

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NO. 67 OF 2001

A By-law to Provide Standards for the Maintenance of the Physical Condition and Occupancy of Property in the Municipality of Lambton Shores.

WHEREAS the Council of the Corporation of the Municipality of Lambton Shores deems it necessary and expedient to pass a by-law respecting standards for the maintenance and occupancy of property pursuant to the provisions of Section 15.1 of the Building Code Act and for prohibiting the occupancy or use of such property that does not conform to the standards; for requiring property below the standards prescribed in the By-law to be repaired and maintained to comply with the standards, or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition; and for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this By-law;

WHEREAS the passing of said By-law is desirable for the protection of the safety, health and well-being of the residents;

AND WHEREAS the Official Plan of the Municipality of Lambton Shores includes provisions relating to conditions of property and maintenance and occupancy;

NOW THEREFORE the Council of the Corporation of the Municipality of Lambton Shores ENACTS as follows:

SECTION 1 - TITLE, APPLICATION AND SCOPE

1.1 TITLE OF BY-LAW

This By-law may be cited as the "Property Standards By-Law".

1.2 APPLICATION

The provisions of this By-law shall apply to all lands in the Municipality of Lambton Shores, with the exception of agricultural accessory buildings. Agricultural accessory buildings will be subject to the provisions of Section 3.4 only.

1.3 SCOPE OF BY-LAW

Where the provisions of this By-law conflict with those contained in a statute or regulation, the provisions of the statute or regulation apply.

On lands zoned agricultural, Sections 3.8 and 3.9 of this by-law are applicable to the residence and surrounding 2 acres only (By-law 50-2002)

Where the provisions of this By-law conflict with those of other by-laws or Municipal policies, the provisions of this By-law shall apply.

1.4 GENERAL DUTY TO REPAIR AND MAINTAIN PROPERTY

- a) The Owner or purchaser, under an agreement of sale, shall repair and maintain the Property in accordance with the Standards prescribed in this By-law to the satisfaction of the Officer.
- b) No person shall occupy or let to another for Occupancy, any Property which does not comply with the regulations of this By-law.

SECTION 2 – DEFINITIONS

- 2.1 ACCESSORY BUILDING means a Building or structure, the use of which is incidental or subordinate to the main use of any other Building on the premises, or which, if there is no other Building on the premises, is incidental to the use of the premises, and which is not intended for human habitation.
- 2.2 AGRICULTURAL ACCESSORY BUILDING means a building or structure on agriculturally zoned lands, the use of which is incidental or subordinate to the main use of any other building on the premises, or which, if there is no other building on the premises, is incidental to the use of the premises, and which is not intended for human habitation.
- 2.3 APPROVED means, as applied to a grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this By-law; approved by the Building Inspector under the provisions of the Building Code Act; approved by the Fire Chief under the provisions of The Fire Code, or approved by any other authority designated by law to give approval to the matter in question.
- 2.4 BALUSTRADE means a row of balusters or spindles surmounted by a railing.
- 2.5 BASEMENT means a storey or storeys of a Building located below the first storey or finished grade.
- 2.6 BATHROOM means a room or rooms containing at least one wash basin, a toilet, a bathtub or shower.
- 2.7 BUILDING means any structure whether temporary or permanent, used or intended for sheltering any use or Occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent.

- 2.8 BUILDING CODE means The Building Code Act, S.O. 1992, as amended.
- 2.9 "CHIEF OF THE FIRE DEPARTMENT" means a Fire Chief appointed by the Corporation of the Municipality of Lambton Shores.
- 2.10 COMMITTEE means a Property Standards Committee, established pursuant to Section 15.6 of The Building Code Act, S.O. 1992, as set out in this By-law.
- 2.11 CORPORATION means the Corporation of the Municipality of Lambton Shores.
- 2.12 COUNCIL means the Council of the Corporation of the Municipality of Lambton Shores.
- 2.13 CRAWL SPACE means a space beneath a floor with clearance of less than 1.5 metres (5 feet).
- 2.14 DUMPSTER means a container having a volume (by external measurements) of more than one (1) cubic metre into which garbage, refuse or waste of any kind is dumped or stored and which is not enclosed in a building.
- 2.15 DWELLING means a building or structure or part of a building or structure occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons and includes a Building that would be used for such purposes except for its state of disrepair and shall include any mobile Dwelling Unit.
- 2.16 DWELLING UNIT means one or more Habitable Rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the Building or from a common hallway or stairway inside the Building.
- 2.17 FINISHED GRADE LEVEL means the average elevation of the finished surface of the ground abutting the external walls of the Building or structure, exclusive of any embankment in lieu of steps.
- 2.18 FIRE RESISTANCE RATING means time in hours or parts thereof that a material, construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.
- 2.19 FIRST STOREY means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

