

This is an office consolidation of By-Law 205-02 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk.

BY-LAW NUMBER 205-02 (As amended by By-Law 69-05, 98-17, 117-17 and 33-22)

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To provide standards for the maintenance and occupancy of property in the County of Brant

WHEREAS this By-law is passed and enacted under Section 15.1 of the *Building Code Act* which enables a municipality that has an Official Plan in effect that includes provisions relating to property conditions, to pass a by-law for prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; for requiring property that does not conform to the standards to be repaired and maintained, and to conform to the standards, or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

AND WHEREAS the Corporation of the COUNTY OF BRANT has in its Official Plan provisions relating to the County's ability to pass by-laws to establish minimum property standards in subsection 6.12 of the said Official Plan, under the heading: Property Standards By-Law;

AND WHEREAS it is the intent of the Corporation of the COUNTY OF BRANT to enact and utilize a property standards by-law as an enforcement tool enabling the Corporation to respond to community observations relative to the preservation of the municipality;

AND WHEREAS it is deemed desirable to enact this by-law to extend the useful life of individual properties, to enhance the quality of the community of COUNTY OF BRANT and to prevent fire hazards or conditions likely to cause accidents or nuisances or to prevent injury to any person using any property or residing adjacent thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law:

- (1) **"Accessory Building"** means a separate building or structure that is incidental, subordinate and devoted to the main use, building or structure and located on the same lot therewith, and includes a private garage which is not attached to the main building in any way but does not include a single unit dwelling in an Agricultural Zone. Farm machine sheds or other similar agricultural storage buildings shall be deemed accessory buildings for the purpose of this By-Law. Such items as heat pumps, air exchangers or outdoor air-conditioning units are also to be treated as accessory buildings. Buildings used for the harboring of animals, etc. are deemed main buildings for the purposes of this By-Law

- (2) **"Building"** means a structure occupying an area greater than ten square metres 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, but does not include any vehicle as defined in the zoning by-law.
- (3) Repealed Bylaw 98-17
- (4) **"County"** means the Corporation of the COUNTY OF BRANT
- (5) **"Council"** means the Council of the Corporation of the COUNTY OF BRANT
- (6) **"Committee"** means a property standards committee established under section 15.6 of the *Building Code Act*.
- (7) **"Debris"** means any material and articles that have no reasonable usefulness and shall include but is not limited to wrecked, decaying, dismantled, inoperative, discarded, dilapidated materials, appliances or machinery, or objects or parts thereof, and refuse, but shall exclude motor vehicles, stored in accordance with the provisions of this by-law.
- (8) **"Demolition"** means the dismantling, taking apart, leveling of any building or structure on any property pursuant to the order of a property standards officer.
- (9) **"Exit"** means that part of a means of egress, including doorways, 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.
- (10) **"Fence"** means a vertical structure including a railing, hedge, line of posts, shrubs, wire, gate boards or pickets or 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.
- (11) **"First Storey"** means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.
- (12) **"Garage Private"** means an accessory building or part thereof used in conjunction with a dwelling for the storage of non-commercial motor vehicles. Carports are included in this definition.
- (13) **"Good Repair"** means maintained in such condition so as to be free from accident or fire hazard, structurally sound, and in good working order.
- (14) **"Grade"** means the average level of proposed or finished ground adjoining a building at all exterior walls.
- (15) **"Graffiti"** means one or more letters, symbols, figures, etching, scratches, inscriptions, stains or other markings that disfigure or deface a structure or things, howsoever made or otherwise affixed on the structure or thing but does not include:
 - (a) a sign or public notice authorized by the Municipality or by Provincial or Federal

legislation.

(b) in the case of private property, real or personal, any one or more letters, symbols, figures, etching, scratches, inscriptions, stains or other markings authorized by the Owner of the property upon which the letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings appear, that, in the opinion of the Officer, does not contribute to the unsightly nature of the property.

