

THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW NUMBER 3638

(Consolidated By-Law, last revised: ~~_____ July 10, 2017~~)

A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE TOWN OF TILLSONBURG.

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a Bylaw 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 *Town of Tillsonburg* includes provisions relating to property conditions;

AND WHEREAS the Council of The *Town of Tillsonburg* is desirous of passing a Bylaw 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 *Town of Tillsonburg* hereby enacts the following:

SHORT TITLE: This by-law shall be referred to as the "Property Standards By-Law".

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**PART 1
DEFINITIONS**

~~2.01~~ **In this By-law:**

~~2.021.01~~

"Accessory"- when used to describe a use, building or structure means a use, a building or a structure that is customarily incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

"Act" -means an enactment or statute of the Province of Ontario.

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"**Approved**"- means acceptance by the Property Standards Officer or designate.

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

"**Bathroom**"- means a room containing a bath tub or shower, with or without a water closet and hand basin.

"**Boarder**"- means a person who is provided with meals, or room and meals, regularly in a boarding, lodging or rooming house in return for compensation.

"**Building**" - means any structure used or intended to be used for supporting or sheltering any use or occupancy.

"**Building Code**" - means the Building Code Act and any regulations made under that Act.

"**Clerk**"- means the person duly appointed as Clerk for The Corporation of the Town of Tillsonburg.

"**Chief Fire Official**" - means the person duly appointed as Chief Fire Official for The Corporation of the Town of Tillsonburg.

"**Cellar**"- means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below adjacent finished grade.

"Chief Building Official" - means the Chief Building Official appointed under Section 3 of the *Building Code Act, 1992, c. 23* and having jurisdiction for the enforcement thereof.

"Code" - means a regulation of the Province of Ontario known,

- a) with respect to matters relating to building, as the Building Code;
- ~~a)~~
- b) with respect to matters relating to electricity, as the Electrical Safety Code;
- ~~b)~~
- c) with respect to matters relating to fire, as the Fire Code; and
- ~~e)~~
- ~~e)~~ with respect to matters relating to plumbing, as the Plumbing Code.
- e)d) _____

"Committee" - means the Town of Tillsonburg Property Standards Committee established under this By-law.

"Corporation" - means the Corporation of the Town of Tillsonburg.

"Council" - means the Council of the Corporation of the Town of Tillsonburg.

"County" - means the Corporation of the County of Oxford.

"Derelict" means any building that is vacant and has experienced structural failure in whole or in part.

"Domestic Waste"- means any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden Refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a Composting Container;
- (d) cans, glass, plastic containers, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;

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- (f) refrigerators, freezers, stoves or other appliances and indoor furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) Unlicensed Motor Vehicle , inoperative Motor Vehicle , vehicle motor parts and accessories, vehicle tires mounted or unmounted on rims, and mechanical equipment;
- (i) Rubble, inert fill, fencing materials;
- (j) commercial shopping carts;
- (k) anything that appears to be abandoned, worthless, worn out and of no practical value, unsightly or not properly stored inside a building.

"Dwelling" - means a building or part thereof, used or designed to be used as a residence and containing one or more Dwelling Units.

"Dwelling Unit" - means a suite of two or more rooms, designed or intended to be used for human habitation and to accommodate a single household, in which sanitary conveniences and cooking facilities are provided and which has a private entrance either from the outside of the building or through a common hallway.

"Exterior Property Area" - means the building lot excluding buildings.

"Fence" - means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

"Ground Cover" - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.

"Guard" - means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

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

"Industrial Waste"- means any article, thing, matter or effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) containers of any size, type or composition;
- (c) Rubble, inert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which are derived from or are constituted from or consist of agricultural, animal, vegetable, paper, lumber or wood products, mineral, metal or chemical products whether or not the products are manufactured or otherwise processed;
- (f) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects;
- ~~(i)~~ Unlicensed Motor Vehicle, inoperative Motor Vehicle, vehicle motor parts and accessories, vehicle tires mounted or unmounted on rims, and mechanical equipment.

"Multiple Unit Dwelling"- means a dwelling consisting of three or more dwelling units, which are horizontally and/or vertically attached, which may be entered from an independent entrance directly from the outside or from an internal common space or an access balcony and in which 50% or more of dwelling units have direct access to grade or a roof terrace. A multiple attached dwelling includes a triplex, a four plex, a six plex and a townhouse, but shall not include a street fronting townhouse or apartment dwelling.

"Municipality"- means the Corporation of the Town of Tillsonburg.

"Non-Habitable Room" - means any room or space in a dwelling unit, other than a Habitable Room and includes a washroom, bathroom, Toilet Room, laundry, pantry, lobby, corridor, stairway, closet, Cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.

"Non-Residential Property" - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and

includes the lands and premises appurtenant and all of the outbuildings, Fences or erections thereon or therein.

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

"Officer" - means a Property Standards Officer who has been assigned the responsibility of administering and enforcing this by-law including but not limited to a Building Inspector and a Chief Building Official.

"Owner" - includes the owner in trust, a mortgagee in possession, 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 receive the rent if the 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.

"Person" - means and includes any person, firm, partnership, corporation, company, association, or organization of any kind.

~~**"Portable Storage Container"** means any on-site container described as a steel portable container, dry van container, warehouse storage unit, semi-tractor cargo container, cargo trailer or any other similarly described unit used for storage.~~

"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.

"Public Health Inspector" - means the Public Health Inspector for the County of Oxford.

"Refuse" - means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include but not limited to Domestic Waste and Industrial Waste; and that Domestic Waste and/or Industrial Waste does not cease to be Refuse by reason that it may be commercially saleable or recyclable.

"Repair" - includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the Standards established in this By-law.

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

"Retaining Wall" - means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

"Rubble" - means broken concrete, bricks, broken asphalt, patio or sidewalk slabs

"Safe Condition"- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb or health of any Person on or about the property, and includes a structurally sound condition.

"Sanitary Sewage" - means liquid or water borne waste;

a) of industrial or commercial origin, or

~~a)~~

~~b)~~ of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.

e)b) _____

"Sanitary Sewer"- means a sewer for the collection and transmission of Sanitary Sewage and Domestic Waste, Industrial Wastes and to which storm, surface and ground waters are not intentionally admitted.

"**Sewage**" - shall include drainage, storm water, Refuse, Domestic Waste, Industrial Wastes and Sanitary Sewage.

"**Sewage System**" - means the Town of Tillsonburg/County of Oxford system of storm sewers, sanitary sewers and combined sewers. Also a private Sewage disposal system approved by the County of Oxford Board of Health.

"**Sign**" - means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate advertise or direct attention to any person, business, service, commodity or use.

"**Standards**" - means the standards of physical condition and of occupancy prescribed for property by this by-law.

"**Storm Sewer**" - means a sewer which carries storm water and surface water, street wash and other wash water or drainage, but excludes Sanitary Sewage.