- 2.20 GROUND COVER means organic or non-organic materials applied to prevent the erosion of the soil, such as concrete, flagstone, gravel, asphalt, grass or other form of landscaping.
- 2.21 HABITABLE ROOM means any room in a Dwelling Unit used or capable of being used for living, sleeping, cooking, or eating purposes, but does not include a Bathroom, Toilet Room, laundry, pantry, foyer, lobby, stairwell, hall, closet, cellar, recreation room, storage room, furnace room or other space for the service or maintenance of a Dwelling.
- 2.22 INOPERATIVE VEHICLE OR RECREATIONAL VEHICLE means a vehicle or recreational vehicle which is in disrepair having missing parts including tires, or damaged or missing glass or deteriorated or removed parts which prevent its mechanical function, and includes unlicensed vehicles, or a vehicle that is not licensed with a current validated licence plate pursuant to the provisions of the Highway Traffic Act.”
- 2.23 LAND means the land around or appurtenant to the whole or any part of a premises and used or intended to be used, or capable of being used in connection with the Building.
- 2.24 MAINTENANCE means the preservation and keeping in repair of a Property.
- 2.25 MEANS OF EGRESS means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility for the escape of persons from any point within a Building, floor area, room or contained open space to a public thoroughfare or approved open space.
- 2.26 MULTIPLE DWELLING means a Building containing three or more Dwelling Units.
- 2.27 MULTIPLE USE BUILDING means a Building containing both a Dwelling Unit and a non-residential use.
- 2.28 MUNICIPALITY means the Corporation of the Municipality of Lambton Shores.
- 2.29 NON-HABITABLE ROOM means any room in a Dwelling or Dwelling Unit other than a Habitable Room, and includes a Bathroom, Toilet Room, laundry, pantry, foyer, lobby, stairwell, hall, closet, cellar, recreation room, storage room, furnace room or other space for the service or maintenance of a dwelling.
- 2.30 NON-RESIDENTIAL PROPERTY means a Building or structure or part of a Building or structure not occupied or not capable of being occupied in whole or in part for the purpose of human habitation, and includes those lands and premises appurtenant thereto, and all outbuildings, fences or erections thereon or therein.

- 2.31 NOXIOUS means any structure, weed, shrub, animal, insect or rodent which, from its nature or operation creates a nuisance or is liable to create a nuisance or is offensive by reason of the creation of noise, objectionable odour, or by reason of its unsightly nature or habits, and without limiting the foregoing shall mean any structure, weed, shrub, animal, insect or rodent which may be declared by the Property Standards Officer to be Noxious or offensive.
- 2.32 OCCUPANCY means the use or intended use of a Building or part thereof for the shelter or support of persons, animals or Property.
- 2.33 OCCUPANT means any person or persons over the age of 18 years in possession of the Property.
- 2.34 OFFICER means a Property Standards Officer appointed by the Corporation to administer and enforce this By-law.
- 2.35 OUTDOOR STORAGE means the land used for the purpose of storing building supplies or materials salvaged from any demolition of a Building either for storage or salvage for reuse or sale.
- 2.36 OWNER, in addition to the owner/occupant, includes:
- a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person's own account or as agent or trustee of any other Person, or who would so receive the rent if such land or premises were let, and
 - b) 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.
- 2.37 PERSON includes an individual, firm, corporation, association or partnership.
- 2.38 PLUMBING AND FIXTURES means water heating facilities, water pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connections to water, sewage, or vent pipes.
- 2.39 POTABLE means fit for human consumption.
- 2.40 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 heretofore or hereafter erected, and includes vacant Property.

