

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH-WEST OXFORD**

**BY-LAW NO. 35-2006**

**A BY-LAW TO PRESCRIBE THE STANDARDS FOR THE MAINTENANCE OF  
PROPERTY WITHIN THE TOWNSHIP OF SOUTH-WEST OXFORD**

**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 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 County of Oxford includes provisions relating to property conditions;

**AND WHEREAS** the Council of the Corporation of the Township of South-West Oxford 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;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH-WEST OXFORD HEREBY ENACTS AS FOLLOWS:**

**PART 1: DEFINITIONS**

In this by-law:

- 1.1 **“Accessory Building”** means a detached building or structure not used for human habitation, that is subordinate to the primary use of the same property.
- 1.2 **“Apartment Building”** means a building containing more than four (4) dwelling units with individual access from an internal corridor system.
- 1.3 **“Approved”** means acceptance by the Property Standards Officer.
- 1.4 **“Basement”** means that space 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.
- 1.5 **“Building”** means a structure occupying an area greater than ten (10) square meters consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all the plumbing, works, fixtures and service systems appurtenant thereto, and includes such other structures as are designated in the Building Code.
- 1.6 **“Cellar”** means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.7 **“Committee”** means a property standards committee established under this by-law.
- 1.8 **“Council”** means the Council of the Corporation of the Township of South-West Oxford.
- 1.9 **“Corporation”** means the Corporation of the Township of South-West Oxford.
- 1.10 **“Debris”** includes refuse, or wrecked, decaying, dismantled, inoperative, discarded, dilapidated, unused, un-roadworthy or unlicensed vehicles, or machinery (including farm implements), or objects or parts thereof.

- 1.11 “**Demolition**” means the dismantling, taking apart, levelling of any building or structure on any property pursuant to the order of an officer.
- 1.12 “**Dwelling**” means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.13 “**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 (1) or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.14 “**Exit**” means that part of a means of egress, including a doorway that leads from the floor area it serves, 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.
- 1.15 “**Fence**” means a vertical structure including a railing, hedge, line of posts, shrubs, wire, gate boards or pickets of other similar substances used to enclose or divide in whole or in part a yard or other land or to establish a property boundary line.
- 1.16 “**First Storey**” means the story with its floor closest to grade and having its ceiling more than 1.8 meters (5 feet, 11 inches) above grade.
- 1.17 “**Good Repair**” means that a building, structure or appurtenances thereto, including mechanical equipment, is maintained to such a condition as to be free from accident or fire hazard, structurally sound and in good working order.
- 1.18 “**Ground Cover**” means organic or non-organic material applied to prevent soil or sand erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- 1.19 “**Guard**” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one (1) level to another. Such a barrier may or may not have openings through it.
- 1.20 “**Habitable Room**” means any room in a dwelling unit used or capable of being used for living, sleeping, cooking, and eating purposes.
- 1.21 “**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 to an exterior open space from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.
- 1.22 “**Medical Officer of Health**” means the Medical Officer of Health for the County of Oxford, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c.7 and includes any staff official acting on their behalf.
- 1.23 “**Multiple Dwelling**” means a building or group of buildings containing two (2) or more dwelling units.
- 1.24 “**Multiple Use Building**” means a building containing both a dwelling unit and a non-residential use.

- 1.25** “**Non-Habitable Room**” means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this by-law.
- 1.26** “**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 thereto and all of the outbuildings, fences or erections thereon or therein.
- 1.27** “**Occupant**” means any person or persons over the age of eighteen (18) years in possession of property or residing therein or thereon.
- 1.28** “**Officer**” means a property standards officer who has been appointed under this by-law and who has been assigned the responsibility of administering and enforcing this by-law.
- 1.29** “**Owner**” includes the person for the time being, managing or receiving the rent of the land or premises, whether on his/her own account or as an 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 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, and shall include a mortgager in possession of the property.
- 1.30** “**Person**” means an individual, firm, corporation, association or partnership.
- 1.31** “**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.
- 1.32** “**Property Standards Officer**” means an officer appointed under this by-law.
- 1.33** “**Refuse**” means waste matter of any kind including animal, commercial, industrial or domestic rubbish or garbage.
- 1.34** “**Residential Property**” means any property that is used or designed for use as a domestic establishment in which one (1) or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such an establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.35** “**Residential Unit**” means a unit that consists of a self-contained set of rooms located in a building or structure, and is used or intended for use as a residential premises, containing kitchen and bathroom facilities that are intended for the use only of the unit, and has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.
- 1.36** “**Sanitary Sewage**” means liquid or water borne waste of:  
(a) industrial or commercial origin;  
(b) domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- 1.37** “**Sewage**” means sanitary sewage or storm sewage.