"**Toilet Room**" - means a room containing a water closet and/or a wash basin.

"**Town**" - means the Corporation of the Town of Tillsonburg.

"**Vehicle**" - includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.

"**Vacant Building**" – means a building that is unoccupied, displays some visible signs of deterioration, is or should be boarded up and does not include agricultural building or a building already approved for demolition.

"**Vermin**" - shall include rats, mice, and all other such obnoxious animals.

"Visual Barrier" - shall mean a continuous, uninterrupted structure, which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.

~~(b) means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or weather.~~

Yard" means the land within the boundary lines of the lot and not occupied by the principal building.

PART 2

GENERAL STANDARDS

~~2.03~~ SCOPE

2.042.01

~~1.~~ No Person, being the Owner or Occupant of a Property, shall fail to maintain the Property in conformity with the Standards required in this By-law.

2.1.

~~3.~~ The Owner of any Property which does not conform to the Standards in this By-law shall Repair and maintain the Property to conform to the Standards or shall clear the Property of all buildings, structures, ~~garbage, Refuse-rubbish,~~ Rubble waste or accumulations of such materials that prevent access to or exit from the Property in the case of emergency, or other safety or health hazard and shall leave the Property in a graded and leveled condition.

4.2.

~~5.~~ All Repairs and maintenance of Property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned.

~~6.3.~~

~~7.~~ All new construction or extensive repairs shall conform to the Ontario Building Code, where applicable.

~~8.4.~~

~~9.~~ This by-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, R.S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

~~10.~~

~~11.5.~~

~~2.05~~ YARDS

~~2.06~~ 2.02

~~1.~~ Shall be kept clean and free of Rubble~~ish~~, Refuse, debris and objects or conditions that might create fire, accident or health hazards.

~~2.1.~~

~~3.~~ Every Property shall be kept free from Rubble~~garbage~~, Refuse, Industrial Waste, Domestic Waste~~ubbish~~ or accumulations of such materials that prevent access to or exit from the Property.

~~4.2.~~

~~5.~~ Without restricting the generality of this Section, such maintenance includes the removal of:

~~6.3.~~

~~a) Rubble~~ish~~, Industrial Waste, Domestic Waste, and -Refuse garbage, waste, litter and waste;~~

~~a)~~

~~b) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation.~~

~~b)~~

~~c) wrecked, dismantled, inoperative, discarded or unlicensed Vehicles, trailers, machinery or parts thereof, except in an establishment~~

licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant By-laws or statutes; and

- ~~c)~~
- d) Derelict or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

~~7.~~ The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the Property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unconstructive.

~~8.~~

~~9.4.~~

2.072.03 **OUTDOOR STORAGE OF MATERIALS- NO IMMEDIATE USE**

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

GARBAGE RECEPTACLES

~~Every building shall be provided with sufficient proper receptacles to contain all garbage, ashes or waste, which accumulates on the property and such materials, shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.~~

~~Receptacles for garbage shall be:
made of watertight construction,
provided with a tight fitting cover,
maintained in good condition without holes or spillage; and
closed or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste.~~

~~Plastic bags shall be considered acceptable receptacles under subsection 2.04.2 when:~~

- ~~a) adequately secured so as to prevent spillage;~~
- ~~b) not stored outdoors unless protected from access by animals or vermin and;~~

~~e) otherwise are maintained in compliance with 2.04.1~~

~~Paper receptacles are not acceptable under this Section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection By-laws.~~

2.082.04 GARBAGE CHUTES-ROOMS-CONTAINERS-STANDARDS

- ~~1. Garbage chutes, disposal and collection rooms, containers and receptacles shall be maintained good repair, kept clean and free of offensive odours.~~

~~UNENCLOSED PORCH-BALCONY~~

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

2.092.05 GRASS-TREES- BUSHES-HEDGES-GROUND COVER-LANDSCAPING

- ~~1. Ground cover, hedges, trees, landscaping and grass, and site facilities required as a condition of site development or redevelopment shall be maintained in living condition and in a good state of Repair.~~

2.102.06 GROUND COVER- EROSION CONTROL

Suitable Ground Cover shall be provided and maintained to prevent erosion of the soil and so as to be in harmony with the neighbouring environment.

2.07 LOT GRADING-DRAINAGE-SUMP PUMPS

- ~~1. All Yards shall be provided and maintained with adequate surface water drainage, without causing erosion, so as to prevent the entrance of water into a Basement or crawlspace.~~

- ~~1.~~
- ~~2.~~

~~3.~~ Downpipes, sump pump, discharge lines and grading shall be designed, provided and maintained so as to discharge water runoff away from the building and to prevent flooding, erosion and other nuisance to neighbouring properties.

~~4.2.~~

~~5.~~ Storm water run-off from any downspout or any surface shall not be drained onto neighbouring properties, unless designed.

~~6.3.~~

~~7.~~ Every Property shall be graded and maintained to prevent ponding or the entry of storm water into a Basement or Cellar.

~~8.4.~~

~~9.~~ Natural drainage, drainage swales, ditches or watercourses shall be maintained to facilitate the natural flow of water and prevent ponding.

~~10.5.~~

~~11.~~ No Person shall connect or permit any connection of any weeping tile, foundation drain, roof drain, or land drain into any sanitary sewer, or combined sewer, and no Person shall discharge, or permit to be discharged into any such sanitary sewer, or combined sewer, any foundation, roof or surface water or drainage.

~~12.6.~~

~~7.~~ No storm water or roof water shall be discharged onto a sidewalk, walkway, steps, porch or other pedestrian access to a Property which may be hazardous or create a risk of accident.

~~13.~~

~~14.~~

No fill shall be allowed to remain in an unleveled state on any Property for longer than fourteen (14) days, unless the Property is a construction site for which an active building permit is in effect or planning agreement is passed.

~~a construction site for which a building permit is in effect.~~

~~15.8.~~

~~9.~~ No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any Property for longer than thirty (30) days unless the Property is:

- ~~a)~~
- a) a construction site for which a building permit is in effect;
- ~~b)~~
- ~~c)~~ a Property being subdivided under subdivision agreement with the
Town of
- ~~d)~~ Tillsonburg;
- b)
- ~~e)~~ Property being actively farmed.
- f) c)

2.112.08 WALKWAYS AND DRIVEWAY

- ~~1.~~ There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street. The surfaces of steps, walks, driveways, parking spaces and similar areas of the Yard shall be maintained so as to afford safe passage under normal use.

~~2.1.~~

2.122.09 PARKING LOTS

- 1. Parking lots, driveways and other similar public access areas of a Yard shall be maintained so as to afford safe passage under normal use.
- ~~2.~~ Parking lots, driveways and other similar public access areas of a Yard shall be kept clean and free of litter, rubbish, waste, salvage, Refuse, debris and objects or conditions that might create a, fire, accident or health hazard.