- 2.41 REPAIR means the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms to the standards established in this By-law, including the removal of buildings, and the returning of the site to a graded and level condition.
- 2.42 RESIDENTIAL PROPERTY means any Property that is used, or designed for use, as a domestic establishment in which one or more Persons usually sleep and prepare and serve meals, and includes any land or Buildings that are appurtenant to such establishment.
- 2.43 SEWAGE means any liquid waste containing animal, vegetable or mineral matter in suspension or solution but does not include roof water or other storm runoff.
- 2.44 SEWAGE SYSTEM means a municipal sanitary sewage system or a private sewage disposal system approved under Part 8 of the Ontario Building Code.
- 2.45 STANDARDS means the Standards for the Maintenance and improvement of the physical condition of Property and for the fitness for Occupancy prescribed in this By-law.
- 2.46 STORAGE CONTAINER includes a shipping container or truck body or trailer, either with or without the running gear and axles.
- 2.47 SUBSTANDARD means a quality less than that required by this By-law.
- 2.48 SUPPLIED means installed, furnished or provided by the Owner.
- 2.49 TOILET ROOM means:
- a) in relation to non-residential Property, a room containing one or more water closets and wash basins; and
 - b) in relation to residential Property, a room containing a toilet.
- 2.50 TWO-UNIT DWELLING means a Building containing two Dwelling Units and includes semi-detached and duplex Dwellings.
- 2.51 UNSAFE CONDITION means any condition that would cause undue or unexpected hazard to life, limb, or health of any Person authorized or expected to be on or about the premises.
- 2.52 VEHICLE includes an automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power.
- 2.53 VEHICLE, RECREATIONAL means a boat, sea doo, camper, trailer, motor home,

and similar vehicles.

- 2.54 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.

SECTION 3 – STANDARDS FOR MAINTENANCE AND OCCUPANCY

A property that does not conform to the standards stated in this by-law shall be repaired and maintained to conform to the standards or the site shall be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

The following are the prescribed standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards:

3.1 PASSAGEWAYS

Passageways, steps, walks, driveways, parking space and similar areas of a Yard shall be maintained so as to afford safe passage under normal use and weather conditions.

3.2 DRAINAGE

- a) Exterior Property areas shall be graded and maintained in such a manner as to prevent the excessive or recurrent ponding of stormwater thereon, and directed so as to not discharge water onto a neighbouring property and shall be cultivated or protected with suitable groundcover to prevent erosion of the soil.
- b) No downspout or sump pump drainage shall be discharged on sidewalks, stairs or neighbouring Properties or into a sanitary sewer.

3.3 SEWAGE

- a) Sewage shall be discharged into a Sewage System and at no time shall sewage be discharged onto the surface of the ground whether into a natural or artificial surface drainage system or otherwise.
- b) Private sewage disposal systems shall be maintained and operated in accordance with the Ontario Building Code requirements.
- c) New private sewage disposal systems require approval under the Ontario Building Code.

3.4 ACCESSORY BUILDINGS

- a) Accessory Buildings including garages, carports, and fences shall be kept in good repair and free from health, fire and accident hazards.
- b) Where an Accessory Building or any condition in a yard harbours rodents or noxious insects, all necessary steps shall be taken to eliminate the rodents or insects and to prevent their reappearance in accordance with the provisions of The Pesticides Act, R.S.O., 1980, Chapter 376 and all regulations passed pursuant thereto.
- c) Where an Accessory Building is not maintained in accordance with these standards, it shall be removed from the Yard.

3.5 SIGNS

All signs which are damaged or broken, or which are excessively weathered or faded, upon which the finish is worn, peeled or cracked, shall, with their fastenings and supporting members, be removed or refinished and put in a good state of repair.

3.6 FENCES

- a) Fences shall be maintained in good repair, free from accident hazards and protected by paint, preservatives or other weather resistant material.
- b) Fences serving residential properties shall have a maximum height of 2 metres (6.5 feet).