- 1.38** “**Sewage System**” means the municipal sanitary sewer system or a private sewage disposal system approved in accordance with the Ontario Building Code.
- 1.39** “**Sign**” means any surface upon which there is printed, projected or attached any announcement, declaration, picture, or insignia used for direction, information, identification, advertisement, business promotion or promotion of products, activity services and events, and includes a structure, or device, whether in a fixed location or designed to be portable or capable of being relocated or part thereof specifically designed for the foregoing uses.
- 1.40** “**Standard**” means the standards of physical condition and occupancy prescribed for property by this by-law.
- 1.41** “**Storey**” means that portion of a building other than a basement or cellar located between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey.
- 1.42** “**Storm Sewage**” means water that is discharged from a surface as a result of rainfall, snow melt or snowfall.
- 1.43** “**Structure**” means a combination of materials assembled so as to form a construction or fixed erection to or supported by the soil, other than a building which is not adapted to permanent or continuous occupancy and shall include a tent, receiving stand, platform, staging, wall, retaining wall, radio or television antenna, supporting structure, shed, garbage bin, fence, sign, and every other construction or erection that is not a building.
- 1.44** “**Toilet Room**” means any room containing a water closet and a washbasin.
- 1.45** “**Vacant Property**” means any property on which there are no buildings or structures of any kind, but shall not mean public lands identified as areas of environmental importance or lands utilized for agricultural production.
- 1.46** “**Yard**” means the land, other than publicly owned land, within the boundary lines of the lot and not occupied by the principal building.

## **PART 2: GENERAL STANDARDS FOR ALL PROPERTY**

### **2.1 GENERAL**

- 2.1.1 All repairs and maintenance of property required by the standards prescribed by 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 purposes. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

### **2.2 MAINTENANCE OF YARDS AND VACANT PROPERTIES**

- 2.2.1 Every yard and vacant property shall be kept clean and free from:
- (a) Rubbish or debris and objects or conditions such as abandoned, inoperative iceboxes, refrigerators, or freezers that might create a fire, health or accident hazard;
  - (b) Long grass, brush, undergrowth and noxious weeds as defined by the *Weed Control Act*. Grass shall be cut and maintained to a height consistent with groomed properties in the vicinity to avoid an unsightly or nuisance condition.

- (c) Dilapidated, collapsed or unfinished structures which are not currently under construction;
- (d) The storage or accumulation of disused commercial, industrial, or domestic articles including wrecked, dismantled, discarded or abandoned machinery, motor vehicles, trailers or boats not licensed by the Ontario Ministry of Transportation, unless it is necessary for the operation of a business enterprise lawfully situated on the property, lumber and other building materials from construction or demolition projects that create a nuisance or are deteriorative to the neighbouring environment;
- (e) Trees, vegetation and the branches, limbs and parts thereof which create an unsafe condition due to decay, disease, or damage, or which create a nuisance condition;
- (f) Injurious insects, termites, rodents, vermin or other pests.

## **2.3 SURFACE CONDITIONS**

2.3.1 Surface conditions of yards must be maintained so as to:

- (a) to prevent excessive or recurring ponding of storm water;
- (b) to prevent instability or erosion of soil;
- (c) to prevent surface water run-off from entering a basement;
- (d) not to create an unsightly appearance or an unsafe condition;
- (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 to create a nuisance to other property.

