourteen days (14) after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

- b. The secretary of the Committee, in receipt of the notice of appeal referred to in (5) (a) of Section VII shall determine the date, place, and time of the hearing of the appeal which shall take place not less than seven days (7) and not more than thirty days (30) from the date of receipt of the aforesaid notice, and give notice in writing of the date, place, and time of the hearing to the appellant and the Officer who issued the order.
- c. When an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the By-law and of the Official Plan are maintained.
- d. The Committee shall give a copy of its written decision to the appellant and the Officer who issued the order.
- e. The municipality in which the property is situated or any owner or occupant or person affected by a decision under (5) (c) of Section VII may appeal to a Judge of the County or District Court of the Judicial District in which the property is located by so notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen (14) days after the sending of the copy of the decision, and,
 - i. the Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes:
 - ii. the appointment shall be served in a manner prescribed by the Judge, and
 - iii. the Judge on such appeal has the same powers and functions as the Committee.
- f. The order, as deemed to be confirmed pursuant to (5) (a) of Section VII or as confirmed or modified by the Committee pursuant to (5) (c) of Section VII, or, in the event of an appeal to a Judge pursuant to (5) (e) of Section VII, as confirmed or modified by the Judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

7. Certificate of Compliance --

- a. Following the inspection of a property, the officer may, or on the request of an owner, shall issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this By-law.

b. Where a certificate of compliance referred to in subsection (6) (a) is issued at the request of the owner, the owner shall be required to pay a fee of \$10.00 to the Corporation of the Municipality of Morris-Turnberry.

8. Penalties –

- a. Any person who fails to comply with an order which has been issued by an officer, and/or the property standards committee and/or judge and if the order is deemed to have been confirmed, is guilty of an offence and upon conviction thereof, is liable to a penalty of not more than five hundred dollars (\$500.00) per day for each day that he is in contravention of an order that is final and binding.
- b. Any person who obstructs or interferes with an inspector in the performance of his duties under this By-law is guilty of an offence and upon conviction thereof, is liable to a fine not exceeding five hundred dollars (\$500.00) exclusive of costs.

9. Power to the Corporation to Demolish or Repair –

- a. The order as deemed to have been confirmed by the Officer or as confirmed or modified by the Committee or, in the event of an appeal, to the Judge as confirmed or modified by the Judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- b. If the owner or occupant of the property fails to demolish the property or to repair in accordance with an order as confirmed or modified in addition to all other remedies:-
 - i. the Corporation shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property.
 - ii. the Corporation shall not demolish any dwelling without first obtaining the approval of Council.
 - iii. the Corporation shall apply the cost of repairs or demolition, if not so paid, to the Collector's Roll of taxes for the current year and shall be collected as taxes.
 - iv. the Corporation shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under provision of this By-law.

10. Emergency Order and Powers –

- a. Notwithstanding any other provisions of this By-law, if upon inspection of a property the Officer is satisfied there is a non-conformity with the standards prescribed in this By-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and require remedial repairs or other work to be carried out forthwith to terminate the danger.
- b. After making an order under Section 7 (9) (a), the Officer may, either before or after the order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the Corporation has the right, through its servants and agents, to enter in and upon the property from time to time.
- c. The Officer, the Corporation, or anyone acting on behalf of the Corporation is not liable to compensate the owner, occupant, or any other person by reason of anything done by or on behalf of the Corporation in the reasonable exercise of its powers under Section VII (9) (b).
- d. The Officer, after giving notice in accordance with Sections 31 (26) and (27) of the Planning Act, 1983, shall apply to the County Judge for an order confirming the order made under Section VII (9) (a) and the disposition of the application by the Judge is final and binding.

11. Provision for Recovery of Expenses –

Where the Corporation demolishes or repairs property as mentioned in (8) of Section VII or takes measures to terminate a danger as mentioned in (9) of Section VII, the Corporation may recover the expense incurred by any or all of the methods provided for in Section 325 of the Municipal Act, R.S.O. 1980, except that such amount, if any, as is to be borne by the Corporation as a result of a determination under clause 29 (c) of Section 31 of the Planning Act, 1983, may not be recovered.

