THE CORPORATION OF THE
TOWNSHIP OF SOUTH STORMONT

**BY-LAW NO. 86 -2004**

# Property Standards By-law

**BEING** a by-law to establish standards for the maintenance and occupancy of property in the Township of South Stormont.

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## Property Standards By-law

### PART I

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property condition;

AND WHEREAS the Official Plans for the former Township of Osnabruck and former Township of Cornwall, now called the Township of South Stormont includes provisions relating to property conditions;

AND WHEREAS the Council of the Township of South Stormont is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, C.23 shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Township of South Stormont hereby enacts the following:

### DEFINITIONS

In this By-law:

1.

(1) **Accessory Building** means a detached building or structure subordinate to a main building or structure and includes any building or structure the use of which is incidental to that of a main building or structure, and shall include garages, drive sheds, barns, and similar storage facilities.

(2) **Balustrade** means a protective barrier that acts as a guard 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).

(3) **Basement** means that portion of a building between two floor levels which is partly underground but which has at least one half of its height from finished floor to finished ceiling above adjacent finished grade.

(4) **Bathroom** means a room which shall contain a toilet and basin and may contain a bathtub or shower.

(5) **Building** means any structure used or intended for sheltering any use or occupancy. The word “building” shall include the whole of such structure or part thereof.

(6) **Building Code** means the building code under the Building Code Act, S.O. 1992, c.23.

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

(8) **Committee** means the Property Standards Committee established pursuant to the provisions of this By-law.

(9) **Council** means the Council of the Corporation of the Township of South Stormont.

(10) **Day Nursery** shall mean a day nursery as defined in the ***Day Nurseries Act.***

Amended pursuant to By-law No. 2023-027

(11) **Demolition Fence** means a fence erected at a minimum height of 1.22 meters (4 feet) and a maximum of 2.13 meters (7 feet) to safely secure property against entry that demolition is taking place or has been demolished.

(12) **Dwelling Unit** means a residential unit as defined in s. 167 of the *Municipal Act, 2001*.

Amended pursuant to By-law No. 2023-027

(13) **Fence** means any freestanding structure, screen, wall or barrier other than a building, erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a property, providing security or protection to property, and does not include a hedge.

(14) **Group Home** means a supportive housing facility occupied by four (4) to ten (10) persons which is required to be registered pursuant to the Township of South Stormont's Zoning By-laws.

(15) **Habitable space** means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom.

(16) **Hallway** means a corridor, passageway or hall in a house or building.

(17) **Kitchen** means a room or area in which food is cooked or prepared.

(18) **Lodging House** means a dwelling in which rooms or room and board are supplied for hire or gain, for more than two persons, but shall not include a hotel, motel or group home.

(19) **Mixed Use Building** means a building containing one or more dwelling units and other uses not accessory to the dwelling units.

(20) **Multiple Dwelling** means a building containing two or more dwelling units which are in use.

(21) **Non-Habitable Room** means a room other than a habitable room in a dwelling or dwelling unit, and includes a bathroom or shower room, toilet room, laundry room, boiler room, furnace room, pantry, closet, storage room, corridor, foyer, stairway, lobby and recreation room.

(22) **Officer** means a Property Standards Officer or other enforcement officer duly appointed by a By-law of the Township to administer and enforce the provisions of this By-law.

(23) **Owner** includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would 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 maintenance and occupancy of property.

(24) **Person** shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

(25) **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, on which there are no structures of any kind.

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

(27) **Sewage System** means an approved sanitary sewage system or an approved private sewage disposal system which is in compliance with the applicable by-law.

(28) **Township** means the Corporation of the Township of South Stormont.

(29) **Vehicle** includes a motor vehicle, trailer, boat, motorized snow vehicle or other mechanical power driven equipment.

(30) **Yard** means the land, other than publicly owned land, around and appurtenant to the whole or any part of a building and used or intended to be used, or capable of being used in connection with the building but does not include fields used as part of a permitted farm operation.

(31) **Yard, Side Exterior** means a side yard adjacent top a public street.

(32) **Yard, Side Interior** means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line.

## PART II

## ADMINISTRATION AND ENFORCEMENT

Administration and Enforcement

2.

(a) The Township of South Stormont may from time to time appoint Officers and such other staff as may be necessary to carry out the functions of this By-law, including the enforcement thereof.