3.7 SWIMMING POOLS, ETC

- a) Access to swimming pools shall be restricted by a suitable fence or any other method that restricts unauthorized access. (By-law 50-2002) A "swimming pool" is defined as a pool structure that is completely in-ground, or is an above ground pool structure with sides higher than 2' (61cm). An above ground pool structure with sides less than 2 feet (61cm) in height will be considered to be a "wading pool" (By-law 43-2002)
- b) All swimming pools, wading pools, and ornamental ponds and any appurtenances hereto shall be maintained in good repair, free from leaks and free from health and safety hazards. (By-law 50-2002)
- c) All swimming pools, wading pools, and ornamental ponds shall be kept clean of stagnant water and any such areas that are unkept or unused shall be drained of all water found therein. (By-law 50-2002)

3.8 YARDS (By-law 50-2002)

All yards shall be kept in a neat and tidy condition, free from:

- a) rubbish, garbage, waste, dead animals and other debris;
- b) objects and conditions that are health, fire and accident hazards;
- c) heavy undergrowth and noxious plants, such as ragweed, poison ivy, poison oak, and excessive growth of grass, weeds and other vegetation out of character with the surrounding environment; (** The removal of grass and foliage does not apply to lands in a “natural heritage” or ANSI area);
- d) dead, decaying or damaged trees or other natural growth and the branches and limbs which create an unsafe or unsightly condition;
- e) any vehicle that is not licensed with a current validated licence plate pursuant to the provisions of the Highway Traffic Act, or a wrecked, dismantled, inoperative, unused, unlicensed vehicle, recreational vehicles, trailers, motor boats, or other similar types of vehicles, or machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an unsafe condition or an unsightly condition out of character with the surrounding environment;
- f) Dilapidated or collapsed structures and any unprotected well, old underground tanks, or other unsafe conditions or unsightly conditions out of character with the surrounding environment.

3.9 LANDSCAPING (By-law 50-2002)

- a) Hedges, plantings, trees or other landscaping, required by the Municipality as a condition of site development, redevelopment or rearrangement shall be maintained in a living condition or shall be replaced with equivalent landscaping, so as to carry out the intended function and maintain an attractive appearance.
- b) Suitable groundcover shall be provided to prevent erosion of the soil. Where grass forms a part of the groundcover, and such grass has been killed, such dead areas shall be resodded or reseeded as often as required so as to restore the grass to a living condition.
- c) Areas within the yard not covered with buildings or structures, sidewalks, driveways and parking areas shall be maintained to a standard at least compatible with the abutting and adjoining properties.

d) All areas used for vehicular traffic, parking and facilities for loading and unloading shall be maintained in good repair, free of pot holes, and adequately drained.

3.10 GARBAGE AND COMPOST

- a) Every property shall be kept free of garbage and litter.
- b) Garbage and compost materials shall be stored under cover or in containers.
- c) Refuse and garbage containers shall be kept and maintained in a clean state.
- d) Every non-residential building shall provide sufficient receptacles to contain all garbage and litter as may be left by customers or other members of the public.
- e) Dumpsters containing kitchen or table waste of animal or vegetable origin or organic material resulting from the preparation or consumption of food are not permitted on any property in a residential zone, with the exception of a registered condominium corporation.
- f) Dumpsters used for building construction, renovations or repairs are permitted on a residential property for a maximum duration of 60 days.

3.11 STORAGE CONTAINERS

- a) A storage container is not permitted on lands in a residential zone.
- b) Where permitted, a storage container shall be used exclusively for the storage of goods and materials and may not be used to accommodate work areas, shops, office uses, retail sales or human habitation, and shall conform to the required setbacks for the zone and the required OBC setbacks from the septic bed.

SECTION 4 – MAINTENANCE AND BUILDINGS

4.1 STRUCTURAL CAPABILITY

- a) Every Building, Accessory structure or any part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use, and materials which show damage or evidence of decay or other deterioration shall be repaired or replaced.

- b) All exterior exposed surfaces not inherently resistant to deterioration shall be treated with a protective coating or paint or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering.
- 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.

4.2 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 Act shall apply to the extent necessary to abate the unsafe condition.
- b) In the event that strict application of the regulations of The Building Code Act is not practical, the Property Standards Officer may accept alternative measures, provided the Standard of safety that results is generally equivalent to the Standard provided by the detailed Building Code Act regulations.
- c) In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged Building or Accessory structure compatible with its environment. Without restricting the generality of the foregoing, such measures include making the Building or Accessory structure safe; repairing damaged surfaces exposed to view; and refinishing so as to be in harmony with adjoining undamaged surfaces and the general environment.
- d) In the event the Building or Accessory structure is beyond Repair or not repaired, the land shall be cleared of all remains and left in a graded, level, and tidy condition.
- e) Materials of a flammable nature shall be safely stored or removed at once from the Property.