12. Validity and Conflicts –

- a. Notwithstanding the inapplicability of a specific clause within the By-law to a given case, all other clauses will remain intact in part or a whole so as not to affect the intent of this By-law.
- b. Where other By-laws, Regulations, Statutes, etc., prescribe standards of maintenance and occupancy already covered in this By-law, those rules providing the highest standard of care will prevail.

VIII. Demolition Control for Residential Property

WHEREAS the Council of the Corporation of the Municipality of Morris-Turnberry desiring to have some control over the premature demolition of sound housing stock, designates all residential properties in the Municipality as an area of Demolition Control under Section 33 of the Planning Act, R.S.O. 1983. No residential property may therefore be demolished in whole or in part except under a permit issued by the Council of the Municipality of Morris-Turnberry.

- a. When no new building permit has been issued by the Council, a demolition permit for an old building on the same site may either be issued or refused.
- b. Where an applicant has been refused a demolition permit or where Council has taken no action within 30 days of the application, an appeal may be made to the Municipal Board. The decision of the Board is final. Notice of the appeal must be given in accordance with whatever directions the Board may give.
- c. When a building permit for a new building has been issued by the Council, a demolition permit for an existing building on the same site may not be refused. However, the permit may be issued on the condition that the new building must be substantially completed within a certain time period, not less than two years from the demolition. If the condition is not fulfilled by the applicant, the Municipality is entitled to collect a sum not exceeding \$20,000.00 per dwelling unit in the demolished building, and this sum is recoverable in the same manner as municipal taxes and is a lien or charge on the property.
- d. If the condition subsequently appears to onerous, the developer may apply to Council for relief, not less than 60 days before the expiration of the time for completion of the new building. Council may reject the application or may extend the time limit or may relieve the applicant from the obligation to build a new building.
- e. If he is dissatisfied with the conditions imposed by Council on the demolition permit, an applicant may appeal to the Municipal Board and the Board must hear the appeal.

An applicant is also entitled to appeal to the Municipal Board if he is not satisfied with Council's response for relief from the conditions of the demolition permit, or if Council neglects to make a decision within 30 days of the application for relief.

- f. Demolition in violation of a demolition control By-law is punishable by a fine of up to \$20,000.00 per dwelling unit if the property is partially or totally destroyed, or imprisonment for up to six months, or both.
- g. The provisions of a demolition control By-law do not absolve property owners from compliance with any By-law or Provincial Act relating to the health and safety of the occupants, buildings and structures.
- h. An application for a demolition permit operates to delay any proceedings that may have been taken by a Council against a property owner to enforce a property standards by-law. Until the Council disposes of the demolition permit application or until the Municipal Board has dealt with an appeal, a property standards by-law

may not be enforced against that property.

- i. If a person has obtained a demolition permit required by a demolition control by-law, it is not necessary to obtain a separate permit that may be required by the Ontario Building Code.

IX: Effect and Repeal of Former By-laws:

- a. That this By-law takes effect upon the date of final passing and hereby repeals and rescinds By-law 45-2013 and repeals and rescinds all former By-laws passed under the authority of the Act.

Read a first, second, third and final time this 18th day of February , 2014.


Clerk – Nancy Michie


Mayor – Paul Gowing

SCHEDULE 'A'

Maintenance and Property Service Fees:

1. An inspection fee, when an inspection of the property pursuant to a complaint confirms that the property does not comply with the Corporation's Property Standards By-law, per inspection. \$50.00
2. A file management fee applied when an order has been issued against a property. \$100.00
3. A file management fee applied when an inspector of the Corporation attends a Property Standards Committee meeting where an order has been upheld. \$100.00
4. A file management fee applied when an inspector of the Corporation attends a court hearing where a conviction has been granted. \$500.00
5. An administrative fee equal to 25% of the actual costs, added to the actual costs to be recovered by the Corporation for services and materials expended in carrying out the requirements of an Order when the owner has failed to comply.

Zoning By-law Inspection fees:

1. A file management fee applied when a second Notice of Violation has been issued against a property. \$50.00
2. A file management fee when an inspector of the Corporation attends a Court hearing where a conviction has been granted. \$500.00