(b) The Property Standards Officer or any person acting under his instructions may at all reasonable times and upon producing proper identification enter and inspect any property.

Notice of Violation

3. If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law he/she shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.

Contents of Notice

4.

(a) The notice shall state that the property does not comply with the standards prescribed by this by-law and shall specify the standards with which the property does not comply.

(b) The notice shall state that after a date to be specified in the Notice of Non-

Compliance by the officer, the property will be subject to a re-inspection at which time the officer may issue an order under section 5 (a) of this by- law.

(c) The notice shall state that the officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to affect compliance with the by-law.

Order

5.

(a) After affording any person served with a notice provided for by sections 4 (a), (b) and (c) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing:

i) the municipal address or the legal description of such property;
ii) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repairs or clearance is not so done within the time specified in the order the municipality may carry out the repair or clearance at the expense of the owner; and
iii) the final date for giving notice of appeal from the order.

(b) A notice or an order under sections 4 (a), (b) and (c) when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

(c) If the officer is unable to effect service under sections 4 (a), (b) and (c) or 5 (a) he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice of the order on the owner or other persons.

Registration of Order

6. An order under section 5 (a) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 5 (a) and, when the requirements of the order have been satisfied, the clerk of the Township shall forthwith register in the proper land registry office a certificate that such requirement have been satisfied, which shall operate as a discharge of the order.

Property Standards Committee

7.

(1) ~~A Property Standards Committee is hereby established.~~

(2) ~~The Committee shall be composed of not less than three (3) residents of the Township of South Stormont appointed by Council.~~

Amended pursuant to By-law No. 2011-049

(3) ~~The term of the appointment shall be for the term of Council.~~

(4) ~~A member shall serve for the term for which the member is appointed or until a successor is appointed by Township of South Stormont Council.~~

(5) ~~In the event of a vacancy in the membership of the Committee, Council shall forthwith fill the vacancy.~~

(6) ~~A member of Council or an employee of the Township of South Stormont or of a local board thereof is not eligible to be a member of the Committee, but a teacher employed by a board of education or school board is not deemed an "employee" for the purpose of this subsection.~~

(7) ~~The members of the committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee.~~

(8) ~~A member shall be deemed to have resigned if he fails to attend three (3) consecutive regular meetings.~~

(9) ~~Each member of the committee, appointed by Council, shall be entitled to an honorarium of $50.00 (fifty dollars) per meeting for their attendance at committee meetings.~~

(10) ~~The secretary shall keep on file minutes and records al all applications and the decisions thereon and of all other official business of the committee.~~

(11) ~~A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under section 7 (13) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive notice.~~

(12) ~~When the owner or occupant upon whom an order has been served in accordance with section 5 (a) of this by-law is not satisfied with the terms or conditions of the order her/she may appeal to the secretary of the committee within fourteen days after service of the order. An appeal fee, as per the Township of South Stormont Fees and Charges By-law which may be refundable, in part or in full, at the discretion of the committee, must accompany the appeal document. In the event that no appeal is made, the order shall be deemed to have been confirmed.~~

(13) ~~Where an appeal has been received, the committee shall hear the appeal~~ and ~~shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.~~

(14) ~~The order, as deemed to have been confirmed under section 7 (13) as confirmed or modified by the committee under section 7 (13) shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.~~

(15) ~~If the owner or occupant fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,~~

~~(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property; and~~

~~(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.~~

(16) ~~Following the inspection of a property, the officer may, or on the request~~ of ~~the owner, shall issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of this by-law and the council of the Township may prescribe a fee payable, as per the Township of South Stormont Fees & Charges By-law, for such certificate where it is issued at the request of the owner.~~

Deleted pursuant to By-law No. 2005-37

(17) ~~An owner who fails to comply with an order that is final and binding~~ under ~~this by-law is guilty of an offence and on conviction is liable to a find of not more than $5,000.00 for each day that the contravention has continued.~~

(18) ~~Despite any other provision of this section, if upon inspection of a~~ property ~~the officer is satisfied there in nonconformity with the standards prescribed in this by-law to such an extent as to pose an immediate danger to the health or safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.~~

(19) ~~After making an order under 7 (18), the officer may, either before or after the order is served, cause to be taken any measures he/she considers necessary to terminate the danger, and for this purpose the Township has the right, through its servants and agents to enter in and upon the property from time to time.~~

(20) ~~The officer, the Township, or anyone acting on behalf of the Township is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under section 7 (19).~~

(21) ~~Where the Township demolishes or repairs property as mentioned in~~ section ~~7 (15) (a) or takes measures to terminate a danger as mentioned in section 7 (19) the Township may recover the expense incurred in respect thereof by any or all of the methods provided for in section 427 of the *Municipal Act, 2001*.~~

7. Property Standards Committee

(1) A Property Standards Committee is hereby established.