- (16) "**Ground Cover**" means organic or non-organic material that prevents soil or sand erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping.
- (17) "**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 level to another. Such barrier may or may not have openings through it.
- (18) "**Habitable Room**" means any room in a dwelling unit used or capable of being used for either living, sleeping, cooking, or eating purposes.
- (19) "**Highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- (20) "**Lot**" means a lot of record or any parcel of land described in a deed or other document legally which is capable of being alienated or disposed of separately and apart from adjacent lands.
- (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.
- (22) "**Medical Officer of Health**" means the Medical Officer of County of Brant duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7 and includes any staff official acting on his behalf.
- (23) "**Motor Vehicle**" shall include an automobile, motorcycle, motor assisted bicycle, trailer, or any other vehicle or conveyance designed to be propelled or driven other than by muscular power.
- (24) "**Multiple Dwelling**" means a building or group of buildings containing three or more dwelling units.
- (25) "**Negative Impact**" shall mean one or more of:
- (i) harm or material discomfort to any person;
 - (ii) an adverse effect on the health of any person;

- (iii) impairment of the safety of any person;
 - (iv) loss of enjoyment of normal use of *property*; or
 - (v) interference with normal conduct of business
- (26) **"Non-Habitable Room"** means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, for access to and vertical travel between storeys, and a basement or part thereof which does not comply with the standards of fitness for occupancy set out in this by-law.
- (27) **"Noxious Insects"** shall mean any insect that is considered a pest or nuisance to persons, including cockroaches, termites, silverfish, carpenter ants and all stinging insects.
- (28) **"Occupant"** means any person or persons over the age of eighteen years in possession of property.
- (29) **"Owner"** includes the person for the time being, managing or receiving the rent of the land or premises, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land 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,
- (30) **"Person"** means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors, or legal representatives of a person to whom the context can apply according to law.
- (31) **"Pest"** means any animal, vermin or bird that is considered a nuisance to persons including rodents, English sparrows, starlings, pigeons, snakes, raccoons, opossums, bats, seagulls, injurious insects and skunks but shall not mean any domestic animal.
- (32) **"Property"** means a building or structure, or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (33) **"Property Standards Officer"** means a *Property Standards Officer* appointed under by the Council of the Corporation of the County of Brant.
- (34) **"Refuse"** means matter that is reasonably useless or discarded material, and includes ashes, garbage and domestic, commercial, agricultural, industrial and institutional waste other than sewage, but shall exclude compost.
- (35) **"Repair"** includes the provision of such facilities and the making of additions or alternations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this by law.

- (36) **"Residential Property"** means a building or structure or part of a building or structure that is used or intended to be used or previously used as a residential unit and includes any lands and premises appurtenant thereto and all out buildings, fences and erections thereon; whether heretofore or hereafter erected and includes vacant residential property.
- (37) **"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 premise, 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.
- (38) **"Sewage"** means any effluent or waste water coming from yard drains, or toilet rooms, or laundries, or shower stalls.
- (39) **"Sewage System"** means the municipal sanitary sewer system or a private sewage disposal system approved by the County of Brant.
- (40) **"Sign"** means a name, identification, description, advertising device, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or property and which directs attention to an object, product, place, activity, person, institute, organization or business.
- (41) **"Standard"** means the standards of physical condition and occupancy prescribed for property by this by-law.
- (42) **"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.
- (43) **"Structure"** means anything constructed or erected, the use of which requires location on or in the ground or attached to something located on or in the ground but does not include the permanent way of a railway or any paved surface located directly on the ground.
- (44) **"Toilet Room"** means any room containing a water closet.
- (45) **"Tree"** includes a growing tree or shrub planted or left growing on a property or a highway for the purpose of shade or ornament, or profit such as orchards and tree nurseries.
- (46) **"Unsafe Condition"** shall mean a condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the *property*, and includes a structurally unsound condition
- (47) **"Vegetation"** means any woody or herbaceous plant material other than mature trees and includes shrubs, bushes, undergrowth, brush, weeds and grasses.
- (48) **"Vehicle"** means a motor vehicle, trailer, boat, motorized snow machine, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

- (49) **"Vacant Property "** means any property on which there are no buildings or structures of any kind.
- (50) **"Yard"** means an area of land which is appurtenant to, and located on the same lot as a building, structure or excavation and is open uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in the zoning by-law.

2. APPLICATION OF BY-LAW

The provisions of this By-law shall apply to all property located in the County of Brant unless otherwise stated.