## **2.4 SEWAGE AND DRAINAGE**

- 2.4.1 Sewage shall be discharged into the municipal or approved private sewage system inspected and approved by the Ontario Building Code or the Ministry of the Environment.
- 2.4.2 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 2.4.3 Roof drainage or surface water shall be drained from properties so as to prevent recurrent ponding, erosion, or entrance of water into a basement or cellar.
- 2.4.4 Roof drainage or surface water shall not be channelled or allowed to discharge onto sidewalks, stairs or neighbouring property so as to cause an adverse effect.

## **2.5 PARKING AREAS, WALKS AND DRIVEWAYS**

- 2.5.1 All areas used for vehicular traffic shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free from dirt and litter.
- 2.5.2 All curbs, asphalt, catch basins, traffic aisles, parking stalls, and other facilities shall be maintained so as to ensure their continued, proper and safe functioning, free from potholes or uneven sections.
- 2.5.3 Exterior steps, walks, loading docks, ramps, curbs, parking spaces, driveways and similar areas of a yard shall be maintained in a good state of repair, free from conditions which prevent safe passage, and free from hazard to any person under normal use and weather conditions day or night.

## **2.6 ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES**

- 2.6.1 All accessory buildings, fences, and other structures shall be maintained in good repair, in a safe and structurally sound condition capable of sustaining any load to which it may be reasonably subjected;
- 2.6.2 All accessory buildings, fences, and other structures shall be protected from deterioration by the application of paint or other suitable protective materials of uniform colour and shall be maintained in good condition or constructed of a material that is inherently resistant to such deterioration;
- 2.6.3 Hedges shall not be permitted to grow untrimmed.

## **2.7 GARBAGE DISPOSAL**

- 2.7.1 All garbage, refuse and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the garbage and recyclables collection by-law.
- 2.7.2 Every building, dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse, and ashes that accumulate in the yard, dwelling and/or building between the regularly designated collection days.
- 2.7.3 All facilities for refuse storage shall be maintained in a clean, sanitary and odour controlled condition.
- 2.7.4 Where refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage and place for disposal shall be maintained at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of the storage or through deterioration, wind or misuse of the storage facility.
- 2.7.5 Where an exterior bulk or roll-off container disposal system is used, it shall:
  - (a) be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;

- (b) be large enough to contain all refuse generated between collections by the occupants served;
- (c) not be loaded beyond the top of the container.

## **2.8 COMPOST HEAPS**

- 2.8.1 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 enclosed container designed for composting.

## **2.9 ABANDONED WELLS, CISTERNS AND OTHER FIXTURES OR EXCAVATIONS**

- 2.9.1 All owners and occupants of properties containing an abandoned well, cistern, cesspool, privy vault, pit or excavation shall permanently seal or secure each of them by fence or cover unless the above or any of them are in active use, in which event they shall be secured by fencing with warning signs until they have ceased use, whereupon they shall be sealed or fenced, or covered as required above.

## **2.10 OUTDOOR SWIMMING POOLS**

- 2.10.1 All owners and occupants of properties shall, where swimming pools and appurtenances thereto are located thereon, maintain such swimming pools and appurtenances including fences and gates in good repair and free from health and safety hazards, in accordance with Township By-law 45-79, as amended.
- 2.10.2 The water in any privately owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odours and conditions likely to create a breeding pond for insects.

## **2.11 DAMAGE AND PREVENTION**

- 2.11.1 A building or structure damaged by fire, storm or by other causes shall be demolished or repaired within a reasonable time.
- 2.11.2 In the event the building or structure is beyond repair, the land shall be cleared of debris and remains and left in a graded, level, and safe condition without unreasonable delay.
- 2.11.3 Where a building or structure is damaged by fire, storms or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property and the building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
- 2.11.4 Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of building or structure shall be removed and the defaced areas refinished in a workmanlike manner.

- 2.11.5 The owner or agent of a fire damaged building shall board up the building to the satisfaction of the property standards officer by covering all openings with at least 12.7 millimetres (0.5 inch) weather proof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding structure.