4.3 PEST PREVENTION

- a) All Buildings shall be kept free of rodents, vermin 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, R.S.O., 1980, and all regulations passed pursuant thereto.
- b) A Basement or cellar window used for ventilation and any other opening in a Basement, crawl space or cellar including a floor drain that might permit entry of rodents shall be screened with wire mesh, metal grill or other durable material which will effectively exclude rodents.

4.4 VENTILATION

- a) Every Habitable Room or room where people work shall have an opening or openings for natural ventilation or a system of mechanical ventilation.
- b) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.
- c) Every unheated crawl space shall be adequately vented to the outside air.
- d) Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept open, and closed.
- e) Where a system of mechanical ventilation or air conditioning such as an electric fan with a duct leading outside has been installed in a Dwelling, the system shall be maintained in good working order.

4.5 LIGHTING

- a) Adequate lighting fixtures shall be installed and maintained in all areas so that the work or operations normally carried out in such areas, or the use of such areas, can be undertaken in safety and without undue eye strain.
- b) All hallways and stairs in Multiple Dwellings which are accessible to the public shall be illuminated at all times so as to provide safe passage.
- c) All Habitable Rooms, except kitchens, shall be provided with a source of natural light.

4.6 THERMAL INSULATION

Thermal insulation of Buildings to minimize heat losses shall be provided in accordance with the provisions of the Ontario Building Code where necessary and practical.

4.7 DAMPNESS

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

4.8 FOUNDATIONS

- a) The foundation walls and the Basement floor of a Building or an Accessory structure shall be maintained in good repair and structurally sound so as to

prevent settlement detrimental to the appearance of the Building, and to prevent the entrance of moisture, insects or rodents into the Building.

- b) 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 below interim grade of Basements and crawl spaces where such would be beneficial;
 - iii) the grouting of masonry cracks;
 - iv) waterproofing the walls and joints;
 - v) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the Building.
 - vi) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
 - vii) making sills, piers, posts or other supports waterproof and resistant to insects by the application of suitable materials or treatment.

4.9 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 in a manner to prevent deterioration due to weather or infestation or deterioration detrimental to the appearance of the Building.
- b) Without limiting the generality of subsection a), the maintenance of exterior walls includes:
 - i) the applying of paint or materials to preserve all exterior wood and metal work;
 - ii) the applying of paint or materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
 - iii) the restoring, repairing or replacing of the wall, the bricks and mortar, the stucco, shingles or cladding, the coping, the flashing and the waterproofing and the caulking of the wall and joints.

- c) All canopies, marquees, signs, awnings, fire escapes, stand pipes, exhaust ducts, and similar overhanging extensions shall be maintained in good repair, be properly anchored and shall be protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.
- d) All cornices, belt courses, corbels, terracotta trim, wall facings, and similar decorative features shall be maintained in good Repair with proper anchorage and in a safe condition.
- e) All air conditioners shall be maintained in a safe mechanical and electrical condition and water condensators directed so as not to create a hazard.
- f) Where mechanical ventilation is used the ventilating duct which is on the exterior wall shall not be located closer than 1.8 metres (6 feet) from a window located in an adjoining building, or in the Building in which the ventilating duct is located.

4.10 ROOFS

- a) The roof including a fascia board, soffit and cornice, and CSA approved roofing material shall be maintained in a weathertight condition so as to prevent leakage.
- b) Without restricting the generality of subsection a), the Maintenance includes repairing of the roof and flashing, applying waterproof coating, installing or repairing eavestrough and rain water piping, and using other suitable means.
- c) Dangerous accumulations of snow or ice or both shall be removed.
- d) Eavestroughs and downspouts shall be kept in good Repair.

4.11 EGRESS

- a) Every Dwelling Unit or Building shall have satisfactory Means of Egress to meet Part 9 of the Ontario Building Code.

4.12 EXTERIOR DOORS AND WINDOWS

- a) Exterior doors and windows shall be maintained in good Repair, reasonably draft free and weathertight.
- b) Exterior doors shall be kept weather resistant through the use of appropriate weather resistant materials.

- 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 to prevent entry, provided that protection of exterior doors and windows is prohibited for unoccupied Buildings unless this protection is fitted and painted or otherwise covered to blend in with the exterior of the Building.