~~3.2.~~

2.132.10 EXTERIOR LIGHTING

- 1. Every stairway, exterior exit and entrance doorway, Cellar, Basement entrance or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.

~~1.~~

~~2.~~

- ~~3.~~ All underground parking areas and common areas shall be illuminated so as to provide safe passage

~~7.~~

3. Lighting fixtures and their supports shall be installed and maintained in a safe and structurally sound condition and in good repair.
4. Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 9 m (29.5 ft.) above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from the adjacent lots.
5. The exterior lighting shall be placed and maintained, or have a barrier or shade placed and maintained so as to prevent or block direct illumination on an adjacent Property except for:
 - a) Lighting used by the Town or Provincial or Federal government; and
 - ~~a)b)~~ Lighting located on any Property owned by the Town or, provincial or federal government.
4. Where it appears that exterior lighting may effect adjacent properties the officer may order that the Owner provide a study or report to assess the impacts of the exterior lighting on neighbouring properties.

~~5.~~

~~6.~~

~~7.6.~~

2.142.11 **RETAINING WALL**

1. All Retaining Walls, screen walls and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition. Such maintenance includes:
 - a) redesigning, repairing or replacing of all deteriorated, damaged, misaligned; or
 - b) missing portions of the wall and any railings or Guards appurtenant thereto;
 - c) installing subsoil drains where required to maintain the stability of the wall;
 - d) grouting masonry cracks; and/or
 - ~~e)~~ applying to all exposed metal or wooden components, unless inherently resistant to deterioration, a protective coating of paint or equivalent weather resistant material.

~~f)e)~~

2.152.12 **WELLS--CISTERN-CESSPOOL-PRIVY VAULT-PIT OR EXCAVATION**

~~4.~~ Every Property shall be kept free of all unused excavations, empty in-ground pools, holes, enclosed wells, pits, shafts, cisterns or reservoirs, and the same shall be filled to grade with clean fill. Provided that where any excavations, holes, unenclosed wells, pits, shafts, cisterns or reservoirs are in use and are required by the nature of use and occupancy of any Property, and may constitute a health or safety hazard or exceed a depth of 60 cm (24 inches), a Fence or barrier shall be erected and maintained completely around the same to a height of not less than 1.22 metres (~~34.9~~ feet) above the grade level at the perimeter of each of them. As per the requirement of the Fence by-law.

~~2.~~

~~3.1.~~

2.162.13 ACCESSORY BUILDINGS

1. The foundations, walls, roofs and all parts of accessory buildings and other structures ~~appurtenant to the main building~~ shall be:
 - a) constructed with suitable materials;
 - b) maintained in good repair;
 - c) protected from deterioration by the application of paint or other suitable protective material;
 - d) ~~All accessory buildings and structures shall be~~ capable of sustaining the loads that may be applied thereto as a result of use in accordance with the requirements of the Ontario Building Code.
 - e) All accessory buildings and structures shall be maintained in a structurally sound condition, free from health, fire and safety hazards.
 - e) kept free of rodents, vermin, and injurious insects
 - f)
- ~~2.~~ Storage sheds and other accessory buildings shall be securely anchored to the ground ~~and kept free of rodents, vermin, and injurious insects.~~
- ~~3.~~ Portable storage containers may only be temporarily used in residentially zoned areas for up to thirty (30) consecutive days for the purpose of storing items, being moved from and to a dwelling. The storage container may not be placed on any public street for that purpose.

~~4.~~

~~5.2.~~

2.14 FENCE

~~4.~~ A Fence erected on a Property shall be maintained in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to:

~~2.1.~~

- a) shall be free of dangerous objects;
- b) be reasonably plumb, unless specifically designed to be other than vertical.

~~3.~~ The Owner of any Property used for Multiple-Dwelling, commercial, institutional, or industrial purposes shall maintain a Visual Barrier where such Property is used for the parking, access, and exiting of Vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting Residential Property.

~~4.~~

~~5.2.~~

2.15 TOWER-GANTRIES-MASTS-ANTENNAE

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

2.16 SIGNS

1. A sign and any structure connected therewith shall be installed and maintained:
 - a) in good repair without any visible deterioration;
 - b) in a safe and structurally sound condition; and

c) in a reasonably vertical plane unless otherwise approved by the Town of Tillsonburg.

~~2.~~ Any unused or discarded sign(s) shall be removed from the Property.

~~3-2.~~

PART 3 EXTERIOR OF BUILDINGS AND STRUCTURES

3.01 STRUCTURAL ADEQUACY-CAPACITY

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

3. Where it appears that the structural integrity or condition of a Building, structure, or part thereof may be adversely affected by damage or deterioration, the Officer may order that a structural engineering assessment and report be conducted and prepared by a professional engineer licensed in Ontario. The report shall include

- a) all deficiencies of structural concern;
- b) the contributory cause of the damage;
- c) the required Repairs and plan for remediation;
- d) the recommended timelines for Repair; and
- e) upon receipt of the report, it shall be produced to the Officer forwith.

3-4. Where Repairs are required, the Owner shall obtain a building permit and repair, or cause to be repaired, the Building, structure, or part thereof, in accordance with the Repair methods, and timelines described in the report.

3.02 FOUNDATION WALLS-BASEMENTS

~~4.~~ All foundation walls and the basement, Cellar or crawl space floors shall be maintained in good repair and structurally sound.

~~1.~~

~~2.~~

Every basement, Cellar and crawl space in a Property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

~~3-2.~~

3.03 EXTERIOR WALLS-SURFACES-CLADDING-MASONRY

~~1.~~ All exterior walls and surfaces of every building or structure shall be sound, plumb, and ~~weathertight~~weather tight, free from loose or unsecured objects and maintained in good repair.

~~2-1.~~

~~3-2.~~ Exterior walls shall be in good repair free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, lose or unsecured objects;

~~4.~~ Shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing, by the waterproofing of joints and the walls themselves, by the installation of or repairing of ~~weathertight~~weather tight finishing, or the installation of termite shields, if required.

~~5-3.~~

~~6.~~ All exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.

~~7-4.~~

~~8.~~ Every part of a building including the exterior shall be maintained in a structurally sound condition and so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

~~9.~~

~~10-5.~~

3.04 DOORS-WINDOWS-CELLAR- HATCHWAYS

~~1.~~ Windows, skylights, exterior doors and frames, Basement or Cellar hatchways, attic access doors including storm and screen doors and storm windows shall be maintained in good working order, good repair, in a safe condition and shall be of such construction so as to prevent the entrance of wind, snow or rain into the building and to minimize heat loss through infiltration.

~~2.1.~~

~~3.~~ At least one entrance door in every Dwelling Unit shall have hardware so as to be capable of being locked from inside and outside the Dwelling Unit.

~~4.2.~~

~~5.~~ All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.

