

**CORPORATION OF THE CITY OF KINGSTON  
Ontario**

By-law No. 2005-100

A BY-LAW FOR PRESCRIBING STANDARDS FOR THE MAINTENANCE  
AND OCCUPANCY OF PROPERTY WITHIN THE CITY OF KINGSTON

**PASSED:** May 17, 2005

**As Amended By By-Law No:**

***(Office Consolidation)***

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OF PROPERTY WITHIN THE CITY OF KINGSTON.**

**PASSED:** May 17, 2005

**WHEREAS** there is in effect in the City of Kingston an Official Plan that includes provisions relating to Property Conditions;

**AND WHEREAS** Section 15.1 (3) of the Building Code Act, S.O. 1992, c.23, provides that a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the Official Plan for the municipality includes provisions relating to property conditions;

**AND WHEREAS** the Council of The Corporation of the City of Kingston desires that a By-law be enacted pursuant to Section 15.1 (3) of the Building Code Act, within the limits of the City of Kingston,

**AND WHEREAS** Section 15.6 (1) of the Building Code Act, requires that a Bylaw passed under Section 15.1 (3) of the Act shall provide for the establishment of a Property Standards Committee;

**AND WHEREAS** The Corporation of the City of Kingston deems it desirable to enact and pass the following by-law for prescribing standards for the maintenance and occupancy of property within the City of Kingston and prohibiting the use of such property that does not conform to the Standards; and for requiring property below the Standards herein to be repaired and maintained to comply with the Standards, or the land thereof to be cleared of all buildings or structures and left in a graded and level condition

**THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON** therefore **ENACTS** as follows:

1. **DEFINITIONS:** In this By-law,

"**Accessory Building**" means a detached building, out-building or structure, the use of which is incidental to the primary use of the property;

"**Adequate**" means equal or amounting to what is sufficient, fitting, suitable, equal to what is required;

"**Basement**" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average finished grade;

"**Bathroom**" means a room containing a bathtub or shower with or without a water closet and wash basin;

"**Cellar**" means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average finished grade;

"**Committee**" means the Property Standards Committee established under Section 15.6(6) of the Ontario Building Code Act;

"**Corporation**" means The Corporation of the City of Kingston;

"**Dwelling**" means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part for the purposes of human habitation;

"**Dwelling Unit**" means one room or two or more rooms connected together as a separate unit in the same structure and constituting an independent unit for residential occupancy by humans for living and sleeping purposes;

"**Grade**" means the average elevation of the finished surface of the ground around the perimeter of a building excluding localized depressions such as, sunken terraces, stairwells and window wells.

"**Habitable Room**" means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes;

"**Inoperative Condition**" means not in working condition;

"**Maintenance**" means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve property.

"**Medical Officer of Health**" means the Medical Officer of Health for the Kingston, Frontenac, and Lennox and Addington Health Unit;

"**Multiple Dwelling**" means a building containing three or more dwelling units;

"**Multiple Use Building**" means a building containing both a dwelling unit and a non-residential property;

"**Non-Habitable Room**" means any room in a dwelling or dwelling unit other than a habitable room and includes bathroom, boiler room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys;

**"Non-Residential Property"** means a building or structure not occupied nor capable of being occupied in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all out-buildings, fences or erections thereon or therein;

**"Occupant"** means any person or persons who appear to be in possession of the property;

**"Officer"** means a property standards officer\provincial offences officer of the Corporation who has been assigned the responsibility of administering and enforcing this By-Law and includes the Chief Building Official or designate;

**"Owner"** includes the person who at any time manages or receives the rent of the land or premises, in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee 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"** includes public bodies, bodies corporate, societies, inhabitants of counties, municipalities or other districts in relation to the acts and things that they are capable of doing and owning respectively;

**"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, out-buildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property;

**"Reasonable"** means of such an amount, size and or number as is judged to be appropriate or suitable to circumstances or purpose; fit and appropriate to ends in view;

**"Repair"** includes the provision of such facilities and the making of additions or alterations or the taking of such action as in restoring, renovating, mending as a result of decay, injury, dilapidation, or partial destruction (as from fire) 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 designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard;

**"Sewerage System"** means the sanitary sewerage system under the control of the Corporation or of a private sewage disposal system company;

"Sign" and "Signs" shall include the sign structure, and shall mean any display or device which displays its message in such a way as to be visible from a highway or public thoroughfare and includes but is not limited to a blimp, balloon or model placed on or above a property for the purpose of advertising.