4.13 WALLS AND CEILINGS

- a) Interior walls and ceilings shall be maintained in good condition and free of holes or cracks and loose plaster or other material.
- b) Without restricting the generality of subsection a), Maintenance includes Repairing or filling holes and cracks and removing and replacing loose or defective parts.
- c) Where fire resistant walls exist between separate Dwelling Units, they shall be maintained in a condition which maintains their fire resistant quality.

4.14 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, shower-room floors, Toilet Room and Bathroom floors shall be maintained reasonably impervious to water and in a condition conducive to easy cleaning.
- d) Basements which are served by a stairway leading from inside the Building or from outside the Building shall have a durable finished floor, and where required, shall have a floor drain located at the lowest point of the said floor, which shall be connected to a storm drain or storm sewer system.
- e) A finished floor in a Basement shall be free from major cracks, breaks or such as may create a hazardous condition.
- f) Without restricting the generality of subsection a), b), c), d) and e), maintenance includes installing, repairing, refinishing and replacing a floor or floor covering to the required Standards.

4.15 STAIRS & 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 possible accident hazards.
- b) Without restricting the generality of subsection a), the Maintenance includes repairing and replacing of treads or risers that show excessive wear or are broken, warped or loose or otherwise defective and supporting structural members that are rotted or deteriorated. Precast or poured concrete steps shall be maintained in good Repair and to correct settlement.
- c) All stairs, balconies, porches and canopies shall be painted or coated with a preservative unless constructed of material inherently resistant to deterioration.
- d) A handrail or guard shall be installed and maintained in good Repair on the open side of a stairway and on the open side of a balcony, porch or landing so as to provide protection against accident or injury.

4.16 CHIMNEYS & 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 gases from leaking into the Building, and at all times shall be kept in good Repair and maintained free from loose or broken capping.
- b) Without restricting the generality of subsection a), the Maintenance includes clearing the flue of obstructions, sealing open joints and repairing masonry.
- c) Every fireplace used or intended to be used in a Building for burning fuel in open fires shall be maintained so that adjacent combustible material and structure members shall not be heated to unsafe temperatures.
- d) Without restricting the generality of subsection c), the Maintenance includes securing the connection to a chimney that complies with the CAN/CSA-B365-M standard of the Ontario Building Code, lining and repairing and relining with fire resistant material, and installing and repairing and replacing the hearth.

SECTION 5 - STANDARDS OF FITNESS FOR OCCUPANCY

5.1 PLUMBING & PLUMBING FIXTURES

- a) All installed Plumbing, including Plumbing Fixtures, drains, vents, waterpipes, waterclosets and connecting lines to the water and Sewage Systems, shall be maintained in good working order and Repair, free from leaks or other defects.

- b) Every Dwelling shall be provided with an adequate supply of Potable running water from a source approved under the Ontario Building Code.
- c) All Dwellings shall have the sanitary facilities connected to a Sewage System.
- d) Every self-contained Dwelling Unit shall be provided with a Bathroom and Toilet Room with provision for privacy that is accessible and available to all Occupants having at least:
 - i) one toilet;
 - ii) one bathtub or shower or combination bathtub and shower;
 - iii) one wash basin located in or immediately adjacent to every room containing a toilet or urinal;
that are:
 - iv) in good working order;
 - v) served with hot and cold running water (only cold water connection required to toilets and urinals).
 - vi) connected to the drainage system.
- e) The hot water serving the wash basin and bathtub or shower required by subsection d) shall be provided so that it may be drawn from the tap at a temperature of not less than 38 degrees C (100 degrees F) and shall not exceed 49 degrees C. (120 degrees F).
- f) Rooms containing sanitary conveniences and toilet facilities shall:
 - i) be regularly cleaned so as to be maintained in a clean and sanitary condition;
 - ii) have surfaces reasonably impervious to water;
 - iii) be kept in a safe and bacteria free condition.
- g) No facilities for the preparation, cooking, storage or consumption of food, or for sleeping, shall be contained within a room that contains a toilet.
- h) Non-residential Buildings that are places of employment shall be provided with plumbing facilities which meet the requirements of Subsection 3.7.4 of the Ontario Building Code.

- i) Where toilet, kitchen 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. The number of toilets, kitchens or Bathrooms required shall be related to the number of Occupants sharing the facility.