~~6.3.~~

~~7.~~ In every multi-residential Dwelling where a security locking and release system has been provided in the front or rear lobby for the entrance into the Multiple Dwelling and that system is controlled from each Dwelling Unit, such system shall be maintained in good repair and in operating condition.

~~8.4.~~

~~9.~~ Where a window is above the second storey and the window is lower than 1000mm (39") from the floor, the maximum the window can open is 100mm (4") and where a door or sliding door is not serving a balcony or landing, it shall be protected by a Guard conforming to the Ontario Building Code.

~~10.5.~~

~~11.~~ All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

~~12.6.~~

3.05 WINDOW SCREENS

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

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

~~e)b)~~ _____

3.06 CANOPIES-MARQUEES-AWNINGS

1. All canopies, marquees and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay and rust.

~~1.~~ All canopies, marquees and awning material must be in good condition, free of damage or fading.

2.

3.07 ROOF

~~1.~~ Every roof and all of its components shall be maintained in good repair and in a safe and structurally sound condition.

~~2.1.~~ _____

~~3.~~ Without restricting the generality of this Section, such maintenance includes:

~~4.2.~~ _____

- a) removal of loose, unsecured or rusted objects or materials;
- b) removal of dangerous accumulations of snow or ice;
- c) keeping roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
- ~~d)~~ Keep all roof-related structures plumb unless specifically designed to be other than vertical.

~~e)d)~~ _____

3.08 EAVES TROUGH SYSTEM- METAL DUCTS-FLASHING

~~1.~~ Eaves trough, roof gutter, rainwater pipe, downspouts, flashing and all exterior ducts shall be properly secured free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes and maintained in good repair.

~~2.1.~~ _____

~~3.~~ Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.

~~4.2.~~

~~5.~~ Roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not adversely affect adjacent properties, or cause erosion.

~~6.~~

~~7.3.~~

3.09 CHIMNEY FLUES

1. Chimney, vent pipes, smoke stacks, flues, ducts and other similar equipment shall be constructed, installed and maintained as per the applicable codes and or standards.

2. Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe or chimney.

~~2.~~ If an officer has reason to believe that a chimney, smoke stacks, flues, ducts and other similar equipment is damaged or not working properly the Officer may request a report from a Wood Energy Technology Transfer (WETT) certified inspector.

3.

3.10 GARAGE-CARPORT

~~1.~~ The construction between an attached or built-in garage or carport and a Dwelling Unit shall provide an effective barrier to gas and exhaust fumes.

~~2.1.~~

~~3.~~ Garages and carports shall be maintained in good repair and free from hazards.

~~4.~~

~~5.2.~~

PART 4

INTERIOR OF BUILDINGS AND STRUCTURES

4.01 INTERIOR STRUCTURE-COLUMNS-BEAMS

~~1.~~—In every building, all structural components including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

~~2.~~1.

~~3.~~—The foundation walls and the basement, Cellar or crawl space floors shall be maintained in good repair and structurally sound. Every basement, Cellar and crawl space in a Property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

~~4.~~—

~~5.~~2.

4.02 WALLS-CEILINGS

~~1.~~—Every wall and ceiling shall be maintained in good repair, free of conditions which may create a health, fire or safety hazard.

~~2.~~1.

~~3.~~—Where sound transmission ratings are required in accordance with the provisions of the Ontario Building Code, they shall be maintained in good repair.

~~4.~~2.

~~5.~~—Where non-combustible construction, fire separations, firewalls, fire resistance ratings and other fire protection measures are required in accordance with the provisions of the Ontario Building Code, or in accordance with the Ontario Fire Code, they shall be maintained in good repair.

~~6.~~3.

~~7.~~—In any bathroom the walls above a bathtub equipped with a shower or a shower stall shall be maintained as to be water resistant.

~~8.~~—

~~9.~~4.

4.03 FLOORS

~~1.~~ Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.

~~2.~~1. _____

~~3.~~ Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.

~~4.~~2. _____

~~5.~~ Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.

~~6.~~3. _____

~~7.~~ Every Cellar and Basement shall have a floor of concrete or other material acceptable under the provisions of the Ontario Building Code, to ensure water drainage and to Guard against the entry of vermin.

~~8.~~ _____

~~9.~~4. _____

4.04 STAIRS- HANDRAILS-GUARDS

~~1.~~ Every stair, floor, landing, verandah, porch, deck, loading dock, balcony together with any Guard, balustrade, railing, screen or other appurtenance attached thereto shall be maintained in good repair and in a safe and structurally sound condition.

~~2.~~1. _____

~~3.~~ Without restricting the generality of Section 4.04, such maintenance includes:

~~4.~~2. _____

- a) Repairing or replacing floors, treads or risers that show excessive wear or are broken, warped, loose, depressed, protruding or otherwise defective;
- b) Repairing, replacing or supporting structural members that are decayed, damaged, weakened, lose or missing; and
- ~~e)~~ Providing, repairing or replacing balustrades, Guards and railings.

~~e)~~c) _____

~~5.~~ A Guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing

or a height of 600 mm (24 inches) between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

~~6.3.~~

~~7.—~~ Stairs, floors, landings, verandahs, porches, decks, loading docks, balconies and every appurtenance attached thereto within the exterior walls of a vacant ~~or un-occupied~~ buildings are exempt from the provisions of 4.04 if section 6.03 has been complied with.

~~8.—~~

~~9.4.~~

4.05 ELEVATORS

~~1. Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators, emergency communication and ventilation fans shall be maintained in good repair and operational.~~

~~2. The walls, floors and ceilings of elevators shall be kept clean and free from dirt or defacements.~~

~~4.—~~ All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained in good working order, good repair, and in a Safe Condition in accordance with the requirements of the Technical Standards and Safety Act, 2000, as amended from time to time.

~~2.—~~ Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators ventilation fans shall be maintained in good repair and operational.

~~3.—~~ All elevating devices including elevators, dumb waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained in good working order and good repair, and in a safe condition.

~~4.—~~ In accordance with the requirements of the Elevating Devices Act, as amended from time to time, and any regulations made there under.

~~5.—~~

~~6.3.~~

4.054.06 MEANS OF EGRESS

~~1.—~~ Every building, structure or Dwelling Unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building

at street or grade level as per the Ontario Building Code and Ontario Fire Code.

~~2-1.~~

~~3-~~ Exterior stairs and fire escapes shall be maintained in a safe state of Repair and kept free of ice and snow.

~~4-2.~~

~~5-~~ A required means of egress shall not pass through an attached or built-in garage or an enclosed part of another Dwelling Unit.

~~6-3.~~

~~7-~~ In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the Multiple Dwelling and that system is controlled from each Dwelling Unit, such system shall be maintained in good repair and in an operating condition.