3. SHORT TITLE

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

4. SCOPE OF BY-LAW

Except as provided in subsection 4.1, where a provision of this By-law conflicts with a provision of another by-law in force in the County of Brant, the provision that establishes the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

- 4.1 Nothing in this by-law applies to prevent storage otherwise permitted by the County, provided such storage is in the manner described in the terms of the permission.
- 4.2 Nothing in this by-law serves to prohibit a normal farm practice under the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1.*

5. STANDARDS

The standards for maintenance and occupancy of property set out in Schedule "A" to this by-law are prescribed as the minimum standards for all property located in the County. All repairs and maintenance of property required by the standards prescribed by this by-law and schedules thereto shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purposes.

6. GENERAL DUTIES AND OBLIGATIONS

- (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.
- (2) Every person who is the owner of property which does not conform with the standards prescribed by this By-law is required to repair or to maintain the property to conform with the standards or to clear the site of all buildings, structures, debris or refuse and leave the property in a graded and leveled condition.
- (3) Without restricting the generality of Section 5:
- (a) the requirement that repairs be made in a "manner that is accepted as good

workmanship” includes ensuring that the component repaired can perform its intended function and finishing the repair in a manner reasonably compatible in design and colour with the surrounding decorative finishing materials; and

(b) the requirement that repairs be made with materials that are “suitable and sufficient for the purpose” includes a requirement for materials reasonably compatible in design and colour with surrounding decorative finishing materials.

7. **ADMINISTRATION AND ENFORCEMENT**

(1) **Property Standards Committee**

- (a) The Committee of Adjustment is hereby established as the Property Standards Committee, being a committee composed of a minimum of three (3) persons to be appointed by County who shall hold office until the expiry of the term of the Council that appointed them and until their successors have been appointed, in accordance with 15.6(1) of the Building Code Act. Council shall forthwith fill any vacancy that occurs in the membership of the Committee.
- (b) The members of the Committee shall elect one of themselves as chairperson, and when the chairperson is absent through illness or otherwise, the Committee may appoint another member as acting chairperson.
- (c) Any member of the Committee may administer oaths.
- (d) The Committee shall select a secretary for the Committee from County staff who shall keep on file minutes and records of all applications and decisions and of all other official business of the committee.
- (e) 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) Repealed Bylaw 98-17

(3) **Enforcement Powers**

Pursuant to section 15.2 of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, where a by-law under section 15.1 is in effect, a Property Standards 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) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (4) has been complied with.

(4) Failure to Comply with order- Performing Work at the Owner's Expense

Pursuant to section 15.4 of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, if an order of a Property Standards Officer under section 7 (4) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. For the purpose of this section, employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. The County shall have a lien on the land for the amount spent on the repair or demolition and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*.

8. CERTIFICATE OF COMPLIANCE

A Property Standards Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this by-law shall issue a Certificate of Compliance to an owner who requests one and who pays the fee set in the County Fees and Charges Bylaw

9. PENALTY

Pursuant to section 36 Building Code Act, 1992, S.O. 1992, c. 23, every person who fails to comply with an order or direction issued pursuant to this Bylaw, is guilty of an offence and upon conviction is 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. Despite the foregoing, every corporation that is convicted of an offence is liable to a fine of not more than \$500,000 for a first offence and \$1,500,000 for a subsequent offence. An offence is a subsequent offence if there has been a previous conviction under the Building Code Act. In addition to any other remedy and to any penalty, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

10. SEVERABILITY

Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

11. SCHEDULES

Schedule A, attached hereto forms part of this by-law.

12. REPEAL

The following By-Laws are hereby repealed:

By-Law # 53-98 of the former Town of Paris

By-Law # 10-84 of the former Township Of South Dumfries

By-Law # 96-46 of the former Township of Burford

By-Law # 1292-93 of the former Township of Oakland

By-Law # 5347 of the former Township of Brantford

13. FORCE AND EFFECT

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

14. That this By-law comes into force and take effect on the date of passing.

READ a first and second time this 15th day of October , 2002.

READ a third time and finally passed in Council, this day of , 2002.