"Standards" means the standards of physical condition and of occupancy prescribed for property by this By-Law;

"Toilet Room" means a room containing a water closet;

"Waterfront Property" means that area of water which is immediately capable of use from the land together with that area of land adjacent to the water which is necessary to allow use of the above area of water;

"Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a dwelling and used or intended to be used or capable of being used with the dwelling;

## 2. APPLICABILITY

- 2.1 This by-law shall apply to all property within the limits of the Corporation that are south of the "Urban-Rural Split" boundary line as depicted on the map attached as Schedule 'A', except for Agricultural properties as identified under the Zoning By-law, and except for all lands owned by the Corporation as defined herein.
- 2.2 This by-law shall also apply to all property within the limits of the Corporation that are north of the "Urban-Rural Split" boundary line as depicted on the map attached as Schedule 'A', but only such property that is Residential as identified under the Zoning By-law and except for all lands owned by the Corporation as defined herein..

## 3. ADMINISTRATION

- 3.1 The Building and Licensing Division is responsible for the administration and enforcement of this by-law.
- 3.2 The imperial measurements contained in this By-Law are given for reference only.

## 4. GENERAL STANDARDS FOR ALL PROPERTIES

- 4.1 General Standards set out in Section 4, the following regulations, shall apply to all properties within limits of the Corporation.
- 4.2 All work, repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and shall conform to all other by-laws of the Corporation, codes and statutes as applicable.

### Accessory Buildings, Fences and Retaining Walls

- 4.3 Fences, barriers and retaining walls shall be kept in good repair.
- 4.4 Where fences or retaining walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.
- 4.5 Accessory buildings shall be kept in good repair.
- 4.6 Exteriors of accessory buildings shall be weather resistant. Where accessory buildings have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.
- 4.7 Where an accessory building, fence, retaining wall, or the land may harbour an infestation of insects or rodents all necessary steps shall be taken to eliminate the insects or rodents and to prevent their reappearance.

### Appliances

- 4.8 All appliances, equipment, accessories and installations provided by the owner shall be installed and maintained in good repair and working order and used for their intended purposes.

### Doors and Windows

- 4.9 All exterior openings of buildings shall be fitted with doors or windows or other suitable means to prevent entrance of wind or rain into the building.
- 4.10 Windows, exterior doors, and basement or cellar hatchways shall be maintained in good repair.
- 4.11 Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and defective door and window hardware shall be repaired and/or replaced, and maintained and protected from the elements and against decay and rust by application of a weather coating material such as paint or other protective materials.

### Electrical Service

- 4.12 Extension cords which are not part of a fixture shall not be permitted on a semi-permanent or permanent basis.
- 4.13 The electrical wiring, fixtures, switches and receptacles located or used in a building shall be installed and maintained in good working order.

### Exterior Walls

- 4.14 Exterior walls of buildings and their components including soffit and fascia shall be maintained so as to prevent their deterioration due to weather and insects and shall be so maintained by painting, restoring, or repairing the walls coping or flashing and by waterproofing of joints.
- 4.15 Where walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.

### Foundations

- 4.16 Foundation walls of a building shall be maintained so as to prevent the entrance of insects, rodents and moisture. Maintenance includes shoring of the walls, installing sub-soil drains at the footings, grouting masonry cracks, parging, damp proofing and waterproofing walls and joints and using other suitable means of maintenance.

### Graffiti

- 4.17 Written slogans and graffiti on the exterior of any building, wall, fence or structure shall be prohibited, including painted or chalked titles or messages.

### Guardrails (Interior & Exterior)

- 4.18 A guard shall be installed and maintained in good repair on the open side of any stairwell or ramp containing three (3) or more risers including the landing or a height of 600 mm (2 feet) 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, and balconies.
- 4.19 Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

### Lighting

- 4.20 Lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.