~~8-4.~~

~~9-5.~~ All means of egress within a Non-Residential Property shall be:

- a) maintained free from all obstructions or impediments;
- b) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
- ~~e)~~ provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

~~d)c)~~

4.064.07 FIRE PROTECTION

~~4-~~ Fire protection for all buildings shall be provided in conformity with the provisions of the Ontario Building Code and Ontario Fire Code. Without limiting the generality of the foregoing, fire protection shall include non-combustible construction, flame spread ratings, fire resistance ratings, fire protection ratings, permitted openings, firewalls, fire separations, fire dampers, fire stops, fire alarm systems, sprinkler systems, heat detectors, smoke detectors, smoke alarms, and firefighting access to and within buildings.

~~1.~~

~~2.~~

~~3.~~ All buildings of residential occupancy, smoke alarms shall be provided and installed by the Owner. Smoke alarms shall be installed on or at the ceiling level of each floor and on the ceiling in the Basement and in a location where the alarm is audible within the bedrooms when the doors are closed.

~~2.~~

~~4.~~

~~5.~~ All fire protection construction, components thereof, appliances and equipment shall be maintained in good repair and in good operating condition.

~~6-3.~~

4.074.08 SEPARATIONS

1. Every Dwelling Unit shall be maintained and protected so as to prevent the passage of noxious fumes and gases from a part of the building that is not used for human habitation into other parts of the Dwelling Unit.

4.084.09 HEATING- AIR CONDITIONING

~~4.~~ Every residential Dwelling shall have functional heating equipment to maintain a minimum temperature of 21°Celsius (70 °Fahrenheit).

~~2-1.~~

~~3.~~ The heating system and hot water system required and other mechanical systems shall be provided, maintained and operated:

~~4-2.~~

- a) ~~i~~n accordance with the respective requirements of any applicable Code or By-law; and
- ~~b)~~ ~~i~~n good working condition and good repair and in a Safe Condition.

~~e)b)~~

~~5.~~ No residential Dwelling Unit shall be equipped with portable heating equipment as the primary source of heat.

~~6-3.~~

~~7.~~ Wood stoves within a Dwelling and any other Property shall be maintained in accordance to Canadian Standards Association's standard -B 365-M.

~~8-4.~~

~~9.~~ All air conditioners and air conditioning systems shall be securely mounted and installed in accordance with manufacturers' specifications.

~~10.5.~~

~~11.6.~~ All air conditioners and air conditioning systems shall be maintained in good repair, free of conditions which may constitute a health, fire or safety hazard.

4.094.10 VENTILATION

~~1.~~ Ventilation, as required by the Ontario Building and Fire Codes, shall be provided to and maintained in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

~~2.1.~~

~~3.~~ Ventilation systems shall be cleaned regularly and installed, used and maintained:

~~4.2.~~

- a) in conformance with the requirements of the Building and Fire Codes;
- b) in good working condition and good repair; and
- ~~c)~~ in a Safe Condition.

~~d)c)~~

~~5.~~ When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this By-law.

~~6.3.~~

~~7.~~ An opening for natural ventilation may be omitted from a bathroom or Toilet Room where a system of mechanical ventilation has been provided.

~~8.4.~~

~~9.~~ Every basement, Cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

~~10.5.~~

4.104.11 ELECTRICAL

~~1.~~ Every Dwelling and Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

~~2.1.~~

~~3.~~ The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order, and in conformity with the regulations of electrical safety Authority designated under the Electricity Act.

~~4.2.~~

~~5.~~ Extension cords are not permitted on a permanent basis.

~~6.~~

~~7.3.~~

4.114.12 LIGHTING

~~1.~~ Every stairway, exterior exit and entrance doorway, bathroom, Toilet Room, kitchen, hall, Cellar, basement, laundry, furnace room and Non-Habitable work room in a suite, Dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a Safe Condition and in good working order.

~~2.1.~~

~~3.~~ All lighting, including exit lighting and emergency lighting shall conform to the provisions of the Ontario Building Code and shall be maintained in good working order.

~~4.2.~~

~~5.~~ Lighting shall be installed throughout every Property to provide adequate illumination for the use of each space so as to provide safe passage.

~~6.~~

~~7.3.~~

4.124.13 PLUMBING

~~1.~~ All plumbing systems drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the Sewage System shall be maintained in good working condition and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

~~2.1.~~ _____

~~3.~~ Plumbing systems on a Property shall be provided, installed and maintained:

~~4.2.~~ _____

- a) in compliance with the respective requirements of any applicable Code, Act or By-law;
- b) in good working condition and good repair; and
- ~~e)~~ in a Safe Condition.

~~d)c)~~ _____

~~5.3.~~ All plumbing fixtures shall be connected to discharge to the municipal sewer system or to an Approved private sanitary system through water sealed traps.

4.134.14 WATER SUPPLY

~~1.~~ Every Property, the use or occupancy of which requires a water supply, shall be provided with an adequate supply of potable water from a public or private water supply, approved by the local authority designated under the Clean Water Act 2006, SO 2006 c22.

~~2.1.~~ _____

~~3.~~ Where an approved public or community water supply is available, every Dwelling Unit shall be connected thereto.

~~4.2.~~ _____

~~5.~~ Where a piped water supply is available, piping for hot and cold water shall be connected to every kitchen sink, lavatory, bathtub, shower, slop sink and laundry area and piping for cold water shall be run to every water closet and hose bib.

~~6.3.~~

~~7.~~ Every water heater installed for the purpose of supplying hot running water to the Occupants of a Property shall be capable of heating water to a minimum temperature of +49C (120 F).

~~8.4.~~

~~9.~~ Replacement hot water heaters shall have a thermostatic mixing valve limiting water temperature to a maximum of +49C (120 F). As per the Ontario Building Code.

~~10.5.~~

~~4.144.15~~ SEWAGE SYSTEM

~~1.~~ Sanitary Sewage from any building shall be discharged into the municipal Sanitary Sewage System, or into a private Sewage System approved under Part 8 of the Ontario Building Code, and not otherwise.

~~2.1.~~

~~3.~~ The land in the vicinity of a private Sewage System shall be maintained in a condition that will not cause damage to, or impair the functioning of the Sewage System.

~~4.2.~~

~~4.154.16~~ VERMIN CONTROL

~~1.~~ Every Property shall be maintained so as to be free from Vermin and conditions that may promote an infestation at all times.

~~2.1.~~

~~3.~~ Openings in buildings, Cellars, soffits, facia, and crawl space shall be protected to prevent the entrance of wildlife, rodents, vermin, insects and pests.

~~4.~~

~~5.2.~~

PART 5 ADDITION REQUIREMENT FOR RESIDENTIAL OCCUPANCY

5.01 OCCUPANCY STANDARDS

~~4.~~—A Non-Habitable Room shall not be used as a Habitable Room.