### **PART 3: RESIDENTIAL STANDARDS**

#### **3.1 GENERAL CONDITIONS**

- 3.1.1 Every tenant, or occupant 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.
- 3.1.2 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 3.1.3 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

#### **3.2 PEST PREVENTION**

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

#### **3.3 STRUCTURAL SOUNDNESS**

- 3.3.1 Every part of a dwelling and every part thereof shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load which may be put on it through normal use, and having a level of safety as required by the Ontario Building Code. Any materials which show damage or evidence of rot or other deterioration shall be repaired or replaced.
- 3.3.2 Walls, roofs, and other exterior parts of a building shall be free from loose, rotten, warped or improperly secured objects or materials.

#### **3.4 FOUNDATIONS**

- 3.4.1 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents, and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, damp proofing and waterproofing walls, joints, and floors.
- 3.4.2 Every basement, cellar and crawl space in a building shall be adequately drained.



### **3.5 EXTERIOR WALLS**

- 3.5.1 Exterior walls of a dwelling and their components, including soffits, fascia, and rainwater pipes, shall be maintained in good repair, free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 3.5.2 Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **3.6 WINDOWS AND DOORS**

- 3.6.1 All exterior windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.
- 3.6.2 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.
- 3.6.3 In multiple unit residential developments where a voice communication or sound activated system between each residential unit and the front lobby and security locking and release facilities for the entrance have been provided, and are controlled from each residential unit, such facilities shall be maintained in good working order at all times.

### **3.7 ROOFS**

- 3.7.1 Roofs and their components on all buildings shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 3.7.2 Roofs of all buildings shall be kept clear of accumulations of ice or snow or both.
- 3.7.3 Where eaves troughing, roof gutters, are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

### **3.8 STAIRS, PORCHES AND BALCONIES**

- 3.8.1 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

- 3.8.2 A guardrail shall be installed and maintained in good repair on the open side of any stairway or ramp containing three or more risers including the landing or a height of 600mm (24") between adjacent levels.
- 3.8.3 Guardrails shall be installed and maintained in good repair around all landings, porches and balconies.
- 3.8.4 A handrail shall be installed and maintained in good repair in all stairwells.
- 3.8.5 Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.
- 3.8.6 Guardrails, balustrades and handrails shall be constructed and maintained in accordance with the Ontario Building Code.

### **3.9 EGRESS**

- 3.9.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- 3.9.2 Each dwelling containing more than one (1) dwelling unit shall have at least two (2) exits, both of which may be common or the one (1) of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 millimetres x 559 millimetres (42 inches x 22 inches) with a sill height of not more than 914 millimetres (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such an exit is not through a room not under the immediate control of the occupants of the dwelling unit.

### **3.10 WALLS, CEILINGS AND FLOORS**

- 3.10.1 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects.
- 3.10.2 Walls surrounding showers and bathtubs shall be impervious to water.
- 3.10.3 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin and insects.
- 3.10.4 Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.
- 3.10.5 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.

### **3.11 KITCHENS**

- 3.11.1 Every dwelling unit 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) suitable storage area of not less than 0.23 cubic metres (8 cubic feet)
  - (c) a counter or work area at least 610 mm (2 feet) in width by 1220 mm (4 feet) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable;
  - (d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections;

### **3.12 TOILET AND BATHROOM FACILITIES**

- 3.12.1 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit.
- 3.12.2 Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water.
- 3.12.3 Every water closet shall have a suitable supply of running water.
- 3.12.4 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.
- 3.12.5 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.

### **3.13 PLUMBING**

- 3.13.1 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 3.13.2 All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 3.13.3 Every dwelling unit shall be provided with an adequate supply of portable running water from a source approved by the Medical Officer of Health.
- 3.13.4 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

### **3.14 ELECTRICAL**

- 3.14.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 3.14.2 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units, and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the *Power Corporations act*, as amended.

### **3.15 LIGHTING**

- 3.15.1 All exterior and interior common areas including bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall have artificial lighting sufficient so that those areas can be used or passed through safely and this artificial lighting shall be maintained in a good state of repair.
- 3.15.2 Every habitable room except a kitchen, bathroom, or toilet room shall have a window or windows, skylights, or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent (10%) of the floor area for living and dining rooms and five percent (5%) of the floor area for bedrooms and other finished rooms.