### Parking Areas, Walks, Driveways

- 4.21 All areas used for vehicular traffic and parking shall be covered with asphalt, concrete, crushed stone, paving stones arranged in an open pattern or gravel surfacing and shall be free from dirt or other litter and kept in good repair.

**Parking Areas, Walks, Driveways cont'd:**

- 4.22 Entrances and means of access, excluding driveways and designated parking spaces, shall be kept clear of automobiles, trailers, motorcycles and bicycles and unsafe accumulations of ice and snow.
- 4.23 Walls, windows and doors separating Parking Garages from adjoining buildings, and mechanical equipment provided to exhaust fumes shall be maintained so as to prevent the accumulation of toxic fumes and the migration of toxic fumes into a building.
- 4.24 Steps, walks, driveways, parking spaces and similar areas shall be maintained and adequately lighted so as to afford safe passage under normal use and weather conditions.
- 4.25 Suitable hard surfaced walks shall be available leading from the main entrance of each dwelling to the street or driveway.

**Pest Prevention**

- 4.26 Buildings shall be kept free of rodents, vermin and insects at all times.
- 4.27 Basement or cellar windows used or required for ventilation and any other opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, insects and vermin, shall be screened with durable material that will effectively exclude rodents, insects and vermin.

**Roofs**

- 4.28 The roof of every building shall be structurally sound, weatherproof and free of loose or unsecured objects and materials and excessive accumulations of ice and snow.
- 4.29 Where eavestroughing, roof guttering and down piping is provided it shall be kept in good repair, including being watertight, protected by paint or other preservative and securely fastened to the building.

**Signs**

- 4.30 All signs and billboards shall be maintained in good repair and any signs which are weathered or faded or where the paint has peeled or cracked shall, with their supporting members, be removed or put into a good state of repair.

### Stairs, Porches and Balconies

- 4.31 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects.
- 4.32 Existing stairs, treads or risers that show excessive wear or are broken, warped or loose and supporting structure members that are rotted or deteriorated shall be replaced.
- 4.33 All stairs, treads or risers and supporting structures shall be protected from the elements by paint or other suitable preservative.

### Structural Soundness

- 4.34 Every part of a building, structure, pier or wharf shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load to which it may be subjected through normal use.
- 4.35 Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or material.
- 4.36 Improperly secured objects and materials shall be either removed repaired or replaced.
- 4.37 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

### Walls, Ceilings and Floors

- 4.38 Every wall, ceiling and floor shall be maintained so as to be free of holes, cracks, loose coverings or other defects.
- 4.39 The floor of every kitchen or area where food or drink is prepared and every bathroom floor and every toilet room floor, where the toilet is in a separate room, shall be maintained so as to be impervious to water and so as to permit cleaning.
- 4.40 All hallways, laundry rooms and common areas shall be maintained in a clean, sanitary condition.

### Yards, Lands, Vacant Land and Buildings

- 4.41 Yards, compounds and lands whether vacant or not shall be kept clear and free from:
  - 4.41.1 rubbish and debris;
  - 4.41.2 unsightly weeds and heavy undergrowth;

- 4.41.3 grass longer than 20 centimeters (8 inches), brush and undergrowth by cutting regularly and removing the cuttings from the lands. This does not apply to agricultural properties;
  - 4.41.4 lawns, hedges and bushes from becoming overgrown and unsightly by keeping trimmed;
  - 4.41.5 dead, decayed or damaged trees and branches thereof by removal;
  - 4.41.6 erosion of the soil by covering the ground and a suitably maintained covering includes but is not limited to grass, gravel, asphalt, ground cover (ivy, periwinkle), cultivated flowers or plants;
  - 4.41.7 deep ruts and holes;
  - 4.41.8 wrecked, discarded, dismantled, or in-operative recreation equipment;
  - 4.41.9 objects or conditions that may create health, fire or accident hazards; and
  - 4.41.10 vehicles, trailers, boats, barges, or mechanical equipment which is wrecked, unlicensed, not validated, discarded, dismantled or in an in-operative condition.
- 4.42 Any furniture that is manufactured for interior use shall not be placed outside of a dwelling.
- 4.43 Furniture outside of a dwelling that becomes dilapidated shall be disposed of.
- 4.44 Appliances including refrigerators, stoves and freezers shall not be left in yards, interior stairwells, or hallways and shall not be used as places of storage.
- 4.45 If a building is vacant, all water and electrical power shall be turned off other than that required for security and maintenance of the property.
- 4.46 The owner of a vacant building shall board up the building to the satisfaction of the property standards officer by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.
- 4.47 All yards and compounds and lands shall be maintained in condition compatible to its intended use.