~~1.~~

~~2.~~—No kitchen or furnace room shall be used as a bedroom. ~~The minimum dimension of any habitable room shall be 2 metres (6.5 feet).~~

~~3-2.~~

~~4.3.~~ Height and size of rooms or spaces for the purpose of calculation shall comply with the regulations of the Ontario Building Code.

~~5.4.~~ No Basement or portion thereof shall be used as a Dwelling Unit, unless it meets the following requirements:

- a) access to each Habitable Room shall be gained without passage through a furnace room, boiler room or storage room;
- b) each Habitable Room shall comply with all the requirements for ingress, egress;
- c) light, ventilation and ceiling height set out in this By-law; and
- d) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water.

5. No room or area shall be provided for sleeping purposes unless:

- (a) it has been constructed with a building permit and reviewed for sleeping purposes; and
- (b) is in conformance with the Ontario Building Code requirements for the construction of a bedroom.

5.02 TOILET AND BATHROOM FACILITIES

~~4.~~—Every Dwelling Unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.

~~2-1.~~

~~3.~~—All bathrooms and Toilet Rooms shall be located within and accessible from within the Dwelling Unit.

~~4-2.~~

~~5.~~—All bathrooms and Toilet Rooms shall be fully enclosed and maintained so as to provide privacy for the Occupant.

~~6-3.~~

4. No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

5.03 KITCHEN AND LAUNDRY

1. Every kitchen shall be provided with an approved, connected, and operating electrical or gas supply for cooking and refrigeration appliances.
2. Every kitchen appliance which is supplied, shall be maintained in good repair.
3. Every Dwelling Unit shall have a kitchen with a sink, stove, fridge, cupboards, and countertop.
4. Every laundry appliance which is supplied, shall be maintained in good repair, and serviced by an approved, connected, and operating electrical or gas supply.
5. Laundry drying equipment shall have a dedicated exhaust duct discharging directly to the outdoors.
6. Laundry drying equipment exhaust ducts shall be maintained free from obstructions.

5.04 INTERIOR DOORS, COUNTERTOPS, CUPBOARDS

4. ~~Every interior door, closet door, cupboard door, countertop, cupboard, vanity, shelf, and their appurtenances shall be maintained in good repair.~~

PART 6 VACANT- DAMAGED-DEMOLITION

6.01 VACANT LAND

~~4.~~ Vacant land shall be maintained to the Standards as described in Part 2, of this By-law.

~~2.1.~~

2. Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

6.02 VACANT PROPERTIES

~~4.—The Owner of any vacant or unoccupied buildings shall protect such building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.~~

~~2.—~~

~~Without restricting the generality of Section 6.02 (1) protection may include the boarding up of all openings to the building with:~~

~~tight fitting plywood;~~

~~rigid, composite panels; or~~

~~1. sheathing boards.~~

~~2. Where entry to a Building cannot be sufficiently prevented by the locking of doors, windows, and other openings, the entry shall be prevented as follows:~~

- ~~a) All boarding must be ½ inch exterior grade plywood (not particleboard, fiberboard, or other forms of board sheathing);~~
- ~~b) Boarding must be cut to completely and securely fit within all exterior structural openings;~~
- ~~c) All boarding shall be maintained in good repair;~~
- ~~d) All boarding shall be installed from the exterior;~~
- ~~e) All boarding shall be fastened using wood screws only. Screws must be countersunk, and not less than 2 inches in length. Each screw shall be spaced not more than 4 inches on centre around the entire perimeter of each plywood board;~~
- ~~f) All boarding shall be fitted securely and in a watertight manner to fit within the side jambs, the head jamb, and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding, and so as not to be easily detached by hand;~~
- ~~g) All boarding used on windows and door openings shall be painted using exterior grade paint in a matt black;~~
- ~~h) All other boarding shall be painted using exterior grade paint in a colour that blends with the exterior of the Building or structure;~~

~~3.—If the aforementioned measures in 6.02.2 prove insufficient to secure openings, additional augmentation measures shall be required, consisting of the installation of steel mesh enclosures or steel panels overall boarded ground floor openings.~~

~~4.—All materials used for boarding up vacant or unoccupied buildings shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building and reasonably compatible in design with adjoining decorative finishing material. All such boarding shall be installed~~

~~within the reveal of the exterior cladding and securely fastened to every doorway, window or wall opening that constitutes a means of access or hazard.~~

~~5.3.~~

~~4.~~ Where a building remains vacant or unoccupied for a period of more than ninety days, the Owner shall ensure that all utilities serving the building, that are not required for the safety or security thereof, are properly disconnected or otherwise secured to prevent risk of fire, accident, damage or other danger to the Property or adjoining premises.

~~4.~~ The Owner of a Vacant Building shall post "No Trespassing" signs on all exterior points of access to the Property and signs shall be in compliance with the Sign By-law.

~~5.~~

~~5.~~ If a Vacant Building becomes Derelict as defined in this by-law, the Owner or their agent shall bring the building into compliance with all structural and exterior maintenance provisions of this by-law or such building shall be demolished in accordance with the Building Code Act.

~~6.~~

~~7.6.~~

6.03 DAMAGE BY FIRE-STORM-OTHER CAUSES

~~1.~~ A building or portion thereof, damaged by fire or other causes, shall be restored to its original condition and repaired as may otherwise be required by this by-law or the building shall be demolished or the damaged portion removed.

~~2.~~ Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, immediate steps shall be taken to prevent 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 repairs can be carried out.

~~3.~~ Where a building is damaged by accident, storm, fire, neglect or other causes or intentional damage, the Owner shall protect the building against further risk or further damage, accident or other danger, and shall secure each opening to the building to the Standards in 6.02.2.

~~4.~~ The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and surface refinished.

~~2.~~

~~Without restricting the generality of Section 6.04.2 such repairs shall include:~~

~~Abating any unsafe condition; and~~

~~Refinishing so as to be in harmony with adjoining undamaged surfaces.~~

~~3-4.~~

~~4.—In the event the building, accessory building, Fence or structure is beyond Repair, the land shall be cleared of debris, and rubble and shall be left in a graded, level and Safe Condition without unreasonable delay. Where a building, accessory building, or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.~~

~~5.—~~

~~6-5.~~

6.04 DEMOLISH BUILDING

~~1. Where a building, accessory building, Fence or other structure is demolished, the Property shall be cleared of all rubbish, waste, debris, Refuse, rubble, masonry, lumber and left in a graded and level condition.~~

2. Where a building, accessory building, Fence or other structure is being demolished, every precaution shall be taken to protect the adjoining Property and members of the public. The precautions to be taken include the erection of Fences, barricades, covered walkways for pedestrians and any other means of protection necessary for the protection of the adjoining Property and members of the public.

~~3. Without restricting the generality of Section 6.04.2 such repairs shall include:~~

~~(a) Abating any unsafe condition; and~~

~~(a) Refinishing so as to be in harmony with adjoining undamaged surfaces~~

(b)

4. The Owner of any building or part thereof being demolished shall leave any remaining wall or walls (including any former party wall or walls, whether separately or jointly owned) structurally sound, weather tight, in a Safe Condition and in conformity with the standards in the Ontario Building Code.