Amended pursuant to By-law No. 2023-064

(2) The Property Standards Committee shall be comprised of not less than three (3) members of ~~Council~~ the **Committee of Adjustment/Property Standards Committee.**

(3) Each member of the Committee, appointed by Council, shall be entitled to an honorarium of $50.00 (fifty dollars) per meeting for their attendance at committee meetings.

(4) The Clerk shall keep on file minutes and records all applications and the decisions thereon and of all other official business of the Committee.

(5) From time to time, the Committee may adopt its own rules of procedure but before hearing an appeal under Section 7 (5) shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive notice.

(6) When the Owner or occupant upon whom an order has been served in accordance with Section 5 (a) of By-law No. 86-2004 is not satisfied with the terms or conditions of the order her/she may appeal to the Clerk within fourteen (14) days after service of the order.

An appeal fee, as per the Township of South Stormont Fees and Charges By-law which may be refundable, in part or in full, at the discretion of the Committee, must accompany the appeal document. In the event that no appeal is made, the order shall be deemed to have been confirmed.

(7) Where an appeal has been received, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the by-law and of the Official Plan or policy statement are maintained.

(8) The order, as deemed to have been confirmed under Section 7 (5) as confirmed or modified by the Committee under section 7 (5) of By-law No. 86-2004 shall be final and binding upon the Owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

(9) If the Owner or occupant fails to demolish the property or to repair in accordance with an order as confirmed or modified, the Township, in addition to all other remedies,

a. shall have the right to demolish or repair the property accordingly and for this purpose with its Officers, or designates, from time to time enter in and upon the property; and
b. shall not be liable to compensate such Owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Township under the provisions of this subsection.

(10) Following the inspection of a property, the Officer may, or on the request of the Owner, shall issue to the Owner a Certificate of Completion if, in his opinion, the property is in compliance with the standards of By-law No. 86-2004 and Council of the Township may prescribe a fee payable, as per the Township of South Stormont Fees & Charges By-law, for such certificate where it is issued at the request of the Owner.

(11) An Owner who fails to comply with an order that is final and binding under this by-law is guilty of an offence and on conviction is liable to a fine of not more than $5,000.00 for each day that the contravention has continued.

(12) Despite any other provision of this section, if upon inspection of a property the Officer is satisfied there is non-conformity with the standards prescribed in this by-law to such an extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

(13) After making an order under 7 (12), the Officer may, either before or after the order is served, cause to take any measures he/she considers necessary to terminate the danger, and for this purpose the Township has the right, through its Officers, or designates, to enter in and upon the property from time to time.

(14) The Officer, the Township, or anyone acting on behalf of the Township is not liable to compensate the Owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under Section 7 (13).

(15) Where the Township demolishes or repairs property as mentioned in Section 7 (9) (a) or takes measures to terminate a danger as mentioned in

Section 7 (9) the Township may recover the expense incurred in respect thereof by any or all of the methods provided for in the *Municipal Act, 2001."*

## PART III

## GENERAL PROVISIONS

DUTIES

8. Every owner shall ensure his/her property is maintained in accordance with the provisions of this By-law.

9. Every person to whom an order is issued under this by-law shall obey such order as required.

YARD

10.

(1) A yard shall be kept clean and free from hazardous objects or materials, domestic animal excrement, (other than livestock excrement as part of a permitted farm operation), rubbish, or other debris, including holes, ruts and excavations that are health, fire or accident hazards or may attract or harbour rodents or insects.

(2) Lawns shall be kept trimmed and from becoming unreasonably overgrown, Hedges and trees shall be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility or passage of the general public.

(3) Domestic storage, such as firewood, building materials, garden equipment and materials must be stored neatly but, not in the front yard or exterior side yard.

(4) A yard shall be cultivated or protected by suitable ground cover which prevents the erosion of the soil.