#### **Yards, Industrial and Commercial**

- 4.48 The warehousing of any stored material or operative equipment or the storage of garbage in receptacles in the yards or compounds shall be neat and orderly so as not to create a fire or accident hazard or any unsightly condition and shall provide clean and easy access for emergency vehicles.

- 4.49 Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be properly enclosed on all sides by solid wall or a board or metal fence 1.8 metres (6 feet) high.
5. **RESIDENTIAL STANDARDS:**
- 5.1 In addition to all General Standards set out in Section 4, the following regulations shall apply to all residential properties.

#### **Amenities**

- 5.2 Amenities, where provided, such as mail boxes and storage facilities shall be properly maintained.

#### **Basements, Cellars, and Crawlspace**

- 5.3 Use of a cellar as a habitable room is prohibited.
- 5.4 Any basement used as a dwelling unit shall have the following requirements:
- 5.4.1 window area for light and ventilation shall be at least 50% above ground. Window wells are permitted if kept free of ice, snow, debris and litter;
- 5.4.2 floors and walls shall be impervious to water leakage;
- 5.4.3 Service rooms shall be separated from the remainder of the dwelling unit by a suitable fire separation; and
- 5.4.4 access to each habitable room shall be gained without passage through a service room.
- 5.4.5

#### **Compost Heaps**

- 5.5 The occupant of a residential property may provide for a compost heap or bin in accordance with the health regulations, provided that the compost pile is no larger than one square metre (10 sq. ft.) and 1.8 metres (6 ft.) in height and is enclosed on all sides by concrete block, or lumber, or in a metal frame building with a concrete floor, or in a commercial plastic enclosed container designed for composting.
- 5.6 Compost heaps or bins shall not be placed in the front yard or exterior side yards.
- 5.7 Compost heaps or bins shall be constructed to prevent the entry of rodents or other animals, be provided with a tight fitting cover which shall be kept closed at all times except when material is being placed therein, and be maintained in a clean and sanitary condition.

#### **Disconnected Utilities**

- 5.8 No owner of residential buildings or any person or persons acting on behalf of such owner shall disconnect or cause to be disconnected any service or utility

supplying heat, electricity, gas, refrigeration or water to a dwelling unit occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

### Doors, Windows, and Skylights

- 5.9 Windows, skylights, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free. Maintenance includes painting, replacing damaged doors, door frames and their components, window frames, sashes and casing, replacing non-serviceable hardware, weather-stripping and re-glazing.
- 5.10 In a dwelling unit all windows and skylights intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit without the use of keys or tools.
- 5.11 Where storm windows and doors are installed in a dwelling they shall be maintained in good repair.
- 5.12 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- 5.13 All windows and skylights intended to be opened shall be readily operable under normally applied pressure without jamming or binding so as to perform their intended function.
- 5.14 All windows and skylights in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components.
- 5.15 Where an opening is used for illumination or ventilation and is not permanently protected by a window, skylight or door so as to exclude rodents, vermin and insects it shall be adequately screened with wire mesh or other durable material; otherwise protected so as to effectively prevent the entry of rodents, vermin and insects.
- 5.16 At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- 5.17 Solid Core, hollow metal, or insulated steel doors shall be installed and maintained for the entrances of dwelling units and hallways

### Egress

- 5.18 Every dwelling and each dwelling unit within it shall have a continuous and unobstructed passage from the interior of the dwelling unit and the dwelling to the outside of the dwelling at street or grade level.
- 5.19 When an exterior staircase is used as a second means of egress, it shall be continued to ground level.

- 5.20 When a second means of egress requires a person or persons to travel across a roof top to reach a fire escape or a second stairwell, then a walkway complete with railings must be installed and maintained across said roof tops.