THE CORPORATION OF THE COUNTY OF BRANT

R.E.F. Eddy, Mayor

Jayne Carman, Clerk

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SCHEDULE "A" TO BY-LAW NO. 205-02**1. Standards for All Properties**

- (1) All properties shall be free from:
 - (a) trees, shrubs and the branches, limbs and parts thereof which create an *Unsafe Condition* due to decay, disease, or being damaged;
 - (b) *debris*;
 - (c) *structures, fences*, and retaining walls, not in a state of *Good Repair*;
 - (d) from dilapidated, collapsed, abandoned or unfinished structures.
- (2) Repealed Bylaw 98-17
- (3) Yards shall be graded, cultivated or protected with a suitable ground cover so as:
 - (a) to prevent excessive or recurrent ponding of storm water;
 - (b) to prevent instability or erosion of soil;
 - (c) to prevent the entrance of water into a basement;
 - (d) not to create an unsightly appearance or an unsafe condition;
- (4) All parking lots, exterior steps, walks, loading docks, ramps and similar areas of a *yard* shall be maintained in *Good Repair* and free from hazard to any person under normal use and weather conditions, day or night.
 - (a) "Parking Lot" shall include curbs, parking spaces, driveways, traffic aisles, lighting fixtures and their supports.

1.1 Graffiti

No person shall:

- (1) Place, cause or permit graffiti to be placed on property or on a wall, fence, or other structure or thing in a highway or other public place not included in the definition of Property.
- (2) The owner or occupant of a property shall maintain the property to be free of graffiti.
- (3) The owner, occupant of a wall, fence, or other structure or thing located in a highway right of way or other public place shall maintain the structure or thing to be free of graffiti.

2. Sewage Discharge & Roof Drainage

- (1) (a) Sewage shall be discharged into the municipal sewage system or into private sewage system which has been inspected and approved by the County of Brant or by the Ministry of Environment.
- (b) 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) Roof drainage and surface water shall be drained from properties so as to prevent recurrent ponding, erosion, or entrance of water into a basement cellar.

3. Repealed Bylaw 98-17

4. Repealed Bylaw 98-17

5. Signs

- (1) Every sign on property and any structure supporting the same shall be installed and maintained:
 - (a) in safe and structurally sound condition;
 - (b) in good repair and without any visible deterioration.
- (2) A sign that is unused, not cared for or discarded shall, along with its supporting members, be removed.

6. Pest Prevention

- (1) All buildings shall be kept free of rodents, vermin, insects, and other pests and the methods used for exterminating pests shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.
- (2) When an exterior opening of a building is used or required for ventilation or illumination and is not required to be protected by a door, window or similar enclosure, it shall be protected with wire mesh screening, metal _oils, or other equivalent durable material or other protection so as to effectively prevent the entry of rodents and noxious insects.

7. Refuse Storage Facilities

- (1) Nothing in this section serves to limit, prohibit, or prevent the handling of refuse in accordance with terms of a development agreement or the provisions of *County of Brant Waste Management By-Law*.
- (2) Refuse storage shall comply with the terms of any development agreement regarding the storage, handling and removal of *refuse*.
- (3) Refuse shall be promptly stored in receptacles.

- (a) "Receptacles" shall mean a closed container which prevents the escape of odours and the access of animals; except with regard to recyclables where it shall mean a blue box.
 - (4) The collection, handling, storage and disposal of refuse shall comply with the following:
 - (a) Regular collection and disposal as provided by the County or sufficient collection by a private collection agency is utilized to ensure no negative impact;
 - (b) refuse storage facilities shall be readily accessible to all occupants for whom the storage facility is required to be provided, or in the alternative, be readily accessible by an operable refuse chute provided for this purpose in compliance with all applicable regulations;
 - (c) facilities for refuse storage shall be maintained in a clean, sanitary and odour controlled condition;
 - (d) refuse facilities shall not obstruct an emergency route, recreation facility, parking area, driveway or walkway.
 - (5) Repealed Bylaw 98-17
 - (6) Repealed Bylaw 98-17
 - (7) 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) not be loaded beyond the top of the container.
 - (8) Where a refuse chute system was originally provided in a multiple floor building, the system, shall be maintained operative, except that suitable alternatives may be provided if readily accessible to all occupants.
8. Repealed Bylaw 98-17