(5) Every yard shall be kept clean and free from rodent and insect infestation and dead, decayed or damaged trees or other natural growth and the branches and limbs thereof which may fall and cause an accident**.**

(6) No vehicle which is in a wrecked, discarded, dismantled or inoperative condition or is unlicensed shall be parked, stored, or left in the yard unless such vehicle is required for business or farming purposes and then only in an arrangement such as to prevent an unsafe or unsightly condition.

(7) No vehicle shall be parked in the front yard, rear yard, interior side yard or exterior side yard except on a paved or appropriately finished surface.

(8) Swimming pools and appurtenances thereto, including safety fences and gates, shall be kept in good repair, clean and free from health and safety hazards, including the pool water therein.

(9)

(a) Where a zoning by-law permits outside storage, such storage shall not exceed the lesser of 2.44 metres (8 feet) or the height of a surrounding fence.

(b) Outside storage shall be maintained so as to prevent an unsafe or unsightly condition out of character with the surrounding environment.

(c) The provision and maintenance of a surrounding fence shall be appropriate to the nature of the adjacent uses to minimize the visual impact of nuisances to persons at grade adjacent to the property.

(10) All areas used for vehicular traffic, parking and facilities for loading and unloading, including loading spaces or bays shall be:

(a) kept free from dirt, surface dust and refuse;

(b) maintained in good repair;

(c) properly drained and;

(d) provided with curb stops or other restraining devices to prevent vehicular damage to structures on this or adjoining property.

(11) Whenever landscaping hedges, trees, fences, curbs, retaining walls or similar changes to property have been required by the Township of South Stormont as a condition of development or redevelopment; such works shall be undertaken and maintained so as to ensure continuous compliance with the Township of South Stormont's requirements.

SEWAGE AND DRAINAGE

11.

(1) All sewage shall be discharged into an approved sewage system which is in compliance with the applicable by-law and the ***Ontario Building Code***.

(2) No roof drainage shall be discharged or channeled onto walkways, stairs, or onto adjacent lands.

(3) Storm water, sump or swimming pool discharge, and water artificially brought on the land, shall be drained from the yard so as to prevent recurrent ponding or the entrance of water into a basement, cellar, or onto adjacent lands.

(4) Adequate drainage shall be installed where there is recurring excessive ponding caused by surface water.

WALKS

12. Every driveway, parking area and walk shall be surfaced with stone, gravel, asphalt, concrete or other material capable of providing a hard surface.

SAFE PASSAGE

13. Steps, walks, driveways and parking areas of a yard shall be maintained so as to afford safe passage under normal use and weather conditions.

FENCES

14. All fences, retaining walls and structures appurtenant to a property, shall be kept in good repair, free from hazards, and where required, protected by paint, preservative or other weather resistant material unless the characteristics of the fence, retaining wall, screen or enclosure are designed to be enhanced by the lack of such material. All fences, retaining walls and other such structures shall be

constructed in such a manner as to prevent all cartons, wrappers, paper, rubbish and debris from blowing onto adjoining property.

GRAFFITI

15. Objectionable markings, graffiti, or other defacement of fences, retaining walls and structures appurtenant to a property shall be removed and the surface restored.

GARBAGE DISPOSAL

16.

(1) Every building and every dwelling unit shall have sufficient appropriate receptacles to contain all garbage, rubbish, ashes and trade waste.

(2) Receptacles shall be standard garbage bags or other standard garbage containers commercially sold for the purpose and provided with a tight fitting cover.

(3) Garbage receptacles other than bags, shall be maintained in a clean state, and shall not be stored in the front yard or exterior side yard.

(4) Garbage bags shall not be stored outdoors unless adequately protected from damage.

(5) Every building shall be provided with vermin-proof storage space for garbage and trade waste and stored in an approved, acceptable, or appropriate area.

(6) Containers shall be made available for the disposal of refuse which may be discarded by customers and the yard shall be kept free of such refuse.

(7) Notwithstanding the foregoing, properly maintained compost heaps are permitted.

ANTENNAE

17. Crane ways, lightning arrestors, television and radio antennae and structures of similar character shall be maintained in good repair and free of fire hazards and properly anchored and plumb, unless specifically designed to be other than vertical.

EXTERIOR WALLS

18.

(1) The exterior walls and their components, including eaves troughs, down pipes, soffits and fascias, shall be maintained so as to prevent their deterioration due to weather or insects, and shall be maintained by painting, restoring, cleaning, or repairing of the walls, coping or flashing, by the waterproofing of joints and of the walls themselves by installing or repairing of termite shields and by the treating of the soil with pesticides, in accordance with the provisions of any relevant legislation.