### Electrical Service

- 5.21 Every dwelling unit shall be wired for and provided with electricity.
- 5.22 Elevators intended for use by tenants shall be properly maintained and kept in operation.
- 5.23 In apartment buildings where a voice communication system exists and or where a security locking and release system for the entrance is provided and is controlled from each dwelling unit such systems shall be maintained in good repair.
- 5.24 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.15 square metres (120 square feet ) of floor space, for each additional 10 square metres (100 square feet) of floor space a second duplex outlet shall be provided.
- 5.25 Every kitchen shall have at least two electrical duplex outlets which shall be on separate circuits.
- 5.26 All electrical services shall conform to and be maintained to the regulations set by statute.

### Emergency Contacts

- 5.27 Every owner shall provide, install, and maintain contact information in a common area in case of an emergency on a 24 hour basis where an authorized person responsible for the property can be reached.

### Garbage Disposal

- 5.28 Every dwelling and every dwelling unit within the dwelling shall have such receptacles as may be necessary to contain all garbage and rubbish.
- 5.29 Receptacles shall be:
- 5.29.1 constructed of a watertight material;
  - 5.29.2 constructed to prevent the entry of rodents;
  - 5.29.3 provided with a tight fitting cover, which shall be kept closed at all times except when garbage is being placed therein;
  - 5.29.4 maintained in a clean and sanitary condition; and
  - 5.29.5 located in the rear yard of the building but shall not be placed within 3.05 metres (10') vertically or horizontally of any opening in the structure.
- 5.30 Multiple dwellings that do not have interior garbage rooms shall have maintained and installed a receptacle large enough to contain all garbage and rubbish.

- 5.31 In no event shall garbage and/or garbage receptacles or recycle boxes be placed in the front yard or porch of any residential dwellings other than for immediate pick-up.
- 5.32 Tenants shall have daily access to garbage receptacles and garbage rooms.
- 5.33 Garbage and rubbish shall be stored in receptacles and removed as required by by-law.
- 5.34 Receptacles shall be acceptable plastic bags or containers made of watertight construction provided with a tight fitting cover and maintained in a clean state.
- 5.35 Where repairs or cleanup require the use of bins, these bins shall be emptied when materials or debris reach the top of the bin or when odours are offensive and may be a health hazard.
- 5.36 The lids to the bins shall be closed when the bins are not in use.
- 5.37 Accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited, at all times.

#### General Cleanliness

- 5.38 Every tenant, or occupant or lessee of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis in accordance with municipal by-laws.
- 5.39 Every tenant, or occupant or lessee of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- 5.40 Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

#### Heating and Heating System

- 5.41 Every dwelling unit shall be provided with a heating system capable of maintaining a temperature of 21.1°C (70°F)
- 5.42 All common areas or internal entranceways shall be provided with heating systems capable of maintaining a minimum temperature of not less than 18°C (65°F).
- 5.43 Room temperature shall be determined at any point in the room.
- 5.44 Every building or part of a building which is rented or leased as dwelling or living accommodation and which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord shall, between the **15th day**

of September in each year and the 1st day of June of the following year, be provided with adequate and suitable heat by or at the expense of the landlord; and for the purposes of this by-law, "adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is 21.1°C (70°F)

- 5.45 No residential unit shall be equipped with portable heating equipment as the primary source of heat.
- 5.46 Only heating equipment approved for use by a recognized standards testing authority shall be provided.
- 5.47 The heating system shall be maintained in good working condition so as to be capable of heating the dwelling safely to the standard required by this by-law.
- 5.48 All exposed pipes in habitable rooms shall be kept sufficiently protected so as to prevent a safety hazard.

### Kitchens

- 5.49 In every room in which meals can be prepared, or are prepared, shall be installed and maintained;
  - 5.49.1 a suitable enclosed cupboard or shelving unit for storing food with not less than 0.226 cubic metres (8 cubic feet) of space;
  - 5.49.2 a space provided for cooking and refrigeration appliances, including suitable electrical or gas connections for the cooking appliances;
  - 5.49.3 work surfaces at least 1.2 metres (4 feet) in length x 60 centimeters (2 feet) in width, exclusive of the sink, that are impervious to moisture and grease and easily cleanable so as not to impart any toxic or deleterious effect to food; and
  - 5.49.4 a sink that,
    - 5.49.4.1 is surrounded by surfaces impervious to grease and water including at least the lower 127mm (5 inches) of the adjacent wall; and
    - 5.49.4.2 is served with hot and cold running water.