9. **Motor Vehicle**

- (1) Nothing in this section shall permit that which is prohibited in the *County* of Brant zoning by-law.
- (2) Every owner or occupant shall ensure that the storage of any *Motor Vehicle* conforms to all standards and requirements of any by-law or legislation including the zoning by-law.
- (3) For the purposes of this section:

- (a) “wrecked or dismantled” shall mean an *unlicensed motor vehicle* having missing, damaged, or deteriorated parts or any condition that may prevent its mechanical function.
 - (b) “car cover” shall mean a tarp or canvas cover fitted to match the dimensions of the *motor vehicle* and manufactured for the purpose of covering a *Motor Vehicle*
 - (c) “actively” shall mean being in the act of repairing or restoring at all times when the vehicle is not under a car cover or in an enclosed building.
 - (d) “inoperative” shall mean a motor vehicle that has had its source of motive power removed or is incapable of being started and moved under its own power.
 - (e) “unlicensed” shall mean that there is not displayed on the motor vehicle, in the prescribed manner, number plates having affixed thereto in the prescribed manner, evidence of the current validation of the permit.
 - (f) “number plate” shall mean a number plate as referenced in the Highway Traffic Act, showing the number of the permit issued for the motor vehicle, and displayed in accordance with the requirements of the Highway Traffic Act and the regulations to the Act, or as issued by another province, state or national government, but does not include “restricted permits” as described in section 11, 12, 13 of the Highway Traffic Act, R.R.O. 1990, Reg. 628.
 - (g) *Prepared Parking Surface* means a parking area with a surface of gravel, asphalt, concrete or other material sufficient to prevent the settling of a vehicle into the ground.
- (4) Except as otherwise permitted by the County of Brant Zoning By-law, no owner or occupant of a lot shall cause or permit the yard to be used for the storage of any Motor Vehicle which is wrecked or dismantled, or inoperative unless:
- (a) (i) the vehicle is being actively repaired or restored for personal use; and
 - (ii) the motor vehicle and parts belonging therein are organized in a neat and orderly fashion; and
 - (iii) while not being actively repaired or restored the motor vehicle and parts are covered with a car cover; and
 - (iv) the *motor vehicle* is situated on a *prepared parking surface* situated on a *lot* in compliance with the County of Brant Zoning By-law, or

- (b) the vehicle and parts are kept in an enclosed building.
- (5) Notwithstanding Section 9(4) no owner or occupant shall cause or permit more than a total of two motor vehicles that are defined as either wrecked or dismantled, inoperative, or unlicensed, on a lot.

10. Maintenance of Buildings and Structures

Except as otherwise provided in sections 28 to 36 of this schedule, all buildings and structures shall be maintained in accordance with the following standards.

11. Structural Capability

- (1) Every building and every part thereof shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight or any additional weight which may be put on it through normal use, and materials which show damage or evidence of rot or other deterioration shall be repaired or replaced.
- (2) The foundations, walls, columns and beams of a building shall be maintained in good repair and in a safe and structurally sound condition.
- (3) Where in the opinion of the Property Standards Officer, the structural safety of any part of any building is in doubt, the officer may require the owner to be responsible for submitting an inspection report respecting the structural safety of the building or parts thereof, prepared, sealed and signed by a professional engineer who is qualified in the pertinent field and licensed by Professional Engineers Ontario. The report may include drawings for any recommended remedial works designed by the engineer.
- (4) Examination and testing of any building or structure or parts thereof required by subsection 11 (3) shall be conducted in a manner acceptable to the officer and at the owner's expense.

12. Fire Damage and Prevention

- (1) A building or structure damaged by fire, storm or by other causes shall be demolished or repaired within a reasonable time.
- (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.
- (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.
- (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 the building or structure shall be removed and the defaced areas refinished in a workmanlike manner.

13. Foundations

The foundations, walls, columns, beams, floors, roof slabs and balconies of a building shall be maintained in good repair and structurally sound, free from decayed, damaged or weakened sills, piers, posts or other supports in a manner so as to prevent the entry of moisture, rodents and insects into the building.