(2) Objectionable markings, graffiti, or other defacement of exterior surfaces shall be removed and the surface restored.

(3) All canopies, marquees, signs, awnings, stairways, fire escapes, stand pipes, exhaust ducts, air conditioners and similar overhang extensions shall be:

(a) maintained in good repair;

(b) properly anchored; and

(c) protected from the elements and against decay and rust by the periodic application of a weather coating material such as paint or other protective treatment.

(4) All air conditioners which are installed and operated directly over a public sidewalk shall be equipped with proper devices for the prevention of condensation drainage upon the sidewalk.

ROOF

19.

(1) A roof including flashings shall be kept in good repair and be maintained in a watertight condition so as to prevent leakage of water into the building. The attic shall be ventilated in conformance with the ***Ontario Building Code.***

(2) Every chimney, smoke or vent stack and other roof structures shall be maintained plumb and in good repair so as to be free from:

(a) loose bricks, mortar and loose or broken capping;

(b) loose or rusted stanchions, braces and attachments;

(c) fire or accident hazard.

DAMPNESS

20. The interior floors, ceilings and walls 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 floor.

DOORS AND WINDOWS

21.

(1) Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind and rain into the dwelling.

(2) Rotted or damaged doors, door frames, window frames, shutters, screens, sashes and casings, weather stripping, broken glass, and defective door and window hardware shall be repaired or replaced.

(3) All windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured.

(4) In a dwelling with three or more stories, all windows intended to be opened and all balcony doors shall have safety devices to prevent risk of accidents to children. Such safety devices shall be in conformity with the ***Ontario Building Code.***

(5) Interior doors, closet doors, cupboard doors, counter tops, cupboards, vanities, shelving and their appurtenances shall be maintained in good repair.

BALUSTRADES AND HANDRAILS

22.

(1) A handrail shall be installed and maintained in good repair on every stairway and on every open side of a balcony, porch, landing and stairwell at a minimum height as required by the ***Ontario Building Code***.

(2) A barrier such as a balustrade shall be installed at a minimum height of 1.07 metre (42 inches) and maintained in good repair on the open side of a balcony, porch, landing and stairwell with a difference of 1.8 metre (6 feet) or more in elevation.

OCCUPANCY STANDARDS

23.

(1) The maximum number of occupants in a dwelling and/or dwelling unit shall not exceed one person for each 14 sq. metres (150 sq. ft.) of the total floor area of all of the habitable rooms within the dwelling unit. for the purposes of this section, a child under twelve (12) years of age shall be deemed to be one half (1/2) person.

(2) No room shall be used for sleeping purposes unless it has a minimum width of 1.83 metres (6 feet) and a floor area of at least 5.6 sq. metres (60 sq. feet) and further, a room used for sleeping purposes by two or more persons shall have a floor area of at least 3.7 sq. metres (40 sq. feet) for each person so using the room.

(3) For the purpose of this section, the minimum ceiling height shall be established as follows:
2.3 metres (7.5 feet) over at least fifty (50) percent of the required floor area or an average of 2.13 metres (7.0 feet) over all of the required floor area. Any part of the floor area having a clear height of less than 1.37 metres (4.5 feet) shall not be considered in computing the required floor area.

(4) No kitchen, bathroom or hallway shall be used for sleeping purposes.

STAIRS AND PORCHES

24. An outside stair and any porch appurtenant to it shall be maintained so as to be free of defects which may constitute possible hazard, and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

FOUNDATIONS

25.

(1) The foundation walls and the basement, cellar or crawl space floor shall be maintained in good repair so that they may effectively support all loads imposed upon them and where necessary shall be so maintained by shoring of the walls, installing of subsoil drains at the footing, grouting masonry cracks, parging and water-proofing the walls or floors.

(2) Every building, unless of the slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line, below grade a minimum of 1.2 metres or to solid rock and all footings, foundation walls, piers and slabs-on-grade shall be of concrete or other suitable material in conformance with the, ***Ontario Building Code***.

(3) Subsection (2) does not apply to accessory buildings.

STRUCTURALLY SOUND

26.

(1) Every part of a building, including an accessory building, shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any designed load to which it may be subjected.