5.2 HEATING SYSTEM

- a) Every Dwelling Unit shall be provided with a heating system which maintains a room temperature of 20 degrees C (68 degrees F) in all Habitable Rooms, Bathrooms and Toilet Rooms.
- b) The heating system required by subsection a) 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 involving combustion and a chimney or flue which provides sufficient outlet for venting to the exterior of all gases so as to prevent any health, fire or accident hazard.
- d) Approved connections shall be kept between all heating and cooking 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 so as to be free from fire or accident hazard.

5.3 ELECTRICAL SERVICES

- a) Every Dwelling Unit and, where required by the Building or Electrical Safety Codes, all Buildings and Accessory structures shall be:
 - i) connected to an electrical supply system and wired to receive electricity;
 - ii) provided with an adequate supply of electric power available at all times.

- b) The capacity of the connection to the Building and the system of circuits distributing the electrical supply within the Building shall be adequate for the use and intended use and shall be in compliance with The Electrical Safety Code.
- c) Every Habitable Room, except a kitchen, shall contain at least one electrical duplex convenience outlet and every kitchen shall contain at least two duplex convenience outlets.
- d) Fuses or overload devices shall not exceed limits set by Hydro One.
- e) Existing wiring and electrical equipment shall be in good, serviceable and safe condition as required by Hydro One.

5.4 KITCHENS

- a) Every self-contained Dwelling Unit shall contain a kitchen area equipped with a sink served with hot and cold water, storage facilities, a countertop work area and space for a stove and refrigerator.
- b) Every kitchen sink shall have a drain area of an impervious surface and shall be connected to an appropriate drain.
- c) Every main cooking space shall have provided an adequate and approved energy source.
- d) All combustible materials in the area of a cooking surface shall meet the standards of the Ontario Building Code.

5.5 OCCUPANCY STANDARD

- a) A Non-Habitable Room shall not be used as a Habitable Room.
- b) No portion of a Building shall be occupied if it does not meet the requirements of this By-law.
- c) The maximum number of Occupants in a Dwelling Unit shall not exceed one person per 9.3 square metres (100 square feet) of Habitable Room floor area.
- d) No Basement shall be used as a Dwelling Unit unless it is otherwise permitted and it meets the following requirements:
 - i) the Dwelling Unit meets all requirements for egress, light and ventilation set out in this By-law;

- ii) floors and walls are constructed so as to be impervious to leakage of underground and surface runoff water.

SECTION 6 - ADMINISTRATION AND ENFORCEMENT (By-law 50-2002 & 27-2003)

6.1 OFFENCE

- a) The administration and enforcement of this By-law is carried out in accordance with Subsections 15.1 to 15.10 of the Building Code Act, Statutes of Ontario.
- b) Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the Provincial Offences Act.
- c) Upon conviction, the court in which the contravention 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.

6.2 PROPERTY STANDARDS COMMITTEE

- a) A Property Standards Committee is hereby established and is composed of 5 members appointed by Council.
- b) Members of the Committee shall be appointed by the Council and shall hold office for a term the same as the Council and may continue to serve until new appointees have assumed office and are themselves eligible for reappointment.
- c) Members who are unable to continue their duties in the opinion of Council shall be replaced; successors shall hold office for the unexpired term.
- d) 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 as acting chairman.
- e) A majority of the Committee members constitutes a quorum.
- f) Before hearing an appeal, the Committee shall direct that notice of the hearing be given to such persons as the Committee considers advisable.

6.3 VALIDITY

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

6.4 REPEAL

This by-law hereby repeals all previous by-laws regulating “Property Standards” in the Municipality of Lambton Shores

SECTION 7 - ENACTMENT

This By-law shall come into force and take effect on the day of its passing.

Read a First and Second time this 9th day of July, 2001.

READ A THIRD TIME and finally passed this 9th of July, 2001.

“J.C. Ivey, Mayor”

“Carol McKenzie, Clerk”

Amended by By-law 43/2002, passed the 9th day of July, 2002

Amended by By-law 50/2002
Passed the 6th day of August, 2002

Amended by By-law 27/2003
Passed the 20th day of May, 2003

Amended by By-law 21-2007
Passed the 19th day of March, 2007 (def'n of repair, preamble – section 3)

Amended by By-law 71-2008 Amendments to Definitions –(dumpster, storage container) section 3.10 and the addition of 3.11 – October 2008