~~4.—Prior to demolishing any building, a Demolition Permit must first be obtained from the building department.~~

~~2-5.~~

PART 7

ADMINISTRATION AND ENFORCEMENT

7.01 GENERAL

~~1.~~—This By-law shall apply to all Property within the limits of the Town.

~~2-1.~~___

7.02 MEASUREMENT

~~1.~~—The imperial measurements contained in this By-law are given for reference only.

~~2-1.~~___

7.03 PROPERTY STANDARDS COMMITTEE

~~1.~~___

~~2.~~—A Property Standards Committee shall be established which shall be composed of a minimum of three (3) persons appointed from time to time by the council, each of who shall be resident ratepayers of the Town of Tillsonburg.

~~1.~~___

~~3.~~___

~~4.~~—Each member of the Committee shall hold office for a term of four three (34) years, ~~provided that the first appointments shall be for one, two and three years respectively so that the one member's term shall expire annually and shall coincide with the council term.~~

~~2.~~___

~~5.~~___

~~6.~~—When a vacancy occurs in the membership of the Committee, the council shall forthwith fill the vacancy.

~~3.~~___

~~7.03~~___

~~4.~~ The members of the Committee shall elect one of themselves as chairman, and when the chairman is absent, the Committee may appoint another member as acting chairman. Any member of the Committee may administer oaths.

~~4.~~

~~7.04~~

~~1.~~ The members of the Committee shall be paid such compensation as the council may provide, which shall be recorded by resolution of the council.

~~5.~~

~~2.~~

~~3.~~ Secretarial services for the Committee shall be provided through the offices of the Town Clerk.

~~6.~~

~~7.05~~

~~1.~~ 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 sections 253 and 254 of the Municipal Act, 2001 applies with necessary modifications to such documents.

~~7.~~

~~7.06~~

~~1.~~ 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 hearing to such persons as the Committee considers should receive such notice.

~~2.8.~~

7.077.04 **PROPERTY STANDARDS OFFICER- DUTIES**

~~1.~~ **Duties:**

~~2.~~ It shall be the duty of every Officer to administer and enforce the provisions of this by-law and in the performance of such duty, he/she shall have all the powers and responsibilities set forth in the Ontario Building Code Act and the Regulations made pursuant to the said Act.

~~3.~~

~~Right of Entry—Subject to paragraph 3 while this by-law is in effect, an Officer and any person acting under his/her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.~~

~~1.~~

7.05 INSPECTION AND ENTRY

~~1. Where a by-law under section 15.1 of the Building Code is in effect, an Officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:~~

~~(a) If the property conforms with the Standards prescribed in the by-law; or
(b) if order made under subsection 15.2 (2) of Building Code has been complied with.~~

~~2. An Officer shall not enter or remain in any room or place actually being used as a dwelling unless;~~

~~(a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused, and entry made only under the authority of a warrant issued under the Building Code Act;~~

~~(b) a warrant issued under the Ontario Building Code Act is obtained;~~

~~(c) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;~~

~~(d) the entry is necessary to terminate a danger under the Building Code for Emergency Orders;~~

~~(e) the requirements of the Notice being served under the Building Code Act are met and the entry is necessary to remove a building, restore a site, remove an unsafe condition, Repair or demolish under the provisions of the Building Code Act.~~

~~(b) Entry into Dwelling—Except under the authority of a search warrant issued under Section 158 of the Provincial Offs Act, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.~~

~~(e)(e)~~

7.06 ORDER

~~4.~~ An officer who finds that a property does not conform to any of the Standards prescribed in this by-law may make an order,

~~2-1.~~

- a) stating the municipal address or the legal description of such property;
- b) giving reasonable particulars of the Repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or Refuse and left in a graded and leveled condition;
- c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the Repair or clearance is not carried out within that time, the municipality may carry out the Repair or clearance at the Owner's expense; and
- ~~d)~~ indicating the final date for giving notice of appeal from the order.

~~e)d)~~

7.07 SERVICE AND POSTING OF ORDER~~ervice and Posting of Order~~

~~1.~~ The order shall be served on the Owner of the Property and such other Persons affected by it as the Officer determines and a copy of the order may be posted on the Property in a location visible to the public.

~~4-2.~~ No Person shall obstruct the visibility of an order and no Person shall remove a copy of an order posted under this Act unless authorized to do so by an inspector, Officer or registered code agency.

7.08 REGISTRATION OF ORDER

~~1. **Registration of Order**—~~The order 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 day on which the order was served under section 7.07~~4(5)~~ and, when the requirements of the order have been satisfied, the Clerk of the Town shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

~~2-1.~~

~~4.16~~

7.057.09 RECOVERY OF COSTS RELATIVE TO ORDER

~~1.—~~Where an Owner or Occupant fails to comply with an order issued under this bylaw within the time stipulated in the order the Corporation costs of such further inspections of the Property, and such reports and further notification or registrations as the Officer may deem appropriate shall be payable to the Corporation by the Property Owner including disbursements as specified in the Rates & Fees By-law. ~~and the set fees for Officer's services as per Schedule 'A5.~~

~~2-1.~~

7.10 APPEAL TO PROPERTY STANDARDS COMMITTEE

~~When the owner or occupant upon whom an order has been served is not satisfied with the terms or conditions of the order, he/she may appeal to the~~

~~Property Standards Committee by sending notice of appeal, stating the owner's reasons for the appeal, by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.~~

~~1.—~~The Secretary of the Committee shall, upon receipt of the notice of appeal, fix an appointment for hearing thereof and within seven days of receipt of the notice of appeal give notice in writing of the appointment for hearing at least fourteen days prior to the date fixed therefore to the appellant and to the Officer who issued the order. An owner who appeals an Order shall pay to the clerk of the Corporation the fee for the appeal as set out in Schedule 'A' at the time the appeal is filed.

1. An Owner or Occupant who has been served with an order made under and who is not satisfied with the terms or conditions of the order may appeal to

the Committee by sending a notice of appeal by registered mail to the secretary of the Committee within 14 days after being served with the Order.

2. An Owner or Occupant who appeals an order shall pay to the Clerk of the Corporation the fee for the appeal as set out in the Towns Rates & Fees By-law.
3. The Secretary of the Committee shall, upon receipt of the notice of appeal, create a hearing date and shall provide notice of the hearing at least fourteen days prior to the hearing date.
4. A Person who files an appeal and does attend the Property Standards Committee Appeal hearing the order will be confirmed.

Confirmation of order

5. An order that is not appealed within the time referred to in 7.10 (1) shall be deemed to be confirmed.

Duty of Committee

6. The Committee shall hear the appeal.

Powers of committee

7. On an appeal, the Committee has all the powers and functions of the officer who made the order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
 - (a) Confirm, modify or rescind the order to demolish or Repair.
 - (b) Extend the time for complying with the Order.