14. Exterior Walls

- (1) The exterior walls of a building shall be maintained in good repair, free from cracked or broken masonry units, defective or deteriorated wood, cladding or trim, cracked, broken or loose stucco, weathertight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects. Without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finish with a weather resistant material of all exterior cladding, wood and metal work and restoring, repairing or replacing of the wall, brick and mortar; the stucco lathing and plaster, the cladding; the coping and the flashing, and the waterproofing of the walls and joints.
- (2) All exterior exposed surfaces which have been previously covered with paint or other protective or decorative materials and are not inherently resistant to deterioration shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated.
- (3) Metal eaves troughs, rainwater pipes, flashings and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and when such application is impractical or ineffective, shall be replaced.

15. Snow, Ice and Icicles

All buildings and structures shall be free from the build up of snow, ice and icicles that may or could cause a safety hazard to the general public or to the occupants when entering or exiting the building or structure.

16. Overhanging Extensions, Stairs, Balconies, and other Platforms

Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, guards, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:

- (1) in good repair free from holes, cracks, worn risers and other defects;
- (2) free from rubbish and debris;
- (3) properly and safely anchored;
- (4) protected against deterioration and decay;

- (5) free from ponding water.

17. Doors and Windows

- (1) All exterior openings for doors and windows shall be fitted with doors or windows.
- (2) Windows, in subsection 32 (5) of this schedule, including storm and screen windows and window screens, exterior doors, and basement or cellar hatchways shall be maintained in good repair. Locking devices shall be installed on all windows.
- (3) Doors, door frames, window frames, sashes, shutters, casings, weather-stripping and caulking that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- (4) Broken glass and translucent substitutes, damaged screens and missing or defective doors and window hardware shall be repaired or replaced.
- (5) All doors and windows shall provide adequate security to resist forced entry and all locking devices on such doors and windows shall be maintained in proper working condition

18. Roofs

Every roof including related roof structures, fascia's, soffits, eavestroughs, roof gutters, downpipes, guards, and lightning arrestors shall be maintained:

- (1) in a water tight condition so as to prevent leakage or admission of water;
- (2) free from loose or unsecured parts, objects or materials;
- (3) free from dangerous accumulations of snow or ice or both;
- (4) free from all other accident, fire or health hazards;
- (5) so that roof decks and related guards are in a good state of repair.

19. Interior Structures and Surfaces

- (1) The interior floors, ceilings and walls of buildings shall be kept free from dampness arising from the entrance of moisture through an exterior wall, or a roof, or through a cellar, basement or crawl space.
- (2) Interior floors, ceilings and walls of buildings shall be maintained:
 - (a) in good repair, free from holes, loose boards and broken, torn, damaged, decayed or missing materials;
 - (b) in a safe condition.

- (3) All floors and floor coverings in buildings shall be reasonably smooth and level and be maintained so as to be free of all loose, warped, protruding, or broken coverings.
- (4) Any extensive accumulation of mould shall be immediately cleaned and removed by the owner of the building.
- (5) Any condition in a building, including but not limited to water penetration, humidity or inadequate ventilation, which may relate to the creation and growth of mould, shall be repaired or removed by the owner of the building.
- (6) Notwithstanding any other provision of this By-law, subsection (1) and (2) shall not apply if in the opinion of a Property Standards Officer, the presence of mould is minor in nature and relates to general maintenance and/or lifestyle.

20. Plumbing Systems

- (1) Every required sink, washbasin, toilet, bathtub, or shower in a building shall have an adequate supply of potable water with a flow and pressure sufficient for the intended use of the fixtures.
- (2) All plumbing, including every drain pipe, water pipe, watercloset and plumbing fixture in a building and the building drain or building sewer shall be maintained in good working condition, free from leaks and defects and shall be protected from freezing.

21. Toilets and Washrooms

- (1) All toilets other than this is a dwelling unit shall be fully enclosed within a compartment or room having a door capable of being locked from the inside so as to provide privacy for the occupant. Where a toilet room contains more than one water closet or toilet, each water closet or toilet compartment shall be provided with a means of locking the door on the inside of such compartment to provide privacy.
- (2) No toilet or urinal shall be located in a room that is used for the preparation, cooking, storage, or consumption of food, or for sleeping purposes.