### **3.16 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS**

- 3.16.1 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 unit to the required standard.
- 3.16.2 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.
- 3.16.3 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 accidental hazard.
- 3.16.4 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*.
- 3.16.5 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.

3.16.6 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes, or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

3.16.7 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

### **3.17 VENTILATION**

3.17.1 Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 square feet), or an approved system of mechanical ventilation such that provide hourly air exchange.

3.17.2 All systems of mechanical ventilation shall be maintained in good working order.

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

### **3.18 ELEVATORS AND ELEVATING DEVICES**

3.18.1 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 except for such a reasonable period of time as may be required for the purpose of repairing and maintaining such devices.

### **3.19 DISCONNECTED UTILITIES**

3.19.1 Owners of residential buildings or any person or persons acting on behalf of such an 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.

### **3.20 OCCUPANCY STANDARDS**

3.20.1 No person shall use, or permit the use of, a non-inhabitable room in a building for a habitable purpose.

3.20.2 The number of occupants, residing on a permanent basis in an individual dwelling unit, shall not exceed one person for every nine square metres (97 square feet), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 feet) shall not be considered.

3.20.3 No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 feet), and a floor area of at least seven square metres (75 square feet). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 square feet) per person.

- 3.20.4 Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements;
- (a) each habitable room shall comply with all the requirements set out in this By-law;
  - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
  - (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the *Ontario Building Code*; and
  - (d) Access to each habitable room shall be gained without passage through a service room.

#### **PART 4: VACANT BUILDINGS**

##### **4.1 GENERAL**

- 4.1.1 All repairs and maintenance of property required by the standards prescribed by 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 purposes. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

##### **4.2 VACANT BUILDINGS**

- 4.2.1 Vacant buildings shall be kept clear of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 4.2.2 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

#### **PART 5: NON-RESIDENTIAL PROPERTY STANDARDS**

##### **5.1 GENERAL STANDARDS**

- 5.1.1 All repairs and maintenance of property required by the standards prescribed by 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 purposes. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the *Fire Prevention and Protection Act* where applicable.

##### **5.2 YARDS**

- 5.2.1 The yards of non-residential property shall be maintained to the standards as described in Part two, Item 2.2.1 of this By-law.
- 5.2.2 The warehousing or storage of material or operative equipment that is required for the continuing operation of the agricultural, 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 unobstructive access for emergency vehicles.

### **5.3 PARKING AREAS AND DRIVEWAYS**

- 5.3.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free from dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 5.3.2 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- 5.3.3 All traffic aisles, parking stalls and lighting fixtures and their supports shall be maintained in a safe and structurally sound condition and in working order. All painted markings shall be maintained to be clearly visible.

### **5.4 STRUCTURAL SOUNDNESS**

- 5.4.1 Every part of a building structure shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, and having a level of safety as required by the Ontario Building Code. Structural members or any materials that have been damaged or indicate evidence of rot or other deterioration shall be repaired or replaced.
- 5.4.2 Walls, roofs, and other exterior parts of a building or structure shall be free from loose, rotten, warped or improperly secured objects or materials.
- 5.4.3 The foundations, walls, columns and beams of a building shall be maintained in good repair and in a safe and structurally sound condition.

### **5.5 EXTERIOR WALLS**

- 5.5.1 Exterior walls of a building or a structure and their components, including soffits, fascia, eaves troughing, rainwater pipes, windows and doors shall be maintained in good repair, free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- 5.5.2 Exterior walls of a building or structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

### **5.6 STAIRS, GUARDRAILS AND HANDRAILS**

- 5.6.1 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

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

## **5.7 LIGHTING**

- 5.7.1 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.

## **PART 6: ADMINISTRATION AND ENFORCEMENT**

### **6.1 APPLICATION OF THE BY-LAW**

- 6.1.1 This By-law applies to all property in the Corporation of the Township Of South-West Oxford.

### **6.2 SHORT TITLE**

- 6.2.1 This By-law may be referred to as the "Property Standards By-law".