Appeal to court

8. Any Owner or Occupant or Person affected by a decision under subsection 7.10 may appeal to the Superior Court of Justice by notifying the Clerk of the Town in writing and by applying to the court within (fourteen) 14 days after a copy of the decision is sent. The Owner or Occupant must pay the fee specified in the Rates & Fees By-law.

Appointment

- 8.9. The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served.

Judge's powers

10. On the appeal, the judge has the same powers and functions as the Committee.

Effect of decisions

11. An order that is deemed to be confirmed under or that is confirmed or modified by the Committee or a judge, shall be final and binding upon the Owner and Occupant who shall carry out the Repair or demolition within the time and in the manner specified in the order.

12. The Secretary of the Committee shall give a copy of its written decision to the appellant and the Officer who issued the order.

7.11 POWER OF TOWN IF ORDER IS NOT COMPLIED WITH

1. If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Committee or a judge, the Town may cause the Property to be repaired or demolished accordingly.

Warrantless entry

2. For the purpose of subsection 7.11(1), employees or agents of the Town may enter the Property at any reasonable time without a warrant in order to repair or demolish the Property.

No liability

3. Despite subsection 31 (2) of the Building Code Act, a municipal corporation or a person acting on its behalf is not liable to compensate the Owner, Occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers.

Lien

3.—The municipality shall have a lien on the land for the amount spent on the repair or demolition under 7.11(1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*.

4. ~~DECISION ON APPEAL~~

5.—Where an appeal has been taken, the Committee shall hear the appeal within twenty one days of the date of notice of 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. The Secretary of the Committee shall give a copy of its written decision to the appellant and the Officer who issued the order.

~~6.~~

~~7. Appeal to Court—The municipality in which the property is situate or any owner or occupant or person affected by a decision under section 7.07 may appeal to a judge of the Superior Court of Justice by notifying the clerk of the Corporation in writing and by applying to the Ontario Court for an appointment within 14 days after the sending of a copy of the decision. An owner who appeals to a judge of the Superior Court of Justice shall pay to the clerk of the Corporation the fee for the appeal as set out in Schedule 'A' at the time the appeal is filed.~~

~~8.~~

~~9. Appointment—A judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.~~

~~10.~~

~~11. Judges Power—On the appeal, the judge has the same powers and functions as the committee.~~

~~12.~~

~~13. Effect of Decision—The order, as deemed to have been confirmed, or as confirmed or modified by the Committee under paragraph 7.06 or in the event of an appeal to the judge under section 7.07(1), 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 within the order.~~

~~14.4.~~

Certificate of Compliance -

~~15. Following the inspection of a Property, the Officer may, or on the request of the 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. The fee payable for a certificate of compliance issued at the request of the Owner shall be as set out in the Rates & Fees By-law, Schedule 'A' to this by-law.~~

~~16.~~

~~17. Municipal Lien—The fees and charges payable to the corporation pursuant to sections 7.04(4), 7.05, 7.06 and 7.07(6) of this By-law shall be a lien on the Property and shall be deemed to be municipal real property taxes and may be added by the clerk to the collector's roll and be collected in the same manner and with the same priorities as municipal real property taxes.~~

~~5.~~

PART 8

EMERGENCY POWERS

8.01 EMERGENCY ORDERS

~~1.~~ If, upon inspection of a building, an Officer is satisfied that a building poses an immediate danger to the health or safety of any person, the Chief Building

~~2.~~ Official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

~~3.1.~~

8.02 SERVICE

~~4.~~ The order shall be served on the Owner of the Property and each Person apparently in possession of the building and such other Persons affected thereby as the Chief Building Official determines and a copy shall be posted on the building.

~~5.2.~~

8.03 EMERGENCY POWERS

~~1.~~ After making an order under section 8.01, the Chief Building Official may, either before or after the order is served, take any measures necessary to terminate the danger, and, for this purpose, the Chief Building Official, an Officer and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant.

~~2.1.~~

~~3.~~ The Officer, the municipality or anyone acting on behalf of the Municipality is not liable to compensate the Owner, Occupant or any other person by reason of anything done by or on behalf of the Chief Building Official or an Officer in the reasonable exercise of his or her powers under section 8.03. If the order was not served before measures were taken to terminate the danger, the Officer shall serve copies of the order in accordance with section 8.02 as soon as practicable after the measures have been taken, and each copy of the order shall have attached to it a statement by the Officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

~~4.2.~~

8.04 SERVICE OF STATEMENT

~~1.~~ If the order was served before the measures were taken, the officer shall serve a copy of the statement mentioned in section 8.02 in accordance with section 8.02 as soon as practicable after the measures have been taken.

~~2.~~

~~3.1.~~

8.05 APPLICATION TO COURT

~~1.~~ As soon as practicable after the requirements of sections 8.02 and 8.04 have been complied with, the Chief Building Official shall apply to a judge of the Superior Court of Justice

~~2.1.~~ to confirm the order made under section 8.01 and the judge shall hold a hearing for that purpose.

8.06 POWERS OF JUDGE

1. The judge in disposing of an application under section 8.05 shall,

a) confirm, modify or rescind the order; and

~~b)~~ determine whether the amount spent on measures to terminate the danger may be recovered in whole, in part or not at all.

~~c)~~ _____

8.07 ORDER FINAL

~~1.~~ The disposition under section 8.06 is final.

~~2.1.~~

8.08 MUNICIPAL LIEN

~~1.~~ The amount determined by the judge to be recoverable shall be a lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

~~2.~~

~~3.1.~~

PART 9 – OFFENCES

9.01 FINES

1. Any Person who fails to comply with an order under the Building Code Act is guilty of an offence and upon conviction shall be liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence. If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$~~5~~400,000 for a first offence and \$1,~~5~~200,000 for a subsequent offence.

PART 10 SEVERABILITY

10.01 SEVERABILITY

1. In the event that any provision or part of this By-Law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-Law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

PART 11 - REPEAL AND EFFECTIVE DATE

11.01 REPEAL AND EFFECTIVE DATE

That By-law No. 3638 and amending By-laws be and are hereby repealed.

That this by-law shall come into force and take effect on the date it is passed. ~~Town of Tillsonburg By-Laws 2705 and 2806 are hereby repealed.~~

~~This By-law comes into force on the date of passing.~~

~~PART 11 - SCHEDULES~~

~~SCHEDULES~~

~~The attached Schedule "A" form part of this By-law.~~

READ A FIRST TIME AND SECOND TIME THIS- DAY OF 2023

READ A THIRD AND FINAL TIME AND PASSED THIS DAY OF 2023.

MAYOR – Deb Gilvesy

TOWN CLERK – Tanya Daniels