(2) The exterior walls, roofs and other parts of the building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

(3) All exterior surfaces shall be of materials which provide adequate protection from the weather.

Amended pursuant to By-law No. 2023-027

(4) If, in the opinion of the Officer there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination be submitted to the Officer.

PEST PREVENTION

27.

(1) Property shall be kept free of infestation at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of any relevant legislation.

(2) All windows and openings used or required for ventilation or exhaust and any opening in a basement or cellar, including a floor drain that may permit the entry, shall be screened with wire mesh, metal grille or other durable material as will effectively exclude any of the above pests.

BASEMENT FLOORS

28.

(1) A basement, cellar or crawl space which is not served by a stairway may have a dirt floor provided it is covered with a moisture proof covering.

(2) Basements or cellars which are served by a stairway shall have a concrete floor or other suitable material in conformance with the, ***Ontario Building Code,*** with a floor drain located at the lowest point of the said floor and connected to a sewage system or to an acceptable system of disposal.

(3) A concrete floor in a basement or cellar shall be free from major cracks, breaks, or such as to create a hazardous condition.

(4) Where a basement or cellar is served by an outside stairwell, the floor of the stairwell shall have a floor drain connected to an approved sewage system or to an acceptable system of disposal.

STAIRS AND LANDINGS

29. All inside stair and any landing appurtenant to it shall be maintained so as to be free of defects which may constitute possible accident hazards and all treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.

EGRESS

30.

(1) There shall be provided a means of egress from every floor area for the safety of every person in the building in accordance with the ***Ontario Building Code***.

(2) All means of egress shall be maintained in good repair and free of objects or conditions which constitute an accident or fire hazard.

(3) Every dwelling unit shall have a separate access so as to provide a safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.

WALLS AND CEILINGS

31.

(1) Every wall and ceiling shall be free of holes, cracks, loose coverings or other defects.

(2) Where occupancies or dwelling units are separated vertically, the dividing walls shall comply with the ***Ontario Building Code.***

(3) Where a dwelling unit is separated horizontally from another dwelling unit or a non-residential occupancy, there shall be a finished ceiling which separates these occupancies in accordance with both the ***Ontario Building Code*** and the ***Ontario Fire Code***.

FLOORS

32.

(1) Every floor shall be smooth and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that might cause an accident or allow dirt to accumulate and all defective floor boards shall be repaired or replaced.

(2) Where floor boards have been covered with linoleum, tile, carpet, or some other covering that has become worn or torn so that it retains dirt or might cause an accident, the floor covering shall be repaired or replaced.

CLEANLINESS

33.

(1) Every floor, wall, ceiling, fixture, appliance and equipment shall be maintained in a clean and sanitary condition as is appropriate to the use which is being made of the building.

(2) The building shall be kept free from rubbish, debris, or any condition which constitutes a fire, health or hazard.

WATER

34.

(1) Every dwelling shall be provided with an adequate supply of potable hot and cold running water.

(2) Hot water shall be supplied at a temperature not to exceed 49 degrees C (120 degrees F).

PLUMBING

35. All plumbing, drain pipes, water pipes and plumbing fixtures in every dwelling and every connecting line to the sewage system shall be maintained in good working order in accordance with the relevant legislation and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

KITCHEN AND BATHROOM FACILITIES

36. (1) Every dwelling unit shall contain plumbing fixtures consisting of at least:

(a) a toilet;

(b) a kitchen sink;

(c) a washbasin;

(d) a bathtub or shower.

(2) No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

BATHROOM

37.

(1) All bathrooms or toilet enclosures shall be fully enclosed and shall have a door capable of being locked so as to provide privacy for the user.

(2) Every bathroom shall have a floor of water repellent construction.

(3) All bathroom facilities and bathrooms shall be kept clean and neat at all times.

(4) The bathroom walls and ceiling of every bathroom shall be provided with a smooth surface and where paint is used as the surface coating it shall be maintained and painted as is necessary for cleanliness.

(5) On non-residential properties, each bathroom shall be provided with toilet paper, soap and individual towels or other means of drying.

(6) Every bathroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 930 sq. cms. (1 sq. foot).

(7) An opening for natural ventilation may be omitted from a bathroom where a system of mechanical ventilation in proper working order has been provided, such as an exhaust fan with a duct leading to outside the building.

COOKING SPACES

38.

(1) Every kitchen shall be provided with a supply of electricity that has been approved by the applicable Electric Power Commission.