22. Ventilation Systems

- (1) Ventilation systems required by the Ontario Building Code shall be regularly cleaned to prevent accumulation of heat and contaminants likely to create a potential fire, explosion, toxic or health hazard.
- (2) Ventilation systems shall be maintained and operated in a safe condition and in good repair and working order.
- (3) All washrooms & toilet rooms shall be provided with a mechanical ventilation system to exhaust air to the outdoors.

23. Heating and Mechanical Systems

- (1) Where space is normally heated in occupied buildings, heat shall be provided and maintained during normal hours of occupancy so that the room temperature is at 1.5 metres above floor level and 1 metre from exterior walls is at least 20° Celsius.
- (2) Subsection (1) does not apply to an occupied building in which the occupant can regulate the temperature as long as a minimum of 20° Celsius can be maintained.
- (3) Every occupied building shall have a heating system capable of maintaining the temperatures required by subsection (1).
- (4) Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
- (5) Fuel or utilities supplied to rental occupied buildings shall be supplied continuously in adequate quantities.
- (6) The supply of fuel or utilities may be interrupted for such a reasonable period of time as may be required for the purpose of repair or replacement.
- (7) Subsections (1) and (2) do not apply if the tenancy agreement makes the tenant responsible for the supply of fuel for utilities and the supply has been discontinued because of arrears in payment.
- (8) Every fuel burning appliance shall be properly used and vented to the outside air by means of a chimney or a vent flue, if venting is required to ensure safe operation.
- (9) All heating equipment, every chimney, smokepipe and flue of a building shall be maintained and kept clear of obstruction so as to prevent any gases from leaking into the building, and so that under conditions of use any combustible material adjacent thereto, insulated therefrom, or in contact therewith, shall:
 - (a) not be heated to unsafe conditions
 - (b) free from open joints;
 - (c) free of broken and loose masonry;
 - (d) in good repair and plumb.
- (10) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

24. Electrical Systems

The connection of an electrical supply system to a building and the system of circuits and outlets distributing the electrical supply within a building shall provide adequate capacity for the use and intended use of a building and any fuse, circuit breakers and other appurtenances thereto shall be maintained in a safe condition and in good repair and working order.

25. Light

- (1) Sufficient windows, skylights or electrical lighting are required for illumination in all public or common halls and stairways whenever the building is in use and in all stairways provided for use in case of fire or other emergency.
- (2) All properties must provide and maintain an effective barrier to prevent the light from lamp standards, signs, and other permanent sources from shining directly into a dwelling unit and away from all streets and highways.
- (3) All emergency lighting/ fire alarm systems shall be maintained in good operation as per the manufacture's instructions and to the Ontario Building /Fire Codes.

26. Recreational Facilities

Recreational areas, equipment, structures, rooms and other facilities provided for the indoor or outdoor use of the occupants of a building shall be maintained in a safe condition free from debris and in good repair and working order.

27. Vacant Buildings

- (1) The owner of any vacant or unoccupied building shall provide protection for such building against the risk of fire, accident damage or other danger thereto or to adjoining premises by taking measures to prevent the entry by all unauthorized persons.
- (2) All materials used for boarding up unoccupied buildings shall be installed and maintained in good repair and, unless inherently resistant to deterioration, with a protective coating of paint or equivalent weather-resistant material.
- (3) Where a building remains vacant or unoccupied for a period of more than 90 days, the owner or agent of 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.

ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY**28. Duties of Occupant**

Every occupant of a residential unit, in that part of the residential property that he or she occupies or controls shall:

- (1) maintain all plumbing, cooking and refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;

- (2) keep all exits therefrom clear and unobstructed;
- (3) maintain the occupied part of the dwelling in a clean and sanitary condition.

29. Occupancy Standards

- (1) A non-habitable room shall not be used or occupied for purposes of habitation.
- (2) A bedroom shall be a habitable room and no kitchen, bathroom or hallway shall be used as a bedroom.
- (3) Every residential unit shall have a kitchen and each kitchen in a residential unit shall be provided with an approved gas or electrical supply for cooking purposes.