### **6.3 GENERAL DUTIES AND OBLIGATIONS**

- 6.3.1 No person shall use or occupy, or permit the use or occupancy of, any property that does not conform to the standards prescribed by this by-law.
- 6.3.2 No person who is the owner of property which does not conform with standards prescribed by this by-law shall fail to repair or to maintain the property to conform with the standards.
- 6.3.3 Notwithstanding subsection 6.3.2, where a person who is the owner of property which does not conform with standards prescribed by this by-law elects not to repair or to maintain the property to conform with the standards, then that person shall clear the property of all buildings, structures, debris or refuse which does not conform to standards, leaving the property in a graded and levelled condition.
- 6.3.4 No person shall remove, pull down or deface any sign, notice or placard after the officer has caused it to be placed in a prominent position on the exterior of any building which does not conform to the standards prescribed in this by-law except with the consent of the officer.



#### **6.4 PROPERTY STANDARDS COMMITTEE**

- 6.4.1 There shall be and is hereby established a property standards committee, composed of a minimum of three (3) persons appointed by Council for the Corporation, and who shall hold office until the expiry of the term of the Council that appointed them and successors have been appointed.
- 6.4.2 The members of the committee shall elect from among themselves a chairperson. Should this chairperson be absent through illness or otherwise, and unable to chair a meeting of the committee, the members shall appoint another member as acting chairperson for that meeting.
- 6.4.3 Any/all members of the committee are empowered to administer oaths related to the conduct of the committee's business and mandate.
- 6.4.4 The committee shall be provided with a secretary for the committee by the Corporation, who shall have responsibility to keep all minutes and records of all applications and decisions thereon and of all other official business of the committee.
- 6.4.5 A majority of the committee constitutes a quorum and the committee may adopt its own rules of procedure but, before hearing an appeal, shall give notice or direct that notice be given of such a hearing to such persons as the committee considers should receive such notice.

#### **6.5 PROPERTY STANDARDS OFFICER**

- 6.5.1 Council for the Corporation may from time to time appoint officers to carry out the administrative functions of this by-law including the enforcement thereof.
- 6.5.2 For purposes of this by-law, any person duly appointed and employed by the Corporation as an Official, a Building Inspector, a Plumbing Inspector, a Fire Prevention Officer, or a By-law Enforcement Officer for the Corporation shall hereby be appointed, authorized and directed to act when required as a Property Standards Officer for purposes of enforcing the standards so established herein.

#### **6.6 COMPLIANCE**

- 6.6.1 The owner of any property which does not conform to the standards as set out in this by-law shall repair and/or maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a levelled and graded condition.

#### **6.7 APPEAL**

- 6.7.1 Every person who initiates an appeal of an order made under section 15.2(2) of the *Ontario Building Code Act*, S.O. 1992, c.23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by a non-refundable fee of \$30.00 payable to the Corporation of the Township of South-West Oxford.

## 6.8 PENALTY

- 6.8.1 An owner who fails to comply with an order that is final and binding under this by-law 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.
- 6.8.2 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act.

## 6.9 CERTIFICATE OF COMPLIANCE

- 6.9.1 At the request of the owner the officer shall issue to the owner a certificate of compliance if, in the officer's opinion, the property is in compliance with the standards established in this by-law. A fee of \$30.00 payable to the Corporation of the Township of South-West Oxford shall be required for each certificate of compliance issued at the request of the owner.
- 2.11.2 Where the owner requests a certificate of compliance for any systems approved for use by the authority having jurisdiction, fees for such a certificate shall be the sole responsibility of the owner i.e. electrical systems.

## 2.12 VALIDITY

- 2.12.1 If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 2.12.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

## 2.14 REPEAL

- 2.14.1 By-law 77-81, By-Law No. 24-99 and By-Law No. 14-01 are hereby repealed.

## 2.15 FORCE AND EFFECT

- 2.15.1 This by-law shall come into force and take effect on the date of its passing and enactment.

**READ A FIRST AND SECOND TIME THIS 22<sup>nd</sup> DAY OF AUGUST 2006.**

**READ A THIRD TIME AND FINALLY PASSED THIS 22<sup>nd</sup> DAY OF AUGUST, 2006.**

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**MAYOR  
JAMES HAYES**

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**CLERK  
ALLEN FORRESTER**

**The Corporation of the Township of Zorra  
By-law No. 26-04**