### Light

- 5.50 Every habitable room except a kitchen shall have a window or windows, skylights, translucent panels or glass area of an outside door that faces directly to outside space and admits as much natural light as would be transmitted through clear glass equal in area to five per cent of the floor area of the room.
- 5.51 Public halls, common rooms, stairs, exit stairwells, porches, and verandas in multiple dwellings shall be lighted to provide a minimum level of illumination,

meaning illumination of at least 50 lux (4.6 foot candle power) at all times of the day and night.

- 5.52 Full time lighting systems are required except during those hours when daylight suffices adequately to light the public halls.
- 5.53 Lighting equipment shall be provided installed and maintained throughout to provide sufficient illumination.
- 5.54 Every bathroom, toilet room, laundry room, furnace room, basement, cellar or non-habitable work room and kitchen shall be provided with a permanent electrical light fixture.

### Occupancy Standards

- 5.55 The number of occupants residing on a permanent basis in an individual dwelling unit shall not exceed one person for every 15 square metres (162 sq. feet) of habitable floor area per adult and 7.5 square metres (81 sq. feet) of habitable floor area per child. For the purposes of this subsection, a child shall be considered to be a person between the ages of 1 and 17 inclusive, and a child under the age of 1 is not to be included in the calculations. Habitable room floor area shall be based on only that with a minimum ceiling height of 2.1 metres (7 feet) over at least 50% of the required floor area. Any area with the minimum ceiling height less than 1.4 metres (4.5 feet) shall not be considered.
- 5.56 No room shall be used for sleeping purposes unless it has a minimum width of 2 metres (6.6 feet) and a floor area of at least 7 square metres (75 square feet), and a room used for sleeping purposes by two or more persons shall have a floor area of at least 4 square metres (43 square feet) for each person so using the room.

### Plumbing

- 5.57 All plumbing, including every drain, water pipe, water closet and other plumbing fixtures in a dwelling and every connecting line to the sewerage system shall be maintained in good working order and free from leaks or defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.58 All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- 5.59 Every dwelling shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 5.60 All dwellings shall have the sanitary facilities connected to a sewerage system.
- 5.61 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to cold or hot water, readily accessible for cleansing, and free from blemishes or cracks or other interstices that may harbour germs or impede thorough cleansing.

### Toilet and Bathroom Facilities

- 5.62 Every wash basin, bathtub and shower shall have an adequate supply of hot and cold running water and every water closet shall have an adequate supply of running water.
- 5.63 Every dwelling unit (except as otherwise provided) shall contain toilet and bathroom plumbing fixtures consisting of at least one water closet, one wash basin and one bathtub or shower.
- 5.64 Hot water shall be so served that it may be drawn from the tap at a temperature of 43°C (110°F).
- 5.65 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit except that the occupants of two dwelling units each containing not more than two habitable rooms may share toilet and bathroom facilities provided that access to the said toilet and bathroom facilities can be gained without going through rooms of either or another dwelling unit or outside of the building.
- 5.66 All bathrooms and toilet rooms shall be fully enclosed.
- 5.67 The wash basin shall be located in the same room as the water closet, or in an immediately adjoining room.
- 5.68 Every dwelling shall have at least one sink in addition to a kitchen sink.
- 5.69 Every dwelling unit shall be provided with hot and cold running water.

### Ventilation

- 5.70 Every habitable room except living rooms and dining rooms shall have an opening or openings for ventilation providing an unobstructed free-flow area of at least 0.28 square meters (3 square feet) or an approved system of mechanical ventilation such that the air is changed once every hour.
- 5.71 All enclosed spaces including basements, cellars, attics or roof spaces, and crawl spaces shall be adequately vented.
- 5.72 Where an opening is used for ventilation and is not permanently protected by a window or door so as to exclude rodents, vermin and insects it shall be:
  - 5.72.1 adequately screened with durable material; and
  - 5.72.2 otherwise protected so as to effectively prevent the entry of rodents, vermin and insects.
- 5.73 Any openings for natural ventilation shall be protected with insect screen of corrosion-resistant material.

- 5.74 Every bathroom or toilet room shall have an opening or openings for ventilation providing an unobstructed free-flow area of at least 0.09 square metres (1 square foot), or an equivalent such as an electric fan and a duct which shall terminate outside, shall be provided, installed and maintained.
- 5.75 All mechanical ventilation systems shall be maintained in good working order.

#### **Walls, Ceilings and Floors**

- 5.76 Every floor, wall and ceiling in a dwelling shall be maintained in a clean, sanitary condition.
- 5.77 Every floor in a dwelling shall be acceptably level and be maintained so as to be free of all loose, warped, protruding, broken or rotted boards, and cracks. "Acceptably level" shall be defined as not more than 75 mm (3 inches) slope in 3 metres (10 feet) and not more than 25mm in 610 mm (1 inch in 2 feet).
- 5.78 Floors above an unheated space or a non- insulated basement, cellar, or crawlspace, shall have existing insulation maintained.
- 5.79 Where necessary, interior walls shall have baseboards that shall be maintained in good repair and tight fitting so as to prevent the accumulation of dust and garbage
- 5.80 All bathroom walls surrounding bathtubs and showers shall be impervious to water.

#### **6. NON-RESIDENTIAL PROPERTY STANDARDS**

- 6.1 In addition to all General Standards set out in Section 4, the following regulations shall apply to all non-residential properties.

#### **Floors**

- 6.2 Every floor shall be smooth and level, unless otherwise designed, and maintained so as to be free of cracks, holes and protrusions in concrete floors, also free of all loose, warped, protruding broken or rotted board that might cause an accident or allow dirt to accumulate.
- 6.3 All defective floor boards shall be replaced and where covered with linoleum or some other covering that has become worn or torn, the linoleum or other covering shall be repaired, replaced or removed.

#### **Garbage Disposal**

- 6.4 Every building shall be provided with sufficient receptacles to contain all garbage, rubbish, and trade waste.
- 6.5 Receptacles shall be covered at all times and shall be located in the rear yard, when space can accommodate them, or otherwise in a side yard, but in any event, these receptacles shall not be located in a front yard.

- 6.6 Receptacles shall be placed as close to the building which they serve as is practicable but shall not be placed within 3 meters (10 feet), either vertically or horizontally, of any opening in the building.
- 6.7 Receptacles shall be acceptable plastic bag or other containers,
- 6.7.1 made of watertight construction;
  - 6.7.2 provided with a tight fitting cover; and
  - 6.7.3 maintained in a clean state.
- 6.8 Where garbage receptacles, as described above, are offensive to view, the area where the receptacles are stored shall be enclosed on all sides by a solid masonry wall, board or metal fence that shall be 1.82 metres (6 feet) in height.
- 6.8.1 Such wall or fence shall contain an adequate door or gate to allow for the removal of the garbage; and
  - 6.8.2 all walls and fences and the doors or gates contained therein shall be maintained in good repair.
  - 6.8.3 Containers shall be made available for disposal of refuse which may be discarded by customers and the lands and surrounding property shall be kept free of such refuse.

### Plumbing

- 6.9 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewerage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 6.10 All waste pipes shall be connected to the sewerage system through water seal traps.

### 7. PROCEDURES:

- 7.1 Administration and Enforcement shall be as provided in the Building Code Act.

### Property Standards Committee

- 7.2 There shall be and is hereby established a Property Standards Committee of no less than three members, in accordance with the Building Code Act as amended, reference 15.6(6), who shall be appointed by By-Law to hear appeals to this by-law.

8. OFFENCE AND PENALTY PROVISIONS:

- 8.1 Any properties that do not meet the standards set by this bylaw shall be repaired and maintained to comply with the Standards of this by-law.
- 8.2 An owner who fails to comply with an order issued by a Property Standards Officer \Provincial Offences Officer is guilty of an offence and upon conviction is subject to a penalty as provided by the Building Code Act, S.O. 1992, c.23.
- 8.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.4 The remedial work necessary to meet the requirements of this by-law may be undertaken by the City and the owner will be responsible for the payment of the cost of such work, including an administrative fee, with the cost added to their municipal tax bill.

9. VALIDITY

- 9.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 9.2 Where a provision of this by-law conflicts with the provision of another by-law in force in the City, the provisions that establish the higher Standards to protect the health, safety and welfare of the general public prevails.

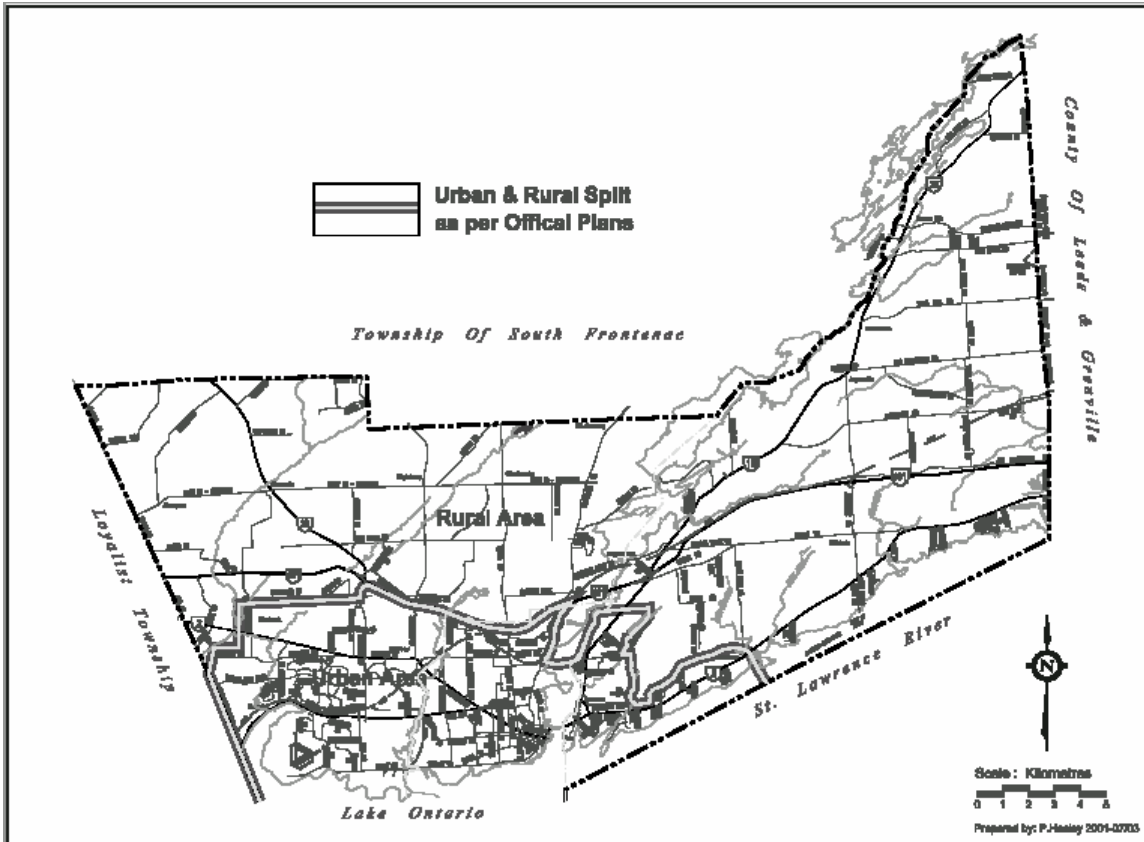
10. COMMENCEMENT:

- 10.1 This By-Law shall come into force and take effect on the date of its passing.
- 10.2 After the date of passing of this by-law, by-law 8597 continues to apply to properties in respect of which an order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such order has been completed or any enforcement proceedings in respect of such order, including demolition and repair by the City, have been concluded.

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SCHEDULE "A"  
TO  
BY-LAW 2005-100

MAP OF THE "RURAL-URBAN SPLIT" BOUNDARY LINE



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