30. Doors, Walls and Ceilings

- (1) Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good repair to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- (2) Doors connecting dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, shall have locking devices and other necessary hardware installed and maintained in good repair. Where required by the Ontario Building Code, every main entrance door that does not have a sidelight shall have a door viewer installed and maintained in good repair.
- (3) Every wall and ceiling in a residence or in a residential unit shall be maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and be finished to match the existing wall or ceiling.
- (4) In multiple residences, glazed doors, and windows and other transparent surfaces in those parts of the building used by the tenants in common, shall be kept in a reasonably clean condition.
- (5) Garbage chutes and garbage disposal rooms shall have fire doors fitted with self-closing devices and all necessary hardware and every such door shall fit in its frame, and be maintained in good repair.

31. Toilet, Bathroom and Kitchen Facilities

- (1) Every residential unit shall be provided with at least one kitchen sink, a water closet or bathroom, a toilet, wash basin and bathtub or shower, connected to an adequate supply of running water and an acceptable means of sewage disposal. The fixtures required by this section shall be maintained and shall be supplied with a supply of potable water sufficient for normal household use at a flow and pressure sufficient for the intended use of the fixture.

- (2) In all residential units, all bathrooms and toilet rooms shall be located within and accessible from within the building and if fully enclosed shall have a door that can be secured from the inside and opened from the outside in an emergency.
- (3) Every sink, wash basin, bathtub, shower or laundry facility shall have an adequate supply of hot and cold running water. The ordinary temperature of the hot water provided must be at least 43° Celsius.
- (4) Walls and ceilings around bathtubs and showers shall consist of water-resistant material and shall be maintained in good repair.
- (5) Every kitchen in a residential unit shall be equipped with:
 - (a) a sink served with potable running water and a water resistant splash back;
 - (b) space sufficient to accommodate a stove or a heating unit, and refrigerator;
 - (c) a counter or table for food preparation;
 - (d) cupboards or pantry, excluding the area under the sink, for the storage of food, dishes and cooking utensils.
- (6) Every plumbing fixture shall be properly secured to the floor or wall as per its intended use and by the manufactures instructions.

32. Ventilation and Lighting in Dwelling Units

- (1) Every habitable room shall have an adequate opening or openings for natural ventilation. An opening for natural ventilation may be omitted if mechanical ventilation is provided.
- (2) Every bathroom or toilet room shall have mechanical ventilation to exhaust air to the outdoors.
- (3) Every habitable room, except a kitchen shall have one or more windows or skylights that face directly to the outside and have an adequate unobstructed light transmitting area.
- (4) All windows and skylights in a dwelling unit shall be:
 - (a) glazed or fitted with glass or clear plastic materials;
 - (b) maintained in good working order;
 - (c) maintained in good repair; and
 - (d) if required for ventilating purposes, capable of being easily opened and closed at all times.
- (5) All windows in a residential unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good repair.
- (6) Every window of a residential unit which is located above the first storey of an apartment building, shall be equipped with a safety device to prevent the opening of any part of such

window to a width in excess of 100 mm. such devices to be installed to the requirements of the Ontario Building Code.

33. Heating

- (1) Notwithstanding section 23 of this schedule, the heating system or equipment for a dwelling or living accommodation shall be capable of maintaining the temperatures specified in this By-Law.
- (2) Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

34. Means of Egress

- (1) In a multiple dwelling 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 repair and in operative condition.
- (2) Every door used as an entrance to or means of egress from a multiple unit residence where a voice communication or sound activated system between each residential unit and the front lobby and security locking and release facilities have been provided or from a storage garage which is not open and available for use by the general public, shall be kept closed and locked and shall be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.

35. Elevators and Elevating Devices

Elevating devices in multiple dwellings shall be maintained:

- (1) In accordance with the requirements of the Technical Standards and Safety Act, 2000 and applicable regulations, codes, standards and the Fire Code.
- (2) With all parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational; and
- (3) Repaired as expeditiously as possible.

36. Electrical

A supply of electrical power shall be provided in all habitable space in a residential complex in accordance with the Electrical Safety Authority.

37. Lighting – Multiple Dwelling

All exterior and interior common areas, in a multiple dwelling, 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.

38. Standards for Farm Building and Structures

- (1) All farm structures that are directly related to agricultural uses shall be structurally sound and maintained in a good and safe condition as to their intended use.
- (2) Any farm structure that is in a unsafe condition that may be hazardous to the general public or person authorized to use the property, shall be repaired or demolished to remove the unsafe condition.