(2) All combustible materials immediately underneath or within 30.5 cm (12 inches) of any cooking apparatus shall be fire retarded or covered with fire resistive material, except where such apparatus is installed in accordance with the requirements of the applicable codes. There shall always be at least 76.2 cm (30 inches) clear space above any exposed cooking surface of such apparatus.

HEATING SYSTEM

39.

(1) Every dwelling shall be provided with a heating system capable of maintaining a room temperature of not less than 22 degrees C (72 degrees F) in all living spaces.

(2) The heating system shall be maintained in good working condition.

(3) Auxiliary heaters shall not be used as a primary source of heat.

(4) No room heater shall be placed so as to cause a fire hazard to walls, curtains, and furniture, nor to impede the free movement of persons within the room where the heater is located.

(5) Where a heating system or part of it or any auxiliary heating system burns solid or liquid fuel, a place or receptacle for the storage of the fuel shall be provided and maintained in a convenient location, and properly constructed so as to be free from fire or accident hazards.

(6) An adequate supply of fuel shall be available at all times.

(7) Equipment burning fuels shall be properly vented by a connecting duct or flue pipe leading to a chimney or a vent flue.

(8) Where combustible materials are stored in the basement the fuel burning heating system shall be located as per applicable regulations.

(9) Where in the opinion of an Officer there exists a hazardous condition due to storage in or use of a space adjacent to a heating system, the furnace shall be enclosed in accordance with the provisions of the *Ontario Building Code* or other applicable regulations.

(10) Every chimney, smoke pipe, flue and vent shall be maintained so as to prevent gases from leaking into the building or property, and shall be free of any defects.

(11) A fuel burning central heating system in a mixed use building shall be located in a service room having walls, ceiling and doors with a fire resistance rating of not less than one (1) hour.

(12) All fuel shall be stored in a safe manner.

ELECTRICAL SERVICE

40.

(1) The electrical wiring and all equipment and appliances located or used in a building or on said property shall be maintained in good working order in accordance with the applicable Electrical Power Commission Regulations so as not to overload the designed size of the service so as not to cause a fire or electrical shock hazard.

(2) No fuse/breaker or overload device shall exceed the capacity indicated on the fuse/breaker panel.

(3) Every habitable room in a dwelling unit shall have at least one duplex electrical outlet in good working order:

(a) for the first 11.15 sq. metres (120 sq. feet) or less of floor area; and

(b) for each additional 9.3 sq. metres (100 sq. feet) or less of floor area.

(4) No person shall place an extension cord directly beneath a floor covering or through a transom, doorway, wall, ceiling or floor and no person shall use, cause or permit the use of an extension cord so placed.

(5) All intercom system and security system wiring and appurtenances shall be maintained in good working order.

(6) Where supplied, service equipment and appliances, such as stoves, refrigerators, washers and dryers and their components shall be maintained in good repair.

(7) All fire smoke and carbon monoxide, detection/alarms systems and appurtenances shall be maintained in good working order.

LIGHTING

41.

(1) All habitable space shall have artificial lighting to the level required by the Building Code.

(2) Windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination in all passageways and stairways, and in all stairways provided for use in case of fire or other emergency as required by the ***Ontario Building Code***.

(3) Every habitable room in a dwelling or dwelling unit, except a kitchen, shall contain a window or skylight that complies with the Building Code.

(4) All public halls and stairs in multiple dwellings shall be illuminated at all times so as to provide safe passage at a minimum average of 50 lux (4.6 foot candles) at floor level.

(5) Outdoor lighting shall be of a low-level, low-intensity nature; directed in a manner which will minimize glare and the undue intrusion of light on abutting properties, dwellings and streets.

VENTILATION

42.

(1) Where mechanical ventilation is used, the ventilating duct which is on the exterior wall shall be located not less than 1.83 metres (6 feet) from a window located in an adjoining building.

(2) Every habitable room and every bathroom shall be ventilated in conformance with the ***Ontario Building Code***.

(3) Where an aperture such as a window, skylight, or louver is used for ventilation, the aperture shall be maintained so as to be easily opened, kept opened and closed.

(4) Every room where people work shall have an opening or openings for natural ventilation which openings shall be located in the exterior walls or through enable parts of skylights and shall have a minimum aggregate unobstructed free flow area of one percent of the floor area of the room.

(5) An opening for ventilation may be omitted if mechanical ventilation is provided which changes the air 0.3 times each hour.

(6) All systems of mechanical ventilation or air conditioning shall be maintained in good working order.

BASEMENT, CELLAR OR UNHEATED CRAWL SPACE

43.

(1) Every basement or unheated crawl space should be adequately vented to the outside air by means of screened windows which can be opened or by louvers with screened openings, the area of which shall not be less than 0.2 percent of the floor area for basements and 0.1 square meters of unobstructed vent area for every 50 square feet of floor area.

(2) An opening for natural ventilation may be omitted from the basement or unheated crawl space where a system of mechanical ventilation has been provided which changes the air once each hour.

PARKING FACILITIES

44.

(1) Parking facilities shall be maintained in a clean and safe condition.

(2) Lighting in parking facilities shall be considered to be adequate if the number and arrangement to flight fixtures is such as to provide an average level of illumination of at least 54 lux (5 foot candles) at floor level over the entire floor area with a minimum level of 10 lux (1 foot candle) at any location on the floor.

(3) Lighting fixtures in all parking facilities shall be protected from accidental or malicious damage by the provision of wire screens or by other suitable means.

(4) No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, discarded or abandoned condition shall be stored or allowed to remain in any parking facility.

(5) Mechanical ventilation for parking facilities shall confirm with the requirements of the ***Ontario Building Code***.

(6) If in the opinion of an Officer there is a doubt as to the structural adequacy or condition of a parking garage or appurtenance, the Officer may order that an examination and written report be prepared by a professional engineer, licensed in Ontario, and employed by the owner or his authorized agent.

LODGING HOUSES

45. Every lodging house, group home and day nursery shall conform with the relevant provisions of the ***Ontario Building Code*** and ***Ontario Fire Code***.

46. All electrical wiring shall be in accordance with the ***Ontario Electrical Safety Code***, and a certificate of inspection shall be filed with the Township of South Stormont.

47.

(1) Every lodging house in which 3 or more persons are harboured, received or lodged shall comply with the following standards in addition to all other relevant legislation.

(2) Adequate toilet and bathing facilities shall be provided and maintained, with at least one room, with access provided by means of an entrance from a common hallway or corridor, containing at least one wash-basin, one water-closet and one bathtub, for each five lodgers.

(3) Where food is prepared or intended to be prepared, adequate facilities shall be provided for the proper preparation and protection of food, with such equipment to be in safe operating condition at all times.

(4) No cooking or heating appliances shall be located or used in cupboards or clothes closets.

## PART V

## VACANT LAND

48.

(1) Vacant land shall be kept clean and free from rubbish or other debris, and from objects or conditions that may create a health, fire or other hazard.

(2) Ground vegetation and grass shall be kept cut to afford a reasonable and neat appearance.

(3) No vehicle which is in a wrecked, discarded, unlicensed, dismantled, or inoperative condition shall be parked, stored or left on vacant land.

(4) Vehicles, equipment, and materials not appurtenant to the property shall not be stored on vacant land.

(5) Vacant land shall be graded, filled up, or otherwise drained so as to prevent ponding of storm water except on land used for agricultural purposes.

## PART VI

## DEMOLITION

49.

(1) Where a building, accessory building, fence, or other structure is demolished, whether unintentional or by design, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.

Amended pursuant to By-law No. 2023-027

(2) Every owner who has partially demolished a building, accessory building, fence, structure shall maintain the remaining portion of the building, accessory building, fence, or structure in compliance with all requirements of this By-Law.

(3) Every owner who is demolishing or partially demolishing a building, accessory building, or structure shall:

a) Take every precaution to protect neighboring properties;
b) Take every precaution to protect members of the public; and
c) If necessary to protect neighboring properties or members of the public, erect demolition fences, barricades, covered way for pedestrians and any other means of protection.

## PENALTIES

50.

(1) An owner who fails to comply with an order that is final and binding is guilty of an offence and on conviction is liable to a fine of not more than $25,000.00 for a first offence and to a fine of not more than $50,000.00 for any subsequent offence.

(2) Despite subsection (1), if a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is $50,000.00 for a first offence and $100,000.00 for any subsequent offence.

51. Any by-law inconsistent to this by-law is hereby repealed.

READ and passed in open Council, signed and sealed this 22nd day of September, 2004.

Original signed by Jim Bancroft

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Mayor

Original signed by Loriann Harbers

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